



# International Day of Democracy

## Parliamentary Conference on Democracy in Africa

organized jointly by the  
Inter-Parliamentary Union and the Parliament of Botswana

**Gaborone, Botswana, 14 – 16 September 2009**



## SUMMARY RECORDS

**DIRECTOR OF CEREMONY (MRS MONICA MPHUSU):** His Excellency the President of Botswana, Lieutenant General Seretse Khama Ian Khama, IPU President, Dr Theo-Ben Gurirab, Deputy Prime Minister of Zimbabwe Ms Thokozani Khupe, Former President of Togo Mr Yawovi Agboyibo, Members of the diplomatic community, President and founder of Community Development Foundation Ms Graça Machel, Honourable Speakers, Cabinet Ministers, Permanent Secretary to the President, Honourable Members of Parliament, Dikgosi, if at all they are here, Distinguished Guests. I wish to welcome you to the Inter-Parliamentary Union Conference. It is an honour and privilege to us as a nation to have been given the opportunity to host this conference especially during our election year. This conference comes at a time when local politicians are criss-crossing the country as the election date approaches. They are begging the general public to employ them. They want to be given five year contract. Your Excellencies, some of you would have observed from our local media how vibrant and robust our democracy is. This demonstrates the political maturity that our society has achieved over the past 43 years since we attained independence. Your Excellencies, it is now my singular honour and privilege to introduce our host, the Speaker of the National Assembly of the Republic of Botswana, Mr Patrick Balopi to welcome our delegates.

**MR PATRICK BALOPI (SPEAKER OF THE NATIONAL ASSEMBLY OF THE REPUBLIC OF BOTSWANA):** Master of ceremonies, your Excellency the President of the Republic of Botswana, Lieutenant General Seretse Khama Ian Khama, The President of IPU Honourable Dr Ben-Theo Gurirab and National Assembly Speaker of the Republic of Namibia, Honourable Speakers here present and presiding officers, Deputy Prime Minister of Zimbabwe Madam Khupe, Honourable Cabinet Ministers here present, Your Excellencies Members of the Diplomatic Corp, Members of Parliament here present from both Botswana and visiting colleagues, the former Prime Minister of the Republic of Togo, Your Worship the Mayor of Gaborone, the Secretary General of the IPU, Anders Johnsson, Commissioner for political Affairs representing AU (African Union), President and Founder of the Foundation for Community Development Madam Graça Machel, Permanent Secretary to the President, the Attorney General of the Republic of Botswana, Kgosi Gaborone of Batlokwa, Members of the Civil Society here present, Media fraternity, Distinguished Guests, Ladies and Gentlemen, what a long salutation. That is why often people simply say, “protocol observed.”

Your Excellency, allow me first and foremost to say how humble we are for you to have so kindly consented to our invitation to officially open this, our international day of democracy conference this morning. Your mere presence Sir and the words of wisdom you are about to share with us on the theme of this conference will go a long way, no doubt, in demonstrating your personal commitment to the principles of democracy as enshrined in the national principles that have become the hallmark of Botswana since independence, 43 years ago. A special gratitude goes to your government and the people of Botswana who, notwithstanding the global financial crisis that affected all including Botswana, have allowed our Parliament to go ahead and co-sponsor this conference.

The financial cost of the conference coupled with the fact that the nation is currently preoccupied with the preparations for the tenth general election next month could not outweigh the gains that we hope our continent, Africa, will derive from the dialogue that will take place within the next three days on the theme of: *Democracy and Political Tolerance*. Our sincere thanks also go to our visiting colleagues, the presiding officers and Honourable Members of Parliament, the visiting dignitaries and the distinguished resource persons for making this conference the success we all hope it will be. It will be remiss of me Your Excellency to fail to recognize and thank most sincerely, the many cooperating partners and in particular the Friedrich Ebert Stiftung Foundation for the support and the social responsibility role they have rendered

to make this conference a reality. To the leadership of the IPU: the Botswana Parliament owes you a debt of gratitude for having identified our country as a destination of choice, for this is the first International Day of Democracy conference on the African continent.

Botswana takes pride in its status as one of the world's oldest established multiparty democracies as well as the oldest on the continent. Botswana should however not be lured into complacency. Our democratic values must be continually tested, nurtured and renewed hence the immense value we will obviously gain from the deliberations on the outcome of this conference will be so important to us. We meet here as parliamentarians representing a continent that has gone through some painful experiences of the most despotic and brutal regimes that have violated fundamental human rights, adopted political and economic policies that have been generally misguided, unconstitutional and unsustainable.

Addressing the Ghanaian Parliament on the 11<sup>th</sup> of July 2009, the United States of America President Barack Obama had this to say, and I quote, "You must start from the simple premise that Africa's Future is up to Africans. I say this knowing fully well the tragic past that has sometimes haunted this part of the world". We meet here under the theme, "Democracy" as parliamentarians. Parliament has been described as the embodiment of democracy, an institution that represents the voice of the voiceless, a process through which the will of the people is expressed, where laws and policies affecting the welfare of society are promulgated, where government is held accountable and where the rule of law and the respect for human rights is held in high esteem. Let us therefore use this conference as a platform to recommit ourselves to the defense and promotion of these noble principles.

Finally, Botswana are notably famous for their hospitality and a high sense of *botho*. In South Africa they will say, *Buntu, botho*. The spirit of, "I am because we are", that is the spirit of *botho*. I would therefore invite you colleagues to feel free during the course of your stay here and freely and peacefully experience the beauty and the warmth of our country and people. Explore Botswana's best kept secret. Pula!!

**DIRECTOR OF CEREMONY:** Thank you so much Honourable Balopi. His Excellency the President, invited guests, I am now pleased to introduce our next speaker, Honourable Dr Theo-Ben Gurirab. Honourable Gurirab is the President of the IPU as well as Speaker of the National Assembly of the Republic of Namibia. Dr Gurirab previously held a number of leading positions in his country such as; Prime Minister, Minister of Foreign Affairs and Minister of Information and Broadcasting. He was a Member of the Constituents Assembly Constitution Drafting Committee, and also a founding Member of Parliament. He has been a member of the politburo of the ruling party or SWAPO since 1990. As a seasoned diplomat and negotiator Dr Gurirab served as SWAPO's Chief Representative to the UN for 14 years during the liberation struggle. Please let us welcome to the podium the President of the IPU Honourable Dr Gurirab.

**HON. DR. THEO-BEN GURIRAB (PRESIDENT OF THE INTER-PARLIAMENTARY UNION):** His Excellency Lt. Gen. Seretse Khama Ian Khama, President of the Republic of Botswana, Madam Graca Machel, Speakers, Presiding Officers of Parliaments, Honourable Members of Parliaments, Delegates, Ladies and Gentleman. First, a warm welcome to you all and a big word of thanks to my brothers, sisters and friends in Botswana who have been working so hard to bring us all here today. Thank you very much Honourable Speaker. We are here to celebrate the Second International Day of Democracy. This is indeed an auspicious day for parliaments. It is an occasion to celebrate democracy. In November 2007 the United Nations General Assembly declared 15 September as the International Day of Democracy. In so doing, the United Nations stated that "*while democracies share common features, there is no single model of democracy*" and that "*democracy does not belong to any country or region*". I wholeheartedly agree because I see no contradiction. The International Day of Democracy gives us an opportunity to step back from our daily political pursuits and to think about what kind of society we are trying to build in today's world. It is a chance to remind ourselves and the public of what democracy means in real life. A democracy is a society in which all people participate in the management of public affairs. In a democracy all people have equal rights and choices. Democracy is a struggle. As I and many of you know very well, it is a jewel that you have to fight for. Even with the best will in the world, no one can just arrive and deliver democracy. It needs to be nurtured and strengthened. Without careful attention, there is always the risk of slipping back into non-representative forms of government that serve the interests of the few, not for many. Such government cannot be legitimate.

The International Day of Democracy is an opportunity to celebrate what we have achieved. It must also be an occasion to look objectively and calmly at what remains to be done, without fear but also without unrealistic expectations.

The International Day of Democracy is of a special interest for parliaments. Parliaments are the centre of a complex set of institutions and practices that make up a democratic system of government. In 2008, around 50 countries organized events to mark the International Day. I know that some of the parliaments represented here will be holding similar events tomorrow and during the year.

This day is also particularly symbolic for the IPU, as the choice of 15 September is recognition of the day of the adoption of the Universal Declaration on Democracy by the IPU in Cairo in 1997. IPU kept the dream alive. Africa too is marching on.

I am heartened by the fact that the IPU is holding this event in Africa. Our continent has achieved so much in recent years and yet we still face many challenges on the way to social stability and democracy. I am particularly pleased to be here in Botswana. It is the headquarters of Southern African Development Community (SADC), an organization which has done so much to promote democracy, the rule of law and good governance within the region.

Botswana will shortly hold elections, like my own country, Namibia. I passed through Gaborone, Bechuanaland by railway in 1962 when it was a village town. History brought us closer together a long time ago, as refugees of colonial genocide on the one hand, and as peaceful visitors, on the other. Today we share common ancestry, memories, culture and hope for closer cooperation in the best interest of our countries and peoples. Elephants, stones under the ground and now also the Atlantic Ocean all agrees. Today it is the fastest growing metropolis in Africa; Botswana that is. I salute the peaceful development making it a rising commercial hub in Southern Africa. Your neighbour Mr Speaker, is IPU President whose country is Headquarters to SADC Parliamentary Forum (SADC- PF).

Elections are obviously a key moment in the life of a democracy. That is when the people are expressly asked to give their views by choosing their elected representatives and their government. But we should not only focus on elections. Building democracy is the business of every single day and challenges are daunting. The culture of dialogue, the respect for human rights, the rule of law and gender equality that characterize democracy cannot be reduced to an event once every four or five years. Democracy is a process and yet an opportunity.

This is where our parliaments play a unique role as suitable forums for expressing divergent viewpoints, mediating between competing interests in society, and ultimately making decisions on behalf of the common good for all.

Invariably, parliaments are, however, often weak in comparison to the executive branch, I have served on both sides. Most lack the resources to hold government to account. At the IPU we invest great efforts in supporting parliaments to become more representative, transparent, accessible, accountable and effective. However, sometimes parliament itself does not step forward to take up the challenge. I am trying now Mr Speaker, not so much successfully but I am trying. Often parliamentarians who speak out of turn are put under enormous pressure and end up succumbing. At other times, they even lose their parliamentary mandate. Numerous cases before the IPU's Committee on the Human Rights of Parliamentarians attest to this regrettable situation.

We all need to find ways and means to reinforce the powers of parliaments and members to pass good laws, hold government to account and ensure the equitable distribution of national wealth in the society. Stronger parliaments mean stronger democracies, and greater capacity to deliver the benefits that people expect: employment opportunity, empowerment of women, food security, health care, education, rural development, a brighter future for children and protection of the environment.

Just as we need more democracy at home, we need more democracy in international affairs. We call for multilateralism and abhor unilateralism.

We want fairer trade between developed and developing countries and more inclusive approach to the global economic crisis. Africa did not cause this crisis but it is bringing terrible suffering and reversal to the continent.

Even so, we need democracy in practice and not in name only. Parliaments are only one part of the puzzle. I think of the role of political parties, the media, the civil society and others. Together, we need to develop a more vibrant culture of democracy, based on inclusion and real political tolerance.

Political tolerance means mutual accommodation, accepting and respecting the basic rights in civil liberties or persons and groups whose viewpoints differ from one's own. By choosing this theme for the 2009 International Day of Democracy, the IPU is trying to draw attention to an apparent major shortcoming in

many countries across the world. This shortcoming undermines democracy from within. We are here and elsewhere today to discuss these problems by ensuring that, for example, the opposition gets a fair chance to express its views, enabling parliamentarians to speak freely on behalf of their constituents without fear of harassment and victimization. We are here to share best practices, workable solutions and identify practical actions that we can take home to increase political tolerance and ensure harmony.

These are not small challenges. But it is in the best interest of all of us leaders and parliamentarians, to create a wealth, health space for political dialogue and mutual respect among people with opposing views. We have to set an example in the way we carry out our democratic ideals and duties in parliament. Let us face the challenges together in a spirit of optimism and realism.

My brothers, sisters, Excellency, and dear friends, I wish you lively and productive deliberations.

I thank you and I am done. Thank you very much indeed.

**DIRECTOR OF CEREMONY:** Thank you Honourable Speaker. Distinguished guests, it is now my honour and privilege to introduce His Excellency the President of the Republic of Botswana, Lt. Gen. Seretse Khama Ian Khama. During his inauguration on 1<sup>st</sup> April last year, President Khama, outlined his roadmap of Botswana which will be driven by the four Ds. Four Ds of democracy, development, dignity and discipline. To His Excellency the President, it is the people who are central to democracy and development. Since he took over as the President, he has come up with initiatives that are people centered and therefore aimed at improving the quality of life of Botswana. To drive his roadmap, President Khama is constantly on the move consulting people in the villages, HE interacts with the ordinary folks in the villages where people air their views, concerns, expectations and contribute ideas on development matters. This consultative process gives people in the village the opportunity to also complain or report civil servants who are not delivering.

Let us express our gratitude for His Excellency the President for having found time from his busy schedule to address this conference whose theme is 'Democracy and Political Tolerance.'

I now humbly invite you to join me in inviting His Excellency the President, Lt. Gen. Seretse Khama Ian Khama, to address and officially open this conference.

**HIS EXCELLENCY LT. GEN. SERETSE KHAMA IAN KHAMA (PRESIDENT OF THE REPUBLIC OF BOTSWANA):** Thank you very much. The Speaker of the National Assembly of Botswana, the President of the IPU, Honourable Dr. Theo Ben Gurirab, the Deputy Prime Minister of Zimbabwe, Honourable Speakers, the Former Prime Minister of Togo, the President and founder of the Foundation for Community Development, Graca Machel, Cabinet Ministers, Members of Parliament, I must mention here that when I say Members of Parliament, I am referring to those from other countries because as you may be aware, our own Parliament was dissolved towards the end of last month. So we do not have any Members of Parliament here but we have got a few who we have asked to pretend to be Members of Parliament for this occasion.

Your Excellencies, Heads of Diplomatic Missions and International Organisations, the Commissioner for Political Affairs from African Union, let me just say other distinguished guests and distinguished delegates, ladies and gentlemen, it is my pleasure to extend to you on behalf of the people of Botswana, a warm welcome to our country.

The choice of the theme for the conference could not have been more appropriate. We are also of course very delighted that Botswana was chosen for the venue because as a country Botswana has been practicing democracy long before even it got Independence, and as such we can claim a modest and humble contribution to the development of democracy on the continent. In the post independence period we have had a succession of free and fair elections for representatives. Our last general elections were in the year 2004, and in just about five weeks, Botswana will once again go through the democratic process of elections to choose new representatives. The theme for the commemoration of the International Day of Democracy is for us in Botswana as inspired a choice as the selection of our country to host this Assembly. We hope that our record of equal rights and opportunities for all our citizens, mutual tolerance and respecting diversity amongst the various cultures of Botswana in general, can also serve to inspire others.

Botswana has managed to uphold a broadly liberal democratic tradition since our Independence in 1966, while incorporating aspects of its pre-colonial governance. Ever since Independence, the government has acknowledged the crucial part that traditional structures also such as chiefs and what we call the Kgotla, which is our local traditional assembly, could play in modern Botswana politics. The Kgotla has been deployed by the state as a forum where government policies are consulted on and explained to the people,

and also where the people can voice their problems and their concerns. This, combined with the more “modern” aspects of an electoral representative democracy, has crafted a sustainable democratic culture in our country.

I have been reliably briefed that Parliament has arranged for delegates to visit and appreciate the Kgotla system. It is my hope that your visit to a Kgotla will further add impetus to the deliberation on one of Botswana’s pillars of democracy.

When I took the oath of office in April last year, as you have just been told, I shared my roadmap for the nation, known as the 4 Ds; Democracy, Development, Dignity and Discipline. Democracy has served our country and its people well. It is an important cornerstone of good governance and prudent economic management. Only democracy guarantees human rights, the rule of law, accountability and basic freedoms that we have enjoyed over the years. The success we have registered is on account of our adherence to democratic ideals. Nothing will be allowed to detract us from this path.

I am aware that the conference will discuss a topic called Botswana’s experience in inclusiveness in the context of democracy. This I hope will give you an opportunity to exchange views on Botswana’s democratic system. I would therefore urge you to interrogate our system so as to assist us to strengthen and consolidate our democratic processes.

I am also informed that the conference is the first of its kind to be held in Africa by the Inter-Parliamentary Union (IPU) and the meeting could serve as the driving force that would enhance cooperation between African Parliaments.

As I have already indicated, your choice of theme for this conference is profound and inspiring, that is “Democracy and Political Tolerance.” It is the microscope through which we shall examine the aims and objectives of this conference. You will agree with me that political tolerance entails the willingness to extend basic rights and civil liberties to persons and groups where viewpoints differ from one’s own, that is an important tenet of democracy.

This theme could have not come at a more opportune time, particularly when the continent continues to grapple with challenges of political intolerance. It is therefore essential for us as African Leaders and Institutions of Legislation to roll up our sleeves and address ourselves to the consequences brought about by these phenomena. The consequences of political intolerance are real and have potential to undermine capacity of governments to govern, parliaments to legislate and the Judiciary to adjudicate.

Therefore, continuous dialogue on issues of democracy and political tolerance can help us stop feelings of disadvantage, grievance, fear, despair and anger leading to divisions, violence and instability. We need determination to tackle the roots of the causes and not just symptoms of these conflicts. More important still, we need to emphasize preventative diplomacy in tackling politically induced conflicts.

I am confident that the conference will encourage parliaments to work towards the entrenchment of democracy through more active engagement with the African Charter on Democracy, Elections and Governance. I am also hopeful that the conference will review progress in the field of democracy and as well as deliberate on challenges posed to democracy in Africa, and how Parliaments can respond effectively to those challenges.

One thing that I fear that may become a trend in Africa, that I want to share with you and it is undermining democracy if not stopped, is where an individual and/or a political party, in order to come into power or to stay in power engage in unconstitutional and undemocratic actions to achieve this, which as we have already witnessed, result in power sharing arrangements and one man rule. We, as Botswana reluctantly accepted the Kenyan power sharing agreement, and even more reluctantly, the Zimbabwean all inclusive arrangement, where there are still significant problems today. We shall also neither recognize any of those behind the coup in Madagascar leading any transitional arrangement.

There can be no substitution for free, fair and credible elections, where people in any country should be allowed to elect representatives of their choice, and not have them imposed on them through rigged elections, brutalizing opponents, military interventions, constitutional amendments to stay longer in power, and one man rule that goes on for decades.

Every country has a pool of people who have the ability to lead. Why should only one person whilst in office feel that they have a monopoly on good ideas to take a country forward, let others come in to take their turn. No leader should think that they are God’s Gift to the people they lead and that no one else is capable of doing the same and even better. In fact, history and examples clearly show that the majority of leaders who have embarked upon extended periods in office have turned out to be the worst leaders, with the poorest democratic credentials. It is those leaders who, as any leader should, which is to manage the affairs of their nation in the best interests of their citizens, do the very opposite, and abuse their office to

serve only their own interests, and leave their poor fellow citizens who rely on them for their welfare, suffering the consequences. They say power corrupts, and as the former British Prime Minister Tony Blair once said, "The best way to deal with power is to relinquish it."

I trust that you will have three days of fruitful deliberations. My firm belief is that lessons learnt from the various resource persons will assist to enhance democracy.

I would further urge you to continuously engage the general public on the theme of the conference.

May I, in conclusion, invite you to take time out of your busy schedule, to visit, as our Speaker said, some of our places of interest in and around Gaborone and also request you to come back to visit our prestigious tourist destinations.

On this note, I wish to declare the Parliamentary Conference on Democracy in Africa officially open and wish you a pleasant and productive stay in Botswana. Thank you for your attention.

**DIRECTOR OF CEREMONY:** Thank you very much Sir. There is a slight change in our programme as you can see, but now we will be treated to some cultural performance. Immediately thereafter, we will break for a quick group photo, and then we will come back and continue with our morning programme. Ushers will be there to guide you where to go. Please, let us come back here so that we proceed with our programme. When we come back, we will have three more speakers for this morning.

#### **PROCEEDINGS SUSPENDED FOR APPROXIMATELY 10 MINUTES**

**DIRECTOR OF CEREMONY:** (I will call upon our next speaker). She is Mrs Dolly Joiner, AU representative. She is currently serving as Commissioner for Political Affairs. She comes from the Gambia and she is also currently serving the second mandate as Commissioner. Prior to that, she was serving in the Government of the Gambia. Once again distinguished guests, kindly join me in welcoming Mrs Joiner to the podium.

#### ***APPLAUSE***

**MRS J. D. JOINER (AFRICAN UNION COMMISSION):** Thank you Mistress of Ceremony. Honourable Patrick Balopi, Speaker of the National Assembly of Botswana, Honourable Dr Theo-Ben Gurirab, President of the Inter-Parliamentary Union, Honourable Speakers, Members of the Government of Botswana, Honourable Members of Parliament, Distinguished Guests, Ladies and Gentlemen, all order of protocols most respectively observed.

At a time when Africa's development performance and political difficulties gave rise to a deepening Afro-pessimism, Botswana stood out as an exception and as a source of hope for many across our vast complex and beautiful continent. How fitting, then, that this conference is being held in Gaborone, the vibrant capital city of African democracy!

Being here today is indeed an honour and a privilege to experience the resounding success story that we are all proud of. The occasion also affords us the opportunity to reflect further on another source of aspiration for many in the continent, namely the African Charter on Democracy, Elections and Governance. At the level of the African Union Commission, we are pleased that the Inter-Parliamentary Union and Parliament of Botswana deemed it opportune to focus substantive attention on this most authoritative expression of the collective commitment of the African Union member states to democracy.

As we seek to build on this momentum of hope and success to inspire the confidence of people, we must accept with humility that the very idea of democracy as a shared value will always embody within it a sense of a continuous journey. Even as we arrive at certain points in the journey, we are reminded by the contradictory realities that are unfolding, to reflect carefully on our democracy expectations and the manner in which we seek to achieve them.

On the face of recent African experiences, we are led to the conclusion that we are at a crossroads: we stand witness to a demand for universalism (or if you prefer Africanism) in democracy, with a concomitant and perhaps contradictory demand for appreciating the particularities of individual member states. One consequence of this reality is a questioning of the wisdom embodied in establishing and promoting shared values in democracy, and hence a propensity towards rejecting any form of persuasive advice on developments within member states.

While we grapple with the challenges embodied in the tension between universalism and the particularities of individual cultures and experiences, we do so at a time when there is a wider consensus that expressions

of autonomy and freedom are best exercised within a framework of commonly held values and principles. In fact, the very idea of 'shared values' serves as a fundamental pillar of the African Union and a defining characteristic of the move from the Organisation of African Unity (OAU) to the African Union (AU).

The AU, it would be recalled, emerged at a time when the pattern across the continent was the transformation from authoritarian regimes to more democratic types, with a general acceptance that a shaping of values in governance was an imperative for effective integration. Even though the shift towards democratic governance and its spread across the continent was undeniably a march forward, we could not naively assume that the propensity towards non-interference would simply fall away. To secure the achievements registered through the adoption of the Constitutive Act of the African Union and to consolidate the various declarations and commitments made against unconstitutional changes of government and poor governance, the adoption of the Charter on Democracy, Elections and Governance by the Assembly of Heads of State and Government in 2007 became the most logical step forward.

A careful reading of the Charter reflects that it firmly and unequivocally seeks to establish a political culture of change, based on the holding of regular, free, fair and transparent elections conducted by competent, independent and impartial national electoral bodies. In establishing shared values on democracy and governance, the Charter is also significant to the established African Peer Review Mechanism (APRM) process and is seen as a complementary instrument.

When we look at the Charter and the slow pace of signature and ratification, it becomes apparent that democracy building is a long-term endeavour and requires patience and resolve. In as much as ratification of the Charter does not necessarily mean that democracy is established, the absence of a ratified Charter means that current and future generations would have very little to hold government accountable to the rights and freedoms to which they have committed themselves.

The strides that we have made over the past decades are threatened by the emergence of violent contestations on the outcomes of elections and the resurgence of military coup d'états in some parts of the continent. Conflict that characterised the electioneering process often persists in the immediate aftermath of elections, particularly where losing parties challenge the legitimacy of winners. Responding to such situations has become a very difficult matter for the African Union and indeed the international community. In many instances, the response to the violence experienced has been to prescribe negotiated arrangements for stabilisation purposes. Whilst such an approach is understandable, prescriptions of power sharing arrangements will have the consequence of weakening the momentum towards building the rules of competition that invariably embody winners and losers. Whilst a consensus government may be a good thing in itself, building this through rewarding the violence of losing parties makes a mockery of electoral competition. The concept of elections being reduced to a zero sum game and the emerging trend to set up unity governments as a means of resolving violent contestations must be reflected on very carefully. As we think through and construct our response, there is one element of certainty: we cannot and should not work on the basis of a fixed set of prescriptions for all situations and hence the need to broaden our perspective with a view to creating a new order of shared values in governance and democracy. Perhaps some of the answers to the difficulties experienced reside in looking beyond elections, into the manner in which democratic practice and consensus building can permeate all sectors of our societies. Surely, the democracy we are seeking cannot be relegated to one specific national event every few years.

The complex relationship between democracy and development compels us to reflect on what democracy can and should mean for peoples' livelihood. In deliberating on the evidence of democracies developing faster, we cannot ignore the reality that in many instances democratic elections do not in themselves deliver on peoples' expectations of a better life. It is thus imperative that we do not overstate the value of particular models of democracy, without carefully considering the relevance of such approaches on the face of particular developmental realities. A fixation on national electoral processes, without consideration of broader democratic practices in the economy and social sphere, creates skepticism. There is much in the African experience that suggests that a broader view of democracy building that encompasses social dynamics is not only necessary, but essential for any of the policy perspectives that we are seeking to establish.

President of the IPU, Honourable Speaker of Botswana, Honourable Speakers and Members of Parliament, Distinguished Ladies and Gentlemen, as I reflected on the opportunities and challenges embodied in the democracy journey, I talked minimally of the value and efficacy of institutional structures established to sustain the democratic path. Indeed, Chapter Six of the Charter on Democracy, Elections and Governance is devoted to asserting and establishing the importance of 'Democratic Institutions.' I am in no doubt that of central importance are legislative and other restructures of representation within the democratic system.

Herein lies the importance not only of the Inter-Parliamentary Union but also of all Parliamentary structures, including the Pan African Parliament.

I am more and more convinced that National Parliaments and indeed the Pan African Parliament should and would be the main champions for the ratification of the African Charter on Democracy, Elections and Governance. In as much as our Parliamentarians and their Parliaments are most often engrossed in the democratic practice itself, I am reassured that they would find the time to take forward our efforts to secure and improve the overall democratic system. We are often inclined to take our systems of representation for granted. Experience however suggests that we must establish efforts to protect that which we achieved for all future generations.

In expressing my own appreciation and that of the African Union Commission for this invitation, allow me again to remind ourselves that the responsibility for ensuring that the Charter is ratified, resides with each and every one of us. We must act positively and with determination to sustain the democratic momentum in Africa and across the world. Through our efforts we can play a meaningful role in ensuring that International Democracy Day celebrations become a meaningful event for all.

May I, President of the IPU and the Speaker of the National Assembly of Botswana, conclude my statement by registering our sincere gratitude to our host, the Government and people of the Republic of Botswana and to the IPU.

We are most appreciative of the hospitality and warm welcome accorded to us, and remain convinced that this initiative would contribute positively to developments in our continent, such that we can look forward to the speedy ratification of the African Charter on democracy, elections and governance. I thank you all for your attention.

**DIRECTOR OF CEREMONY:** Thank you very much. Our next speaker is Mrs Graça Machel, Chairperson of the First UN Report on the Impact of Armed Conflict on Children. As President of the Foundation of Community Development, Mrs Machel has increased community access to information and technology necessary for development. Also as Chairperson of the National Organisation of Children of Mozambique, she has worked to place orphans in comfortable homes, empowered Mozambique women and teach reconciliation tirelessly. She was the first Minister of Education and Culture in Mozambique. Mrs Machel has been very active internationally and is widely known for her commitment to children and women's rights, education and development. Mrs Graça Machel has already created a substantial legacy and her work continues.

Mrs Machel this morning, is going to address this august conference on the fundamental principles of democracy, challenges to the realisation of these principles on the African continent and how Parliament can respond to all these challenges. Distinguished guests please let us welcome Mrs Machel to the podium.

**MRS GRAÇA MACHEL (FOUNDER AND PRESIDENT OF THE FOUNDATION FOR COMMUNITY DEVELOPMENT):** Your Excellency Ben Gurirab, President of Inter-Parliamentary Union (IPU), Excellency and Honourable Patrick Balopi, Speaker of the National Assembly of Botswana, Excellency the Deputy Prime Minister of Zimbabwe, Excellency the former Prime Minister of Togo, Honourable Speakers, Members of Parliament, all protocol observed.

Let me begin by thanking the IPU for inviting me to join you this morning, and express my humility in having to address such a complex issue, but I want to ask this august assembly to allow me to be very frank and direct. I am glad that His Excellency the President has already begun to give the tone to this theme. I have been asked to talk about the challenges to the realisation of democratic principles on the African continent. But maybe we should begin by celebrating success, so that we do not feel like we only have challenges. Today more than two thirds of government in the continent came to power through constitutional means. They have been elected by popular vote, so they receive their mandate from the people and they have the legitimacy which is conferred by the will of the people they are expected to represent. It has not been always like this, so this is a success.

Today elections in our continent are held regularly. They are becoming a norm not an exception as it used to be. In some cases they are really free and fair, they are credible and they express the will of the people. The African Union, does no longer accept in its midst anyone who has come to power unlawfully, so coup d'états are not tolerated anymore in our continent. We have Pan African Parliament, a House where the entrenchment of the democratic principles and practices are to be harmonised on a continental level, the pace and the rhythm to be governed through a sharing and learning process. The Pan African Parliament I understand, is an important building block of the common vision of the foundation towards a union which



will be based on shared values. It is a fundamental forum to make of diversity a strength for tolerance and mutual acceptance. It is a process of building and consolidating the space where African identity grows, and the space where any African will feel that he or she belongs.

We have adopted conventions, treaties, protocols, solemn declarations, charters at a continental level and we adopted very well crafted constitutions where principles, values, rights, rule of law, separation of power are enshrined. We have established the African key review for those who voluntarily, wish to walk together through the journey of entrenching principles and practices of good governance. We have adopted the solemn declaration on gender equality, as an acknowledgement that Africa cannot reach its full potential leaving behind half of its population, its human capital, without a say in the decision making and in development agendas. As a solemn commitment to change the way society places and treats women, and we adopted it as human rights based principles and values.

I chose only a few of principles which are enshrined in the document which is the guiding one, the African Charter on Democracy, Elections and Governance, simply because I could not go through all of them.

Let us now talk about challenges. First, I think Africa is slowly sliding back to the one strong man system, where the Head of State is the last word in public affairs, where governments are working under the strong leadership of one man, no matter the fact that he has been elected. Institutions like Parliament, the Judiciary are eroded and weakened in exercising the powers which are accorded to them in terms of the constitution. So you have the Government, Parliament, Judiciary and even the state media singing the music which is decided from the top. We have witnessed in recent times going back, to the times where coup d'états are taking place in this continent. We thought that has become history. We just have to remember Mauritania, Guinea Conakry, Guinea Bissau and Madagascar. We have to look at the way elections are conducted in our continent, and ask the question many times; how free and fair and credible are most of the elections in our continent, beginning by Electoral Commissions, not always independent as the constitution and the law requires.

We see candidates literally buying, paying to be elected, we see manipulation of ethnicity, we see political parties rigging elections, both those who are on opposition and those who are ruling parties, more and more electoral violence, electoral intolerance. We see political parties in power using and abusing state resources for campaigning and more worrying, the trends of refusing to accept the result of the elections, particularly when it does not favour the ruling party.

We have the case of Kenya, actually I was one of those who helped to engineer the power sharing process in Kenya. No matter what the reasons are, but Kenya, Zimbabwe, Madagascar are examples which are telling us that the forcing of power sharing schemes, then lead to lengthy and painful negotiated reforms, and it undermines actually, the golden principle of people sovereignty. When people express the will that should be accepted by everyone. I have been asked why for instance, Kofi Annan, myself, Ben Mkapa, we ended up forcing people in Kenya to agree on power sharing scheme. Not to justify, just to say we were faced with the situation where if we did not get that power sharing scheme in place, literally more thousands and thousands of people would be killed.

The power sharing was to say, stop killing one another, sit down and talk, agree on a few reform issues and according to us actually, this should happen in 18 months so that they will then go back to the process of election again. Then Parliament came to us and said 18 months is too short, we cannot comply with all the reforms which are required. Give us at least 24 months, and the power sharing in Kenya was expected to be complete in 2 years (24 months), so that people will go back for election in a more agreed and more constitutionally and legally favourable environment. The difference then is that people decided to make of the power sharing process a 5 years period. I am not here to try to justify, I am saying these were the options which we were offered and these are the options we offered the people of Kenya.

Let us go back to the fundamental principles of the elections. Elections mean that people have to express freely without coercion, without manipulation, having a total freedom of trust, and I want my Parliamentarians here to think back and ask how much of coercion is in our elections.

How much of manipulation we see; how much; many times what comes as a result of a free choice has been engineered in a way which in honesty it may not express the real wish of the people. So, those principles many times are compromised. We also witness the trends of our elite controlling government, parliament, the judiciary and the business, in alliances which not always are based on the single and sacred principle of serving the people, and the nation. You see more and more loyalty to political parties rather than loyalty to the electorate, to people who have elected us. You see more and more class alliances among political parties, where sometimes even those who are in your positions, they align together as an elite. The results is, we see more and more sort of the self service clicks, the disregard of people choices in their

aspirations, appalling levels of the enrichment and even the ostentation of wealth in contrast with the deepening of poverty among the people, and the poor.

I say this with pain and the question I raise is, how can we as Africans explain that having been endowed by the resources we do have, in recent times actually we have been exploiting or exploring those resources. The reality is the majority of our people are poor; very poor. So, the gap between those who have and those who have not is widening. The responsibility to change this lies definitely in those who have been elected to represent the people.

We see also an increasing trend of intolerance against different thinking even within the same political party. When you think differently, you express different option of the majority; you are seen as the enemy. We see also intolerance against political parties in opposition which indicates the fear of difference; difference is natural in human beings. We cannot all be thinking the same way. The differences can be elements of taking us forward, asking questions, presenting different ways of doing things and sometimes even a different project of society. As a principle, it should not be feared. What any political party has to do whether it is in power or not, is to prove by argument that the project which this political party is defending is the best. So, the issue is to prove you are bringing the best way of serving the people, and the nation. You do not have to fear, the people will have to think differently. In any of our nations, we are millions of us, but intolerance and the fear of different opinions, positions and plans reflect this tendency of closing rights.

We even see intolerance against civil society organizations. Sometimes the argument is that all these civil society organizations are paid by foreigners. Then I would ask how many African governments are not supplementing the budgets through for money? It looks like most of us; we do take foreign money, whether it is government, even we do get support for Parliaments for foreign money. There is nothing wrong about that. When it comes to civil society organizations, then they are singled out and they say, they are expressing foreign views. Not necessarily the value of the issues they are raising. You also see intolerance against the media, particularly the non state media. That alone would not be a major issue, if we were not also witnessing a sense of detachment. Let us be honest.

In some of our countries, government and parliamentarians do not deserve too much respect and love which the people should have. People accept them and if you like, tolerate them but that empathy which is necessary to feel as representatives of the people, they have to be like fish within waters; to be embraced and to be protected. I am being very crude because I want us to think and say, there maybe other ways of being in politics in which we relate directly and enhance the energies of our people without creating this situation where the people will say it is them, it is us. We have to meet halfway.

We have the declaration on gender equality where our Heads of State have agreed that in every single institution of African Union of the divisional communities and coming down to our countries, women have to be represented as 50%. Before the 50%, we had agreed on a 30% and so far only six (I went and counted) African countries met at least 30%. After decades, it is still practice to exclude women from the decision making. I try to look around and only three have at least 30% in their governments. So, the question of human rights equality of every single citizen before the law and having a right as a democratic principle to have a voice, to express and to participate; let us go back even if you like, to the African Charter on popular participation. All those principles have been agreed long time back but in our continent, women are not yet accepted as full citizens. It is as if they are second class of citizens. When it comes to women's rights, women can wait. We can do it slowly. My question is, suppose any one of us here as leaders would go and divide our countries from the middle, and say we do not have resources to attend to everyone, so let us just attend to 50% of the country until these rights are met, then we will have other 50% much later. Who would survive as a regime, of course you would fall immediately. When it comes to women, it is like it is normal, it is acceptable.

I bring also another concern. Our democracies in this continent of ours, for the way we engineered the processes, literally they exclude women, young people and rural people. The secret principle of democracy is the rule of the majority. Our majority in this continent are not fully represented in the decision making. I know you will kick me out when I finish this. Our Parliaments are very much urban, they are very much middle aged and they are very very male. So, this democracy has to be engineered in a different way. We have to accept that the majority of our population in any of our African countries is the youth. We cannot pretend that we will articulate better the interests of young people in the 21<sup>st</sup> Century better than themselves. They have much more assert to knowledge, they are very vibrant and of course in many aspects they see differently from what we do see. I think we have to question this; how do we bring young people? May be it is not the same today, may be the electoral systems we have in place do not allow those majorities to come forward because in many cases, you have to be rich to win elections, if you are poor,

you do not make it. Of course women, young people and rural people are among the poor. With the very few exceptions, really the gap between the rich and poor is widening as I mentioned.

We have to discuss and see how we make sure that national wealth benefit the majority of our people, not just a few. Our Parliamentarians, whatever we had the budget which are presented, I do not know how you analyse those budgets, but they perpetuate these differences and I do not think they are questioned enough in terms of redistribution of resources, national wealth to benefit the majority. So, I did bring some unpleasant examples of how I see this democratic principles being implemented. The suggestion was also that I should bring some ideas of how Parliaments can respond. I think the first and most important thing is Parliaments are key to reclaim and regain the culture of service to the people.

I will repeat, Parliaments are key to reclaim and regain the culture of service to the people. Parliamentarians are blessed to have a certain period of their working time to connect with the constituencies; to talk, listen, take people on board, take laws and principles to be understood by the people and that connection I think has to be galvanized. So I am suggesting a sort of soul-searching as an imperative move to gain the trust of the people. I think parliaments and parliamentarians have to together find ways of moving away from this situation which was mentioned by the President of the IPU, I think the President of the Republic also mentioned, where a parliamentarian is divided between his loyalty to the party which put him there in power and loyalty to the people. Because you are collective and if you work together you will be able to find ways of how you regain precisely the *resumé* that of a parliamentarian you represent the people and we the people want to feel that. To be able to vote and to say things which are in accordance with your consciousness of what is the best, without necessarily breaking ranks but the question of loyalty to the people I think it is key here. I think parliamentarians and parliaments have to regain the principle of transparency, to be able to explain in a transparent way any single decision which parliament has made, so that the people will not only understand but will build that empathy and trust with the parliamentarians. I think parliamentarians have to claim and exercise the powers which are accorded to them in constitution which is, to keep government accountable. My experience with African Peer Review, parliaments complain that;

1. they do not have enough resource to do what they would like to do;
2. Sometimes they make decisions and the executive or the government will ignore, and you could go on and on.

But the issue of claiming the powers which have been accorded to parliament by the constitution I think is key. The vibrancy actually and the credibility in the health of these democracies have to do with all the bodies exercising their powers, which I mean the judiciary to be independent and to make decisions solely according to the law and principle of making justice available to every single citizens. But in many times the judiciary is also undermined so as to go as far as even not giving enough money to courts and to judges to operate. I think parliaments have to be assertive and look again at the way the electoral laws are crafted. The way elections are conducted. How political parties and candidates conduct themselves and make sure that once the election results are out no one has the right to refuse them.

I think parliamentarians have to reverse and condemn strongly the change of constitution to allow heads of state to stay for unlimited terms. I think the President made this point very clearly. Really it is in the shoulders of parliamentarians, because who votes for the change of constitution? To vote for the change of the constitution you need at least two thirds of the parliamentarians. So the responsibility no matter who motivates the initiative but who decides to keep the heads of states unlimited are parliaments. So we the people will come to you and ask questions. In many countries you have parliaments which do not monitor the ratification of international standards which have been signed. Let us come to the example of this charter we are talking about. Until now we did not manage to have 15 countries ratifying the charter on Democracy, Elections and Governance. 15 countries only to bring it to effect. Ratification of these international standards is responsibility of parliament. So I think we need to monitor really how far we are going and parliament has the right to call government and ask about all these international standards which had been adopted, signed, but have not been brought to ratification. Once they have been ratified, parliaments have to ensure the domestication of those international standards into national legislation. I think parliaments have also to monitor the reporting to African Union and to United Nations, the implementation of these standards. Regularly there is a process of reporting. But more importantly, is to take these international standards to be known, to be part of the culture of the people. Through the relationship with the constituencies, parliamentarians have to take all these standards to become culture and practice of our people. I am saying parliamentarians have to come down to be normal citizens. Many of us here are village girls and boys. We know where we came from. Maybe we need to leave away these

protocol things and come down, talk the language of the people to understand and really build these vibrant democracies, become simple, approachable, good listeners and then be able to serve.

Let me leave you with one question; this continent of ours is the only one which instead of moving ahead in terms of economic and social development we are going back, particularly in social indicators. We are the only continent where the social indicators instead of improving they are becoming worse. It is the only one where in terms of hunger, just food on the table, we are having millions and millions of Africans who are unable to have food on the table. This continent of ours is the only one where we talk of water supply, whatever you want we are at last. I think Africans have to begin to say if we have the mines and the ability to think and to plan and to lead, if we had the resources which nature has given to us then we have to set for ourselves that it is unacceptable to continue with the levels of poverty which we do have. And all of us whether you are government, in parliament, judiciary, civil society, citizen, whatever, we just have to say, "there is a roadmap around which Africans will stop starving. Africans will stop dying like flies because of cholera, of all these kind of things we know." It is our responsibility because we are in the leadership. The legacy our generation has to leave to our children has to be that one of, "yes we did make the political change, we did really, we succeeded to claim the right to political self determination. But we have the capacity and the ability to deliver to our people a dignified life and we have the resources, we have the knowledge, we just need to lead."

And now after I have somehow chastised my Members of Parliament I am now making the plea, "please lead, please lead". This continent of ours has to change. Even the way we exercise power has to change and if it is to change it has to begin where the centre of power is. Parliaments and parliamentarians are the ones. I thank you very much for having invited me. I am sorry for being so crude.

**DIRECTOR OF CEREMONY:** I thank you very much Mme Mma Machel. Our speaker has just alluded to the fact that true leaders are those who put people's happiness and development first. She called upon all of us individually, collectively to do a soul- search, to remember where we are coming from. We will now take you down memory lane, "Botswana's democracy, Botswana then and now", so that we do not forget where we are coming from when we chat a way forward.

..... SLIDE SHOW.....

**DIRECTOR OF CEREMONY:** Honourable Speaker of the National Assembly of the Republic of Namibia Dr. Gurirab, our host, the Speaker of the National Assembly of Botswana Honourable Patrick Balopi, Honourable Ministers here present, Honourable Members of Parliament, our distinguished guests, allow me to now call upon Mr Anders Johnsson, Secretary General of the Inter- Parliamentary Union to wrap up this morning's proceedings with a vote of thanks.

**MR JOHNSON (IPU SECRETARY GENERAL):** Honourable Speaker of the National Assembly of Botswana, Hon. Patrick Balopi, and my friend the President of this Parliamentary Union Dr. Theo-Ben Gurirab, may I take upon your offer Mr Speaker, and simply say all protocol observed, in the interest of time I will go straight to my message which is where I would like to underline first of all that it is certainly not a coincidence that we are holding this very important event here on the subject of democracy and political tolerance in Botswana. It is not a coincidence and I am sure it is common sense in any one of you having heard the message from Dr. Theo-Ben Gurirab when he explained to you what democracy and political tolerance means and how we understand that in the Parliamentary Union. So, I would like to take this opportunity to salute the efforts Botswana is making towards having greater democracy that is responsive to the needs of the people.

Mr Speaker, we are very grateful to His Excellency the President of the Republic of Botswana Lt. Gen. Seretse Khama Ian Khama for having found the time to grace this ceremony with his presence. I am sure I speak on behalf of all the participants gathered here and on behalf of course of the IPU, when I ask you Mr Speaker to kindly convey to His Excellency our heartfelt thanks and appreciation. I know that I speak for all of you when I say that his speech has been very motivating and thought provoking and may I add direct, he has used a language to us that I think all of us would appreciate. He has sent a very, very clear message of how he understands democracy and the dangers of not following the precepts of democracy and then he is reminding us of something which is worth reminding as ever so often and mainly that at the best way to deal with power, to relinquish it and that every country has a very, very large group of people who can do

probably much better than what needs to be done to bring our countries forward Mr Speaker. Please convey our thanks to His Excellency the President of the Republic of Botswana.

Mr Speaker, the event that we are inaugurating today has been preceded by very important efforts which you have spearheaded with colleagues in the National Assembly and other partners in government and in other sectors in Botswana. May I take this opportunity also to express to you Mr Speaker our deep sense of appreciation and would be grateful if you could convey the same to all those who have assisted you when it comes to the organisation of this conference.

Of course, I also like to acknowledge the presence of Mrs Julia Dolly Joiner, the Commissioner for Clerical Affairs of the African Union and I would like to acknowledge in particular the call that she has made for you all to be much more proactive in promoting the African Charter on democracy, elections and governance. I think this Parliamentary Union is looking forward to working with the African Union in this direction.

Let me express our sincere thanks to Her Excellency Graca Machel, for her most insightful keynote address. It is a bit daunting Madam, to speak after you, having heard everything that you have had to contribute to us. Let me tell you that no one in their right mind will think of throwing you out of here. On the contrary, I would like on my own behalf and on behalf of the President of the IPU, to invite you to come to future assembly of the IPU and tell this kind of message very direct not only to our African colleagues but also to Members of Parliament from all over the world who could do well to listen to that kind of a very direct message. You have given us a long list of challenges that in one way or the other, parliaments have to deal with and have to address. You have reminded us that we sit in Parliament not to advance our own course, possibly not even to advance political ideas but that we sit in Parliament to serve the people who have placed us in parliament and therefore it is indeed very important for us to reclaim and regain that culture of service to the people in our work. You have also told us very, very clearly what you do as a citizen and I dare say that all citizens in Africa, indeed in every country would call for namely, excellent leadership and for doing politics differently from what it is done today.

A number of experienced personalities in the political and democracy arena have also kindly accepted to come and share their thoughts with us on how we could together advance towards a stronger culture of democracy. I would like to recognise the presence of my friend Mr Yawovi Agboyibo, the former Prime Minister of Togo, of course the Speaker of the House of Deputies of Rwanda Honourable Rose Mukantabana, Her Excellency Madam Thokozani Khupe, the deputy Prime Minister of Zimbabwe, Ms Pansy Tlakula, Chief Electoral Officer of South Africa, Dr. Keith Jennings, of the National Democratic Institute (NDI) for International Affairs, Prof. Mpho Molomo, Senior Lecturer, Department of Political and Administrative, University of Botswana. We are all very grateful to you for your readiness to share and we look forward to your contribution.

In conclusion, I wish to thank all the delegations here present for making the trip to Gaborone, I hope you will have a most fruitful conference and enjoyable stay in this very lovely country. I thank you for your attention.

**DIRECTOR OF CEREMONY:** Thank you Mr Johnsson. We will now break for tea and we will come back here and proceed with our programme or sessions as indicated in the programme before us and thank you very much for your audience. Thank you, your Excellencies.

### **PROCEEDINGS SUSPENDED FOR TEA BREAK**

**DIRECTOR OF CEREMONY:** The first one would be for delegates to be advised that if they want to reconfirm their tickets, they should liaise with their protocol officers or staff of the Botswana Parliament. Those who would like to have their tickets reconfirmed please liaise with your protocol officers. We will also advice protocol officers to come to you so that we can take it from them. We do also have a business centre along the hall way. They have postal services, the internet services, banking, public telephones, mobile telephones and simcards are also available there, it is not far from here, it is just by the hall way. We also have a lounge for our distinguished delegates where you can go, sit, relax after lunch, if you go through all the exit doors, you just have to turn to the right and it is clearly marked, you cannot miss it. In case you cannot find it, please liaise with us, we will happily show you where the lounge is because it is for your comfort.

Last but not least, we do have copies of all the presented speeches and documents and they are placed on the table just behind you. So, you can grab copies and we have them in both English and French.

Copies of those papers can also be obtained from the pigeon holes, I am sure most of us have seen them, they are also by the hall way.

I want to take this opportunity once again to welcome you back after tea break, we had a hectic session this morning which was eye opening and educational if one may say so and informative. I am happy to introduce to you the chairperson of our Plenary Session One who is the Speaker of the Botswana National Assembly and our host Mr Balopi. Mr Balopi will introduce discussants, the topics and he will also share with you how the whole session is going to run.

**MR BALOPI (SPEAKER OF THE BOTSWANA NATIONAL ASSEMBLY):** Thank you very much Monica. Well, colleagues, I think we have gone through a formal session of our conference or workshop. We are now reconvening to start as it were the business itself and that is the business of dialoging. The business of talking amongst ourselves about the issues that were raised this morning, the challenges that were presented before us and of course we have to continue dialoging in order to find the possible solutions to some of them. In my opening remarks this morning, I referred to words of wisdom, little had I dreamt that so much was going to be said as indeed it has been said now. I also referred to you to a quotation that was made by the US President when he addressed the Parliament of Ghana where he threw the ball on our court that our problems as Africa are our own problems and they can only be solved by us.

We are now going to start the first session that raises very pertinent question and the question is, what does the Charter on democracy, elections and governance say? What does it say? Reference has been made to it this morning in quite some detail but I think we still have to learn a lot more and dialogue on the content of the charter itself. We have two presenters who have graciously agreed to share their thoughts with us on this subject matter. The first presenter is Mr Salim Latib, who is on the African Union Democracy and Governance Department, Department of Political Affairs under the AU. The second presenter will be Mme, Mme in Setswana means Madam. Ms Pansy Tlakula who would like to be referred to for the purposes of this conference as Member of the African Commission on Human and People's Right and a special rapporteur on freedom of expression and access to information in Africa and of course notwithstanding the fact that she has a substantive role that she is playing in her own country South Africa, that of a Chief Electoral Officer of the IEC.

We will take the presenters in the order that they are shown on the programme, not of course undermining the warning that we have got this morning from Madam Graca Machel on the role of our women folks. But that is how the organizers of the conference have made the programme to be, and I will take it as is. Therefore, without wasting too much of your time, I am going to call upon the presenters, after they have presented we will allow interaction.

Since this is like a workshop, we would prefer, if it is possible, for colleagues to talk off the cuff, but of course if you would like to refer to your notes, we would not mind that as long as you maintain some degree of brevity, so that we can share the little time that we have amongst us all.

## PLENARY SESSION 1

### WHAT DOES THE AFRICAN CHARTER ON DEMOCRACY, ELECTIONS AND GOVERNANCE SAY? ITS RELATIONSHIP WITH THE AFRICAN CHARTER ON HUMAN AND PEOPLE'S RIGHTS

**MR SALIN LATIB (DEMOCRACY AND GOVERNANCE COORDINATOR):** Thank you Chairperson, your Excellencies, Honourable Speakers of Parliament, Honourable Members of Parliament, ladies and gentlemen, good morning! **bondiya, bonjour, salam malikom** and dumelang! I think since I have greeted you in five different languages, if there is any element of the protocol that I am missing, I will be forgiven.

I have a presentation, it is a power point presentation. I thought it would be useful doing something like that as opposed to a speech because you have listened to a few this morning.

My presentation unfortunately is in quite a few slides. You will forgive me if I gloss over some of them. But the essence of the presentation is around the Charter on Democracy, Elections and Governance. I also do not control the slides myself, so it is controlled by somebody else, so if they want to move me faster they could move me faster but I am hoping they will keep up with what I am saying.

I will also talk a little bit about the process that the African Union Commission has gone through to popularize the Charter, in the hope that it will speed up ratification, and very briefly I will touch on the relationship with the Charter on Human Rights, but it will be discussed later by the panellist.

By way of background, sometimes people lose sight of this reality, it is the Charter process. The Charter we are talking about is much older than the one that has just been adopted in 2007. The process itself was at the time when there was a lot of excitement, we have NEPAD in place and the APRM process was beginning to unfold. So there was a lot of excitement about the issues of Democracy Governance and Election.

In Maputo in 2003 a decision was made that we need to find a way to consolidate some of the passed efforts that have gone into this area, into a single document, so we have a single point of reference as the African Union around issues of Democracy Governance and Elections.

If you look at the Charter itself, that will be distributed a bit later today, you will find that it makes reference to various past Declarations of the Organisation of African Unity which refer to issues of Democracy and Governance, including amongst them the Cairo Gender for the Re-launch of Africa's Economic and Social Development, the Algeria's Declaration and the Lome Declaration. It makes reference to that very importantly because people around Madagascar still refer to the Lome Declaration to condemn unconstitutional change of government, the 2002 OAU Declaration on Principles governing Democratic Elections in Africa, and then also the protocol relating to the establishment of the peace and Security Council which remains fundamentally important to the application of the Charter.

The Charter is a very simple document, people ask me to present and I am like **wow** why do people not read it, it is very simple. It was negotiated over a period of time, amongst all member states very intensive negotiations starting 2003, finally being adopted in 2007. But to put it very firmly we have 11 Chapters and 53 articles.

In the preamble, a very important reference is made to the Constitutive Act of the African Union because it provides the fundamental reference point for the Charter, when the Constitutive Act was adopted, embodied in the Constitutive Act towards reference to good governance, democracy elections and so forth.

Very importantly it also places very firm emphasis not only on the role of the Commission, but also in the role of the Regional Economic Communities (RECs) within this process. The Charter outlines 13 particular objectives but by way of summary; respect for democracy, rule of law and independence of Judiciary. Most often when people refer to this Charter, they talk that the Charter is about unconstitutional changes of government. The element of the Charter is about unconstitutional changes of government but fundamentally it is about building democracy. People lose sight about the areas of citizen participation, pluralism in gender equality, also that it is a vehicle for building and regional integration, and also for building and enhancing institutions that are responsible for elections, and often we lose sight of those elements, making direct reference to unconstitutional changes of government.

If we go into the content of the Charter, I will touch on some of the chapters, but more important chapters which place obligations on member state, Chapter 4, on Democracy, Rule of Law and Human Rights, Chapter 5- the Culture of Democracy, Chapter 6- Democratic Institution, Chapter 7- Democratic Elections. The Unconstitutional Change of Government comes in Chapter 9, so you have about 8 chapters there which are devoted to the issue of building democracy, it is not just about unconstitutional changes of government.

Chapter 4 provides very firm commitment, and I am summarizing it here, detail in the Charter itself. State parties shall commit to democracy, rule of law and human rights, recognize and ensure universal suffrage, take measures to ensure constitutional role and constitutional transfer of power, take steps to strengthen the organs of the AU, eliminate all forms of discrimination, protect vulnerable groups such as minorities, migrant people, people with disabilities, et cetera, respect ethnic cultural and religious diversity, respect the supremacy of the Constitution, protect equality before the law. Particularly the issue of Constitution remains very important and the AU Commission inline with the mandate embodied in the Charter has been engaging with member states allowing the issue of constitutions in the constitutional development process within member states.

Chapter 5- the Culture of Democracy and Peace. Why important, because we often ask the question to say the problem in the challenges you confront in Africa are not so much about the systems and the laws, you seem to have those, but the issues is about how to build a culture of democracy. This Chapter places very specific obligation on the power of member states to engage in the process of building the culture of democracy through the strengthening of political institution by providing support for existence and operation of civil society to ensure the civic education in educational system, put in place relevant legislation and policies, ensure and maintain political and social dialogue. This is quite important and often

glossed over in the Charter itself, that the Charter actually places an obligation on the part of governments to engage in constant process of social dialogue.

The panel of whys on elections pointed out that often elections are seen as a zero sum game, and they need to think ways of how citizens can see participation as an ongoing process, so it does not mean that to lose an election, you are outside of a democratic process and the Charter does provide for that.

### **Chapter 6**

Chapter 6 is very important, it still places emphasis on democratic institutions, the ensuring of constitutional civilian control over the armed forces, the putting in place measures to deal with unconstitutional removal of an elected government, establishing public institutions that support democracy, and also the need for regional cooperation.

### **Chapter 7**

Chapter 7 provides for democratic elections, and very importantly it also provides some element of incentive in member states engaging within the Charter process. As part of this process, the African Union Commission created Democracy and Elections Assistance Unit, part of its mandate includes the observation of elections, being the secretariat for the observation of elections, is to support election management bodies by way of building capacity. Part of that is engaging with the Charter, provides basis for this Unit to provide support to **EMBs**.

### **Chapter 8**

Chapter 8, which is the most referred to Chapter in the Charter, makes a reference to sanctions in the case of unconditional changes of government. I want to go through it in a bit more of a reading manner so that it is actually understood. Any proof of coup d'état, national intervention, armed rebel or deceit in action against democratic elected government shall be sanctioned by the AU. If an incumbent government refuses to relinquish power after free and fair election has been held, this action will be sanctioned by the African Union. Any amendment or revision of the constitution or legal instrument which infringes on the principle of democratic change of government will also invite sanctions from the AU. Very importantly those responsible for unconditional changes of government may be tried before the competent court of the AU. What I am not mentioning on my slide is there is a provision that if you are involved in an unconstitutional change of government, you are the head of the military, you now decide to become civilian and you want to stand for the election, this Charter, which has been adopted says no. It was said in the case of Mauritania. Somebody said no, but you cannot. Now after you have taken military control, and after you have taken a coup decide all of a sudden that you are going to stand for the election the Charter pre-cludes it. Fortunately somebody in Mauritania was smart enough to know that the Charter is not yet rectified, so it is not yet enforced, until it comes into force that provision would remain difficult, so coming into force would require 15 ratifications.

A very important element which we have taken colleagues is we are part of the riding process, globally, is that the Charter contains a chapter which deals with Political, Economic and Social Governance, so unlike other Charters it includes those dimension and places emphasis on the role of government in terms of the delivery of the alleviation of poverty, illiteracy and dealing with diseases, implementation of environmental protection policy, and work towards providing free and compulsory education. Also very importantly is that chapter provides for the need to incorporate traditional authorities to be part of the larger democratic system.

The mechanism for implementation are at three levels; one is at the level of member states, other the continental level of the Commission and at the level RECs. At the nation level state parties shall adopt legislative executive and administrative action to conform with the Charter, take steps to widely disseminate the Charter and all related legislation, incorporate the commitment and principle of the Charter in their policies and strategies. At the continental level, the Commission will develop benchmarks for implementation of the Charter, promote favourable conditions for democratic governance, ensure that the unit and fund have been set up (which they have been set up), ensure all decisions of the AU on unconstitutional changes of government are carried out. It places very strong emphasis, people say 'Mr Salim Latib, where is the Charter of the AU?' As though you are separate from the AU, the AU is sitting here, this is your document, you have responsibility for it together with other organs, it is not just the Commission. The Pan African Parliament, the Human Rights Commission, the African Court, the Economic and Social Council and RECs have a responsibility in terms of the implementation of the



Charter. This Charter was presented at the Pan African Parliament, it led to a whole day of very vibrant debate, we were all extremely excited because Parliamentarians are seen as the custodian of the Charter, in the hope that eventually after we leave Midrand, there will be 15 ratifications, but it is still taking time. The Charter was adopted by heads of state on the 30<sup>th</sup> of January 2007, the Commission itself went through a process of popularizing the Charter, there were meetings in amongst others, Namibia, and regional meeting with member states to build up a collective plan of action and with the RECs. We came out with the plan of action which we thought everybody owns to take forward this Charter which is about popularization. The people said the Charter needs to be more accessible. You will receive, I hope later today copies of the Charter as well as little posters which are going to make it more accessible. But the point that was made by member states, by your member states is that they are going to translate the Charter into local languages so it becomes more accessible. It is a short document it can be made more accessible, therefore .. it used to be internalized but all organs, also to be known amongst member states, often we find member states are not even aware that they have adopted this Charter through the Heads of State in January 2007.

In terms of the ratification, the action plan they came out with talked about the participation of stakeholders in ratification, the encouragement of civil society to engage in encouraging member states to get ratification and a lot of civil society organizations are already working on developing training manuals around the Charter. If Parliaments do not take the lead, civil society organisations are going to come, it is routed here. It is the ECOWAS and other institutions of the AU. So, it is done within the framework of the AU that civil society organisations will come and put this Charter before member states. Also to begin to think about the application of the Charter, to begin to look at the compliance with the contents. So, even though it is not ratified in principle, it has been adopted by member states and we begin to ask the questions about why it is not being applied or problems in its application.

To date, we have 29 signatures, it is not distributed, now we will distribute it later today and you will be surprised by the number of countries who are on the forefront. These were countries that were debating and saying we need the Charter; debating issues of democracy so that we have a common perspective of it. They were taking ownership. This is an African document, we cannot sit down and say that this is somehow imposed, no motive values from outside. Those countries which were championing it on the forefront have not yet even signed. So, in a way, there is a disappointment. When we started the process, there were no signatories, at least now we have 29 signatories, but these are not ratifications. We have two ratifications, one from Mauritania. Unfortunately in the case of Mauritania it was one week before the military coup. In the case of Ethiopia, it is part of the momentum, the democratic process. They have a building process in Ethiopia, there is a strong commitment that as the host of the Commission, as the host of the African Union, it is an important Charter, we need to ratify it. Congratulations, they did ratify it. But we are looking forward to the other 29 signing. Also, when you see the list, we are hoping that you would take leadership in looking and saying why is your country not ratified. Somebody said to us that may be the bar is set too high. This is not the bar that was set by the Commission, you set the bar in negotiations. This is a compromise document. So, we need the partnership that allow us to get this document with your mandate to be ratified.

The Charter is also a concrete basis for coordinated action for achieving demonstrable results. It does provide a document that we can all work with. The RECs are informed? We are engaging with the RECs. It provides a coordinated document for all of us as a reference point of our governance and democracy issues. It is a framework for joint action and prevention of conflict; a reference point for all governance related engagements and also internationally a basis to articulate a set of common positions when you are engaging with the European Commission or the European Union and other regions. It can articulate common position. So, as Africans we know that this is our document. It should be what informs our dialogue outside.

The partnership with Parliament is fundamental, it has been emphasised this morning. Parliamentarians are key stakeholders, they have already committed themselves through the Pan African Parliament (PAP). It is a commitment that needs to translate into action so that this Charter is ratified. They are custodians of constitutions and that is very fundamental to the Charter. But also they would remind member states because sometimes we get lost in process. We call member states and say but what is happening about the Charter. I think it is in the Department of Constitutional Development, but I am not sure, maybe it is going to Parliament. So, often we confuse, Parliamentarians do not know where the document is and government people often do not know where the document is in the ratification process.

When we think about the Charter, we need to send a consistent message that the Charter is an adopted document. Sometimes people talk of this Charter separate to themselves. This Charter was adopted in January, it is adopted by Heads of State. We need to take it forward.

Internalisation of the Charter to active dialogue on its provisions, sometimes people say some of these norms we are talking about sound a little foreign. We need to be debating the content of the Charter so that the content is internalised, even the basic principle of separation of power is to try and make it alive for people when trying to explain to people what the separation of power entail. It can be simplified for people, spreading ownership and responsibility for the Charter but also reflective analysis on the Charter and its value as an instrument.

The ratification as I mentioned, we need to build an understanding of where member states are and establish clear and direct goals for ratification and hopefully we can get assistance from Parliamentarians who say let us identify at least the 15 countries, let us target to make this Charter ratified within the next year, also as linkages being established with unfolding initiatives, for example, the APRM.

The relationship between the Charter which I will briefly touch on, often people think of them as linear. You need democracy in order for human rights to be effectively practiced. I think it does not actually serve the course of this Charter to think of them, they are complementary. Somebody suggested that the African Charter on Democracy Governance is about the form of democracy, and to some extent even criticising it to the point of saying this is about protecting regimes and not about the people. Substantively, if you go into the content of the Charter, it is about protecting the rights of individual to exercise the choice in choosing the government that they want. The Commission itself at one point had made a ruling on the issue of unconstitutional change of government. It stated that unconstitutional changes of government violate the individual right of people to free expression, assembly and participation in the government as well as collective right to self determination. We have the opportunity to make history, to make this Charter to get it to ratification and we need to take the responsibility. I thank you very much.

**MR BALOPI (CHAIRPERSON):** Thank you very much Mr Latib. We have the responsibility, do we? Are we ready to implement the responsibility that we have? That will come later when the comments are called upon. It is now pleasure to invite the second presenter, Mrs Tlakula.

**ADVOCATE PANSY TLAKULA (ELECTORAL COMMISSION OF SOUTH AFRICA):** Chairperson, Distinguished Guests, Ladies and Gentlemen, all protocol observed, what I am going to do is to give the practical application of some of the principles that have been highlighted by the previous speaker. I have the privilege of doing that because of being able to do that because I am a practitioner in both elections and in the implementation of the African Charter on Human and People's Rights. So, I can tell you what works and what does not work and what implementation comes within the problems and the challenges we encounter as we try to implement these instruments.

I will look at the African Charter on Human and People's Rights which was adopted in 1981 and most if not all of the member states of the AU are state parties to this Charter, probably except Morocco. The similarities between the African Charter and the Charter on Democracy as I will call it for the purpose of this presentation is that both these instruments are based on promotion of respect for human rights and the interconnectedness of human rights lie at the heart of both these instruments. Both of them provide for the equality and non-discrimination and the protection of marginalised and vulnerable groups. As Mrs Machel pointed out this morning, I think the implementation of this is still a challenge on the continent because very few women are represented. In our structures of governance, of course, we are making progress but as far as young people are concerned, people with disabilities and indigenous people, we still have massive problems because the representation of those people in our structures of governance is still low.

In trying to discuss the relationship between the African Charter and the Charter on Democracy, I am going to look at three aspects, democracy, elections and governance. Of course, the Charter on Democracy contains a number of articles that deal with the promotion of peace and democracy. I would not go into that because this has already been dealt with. I think what is important is that according to this Charter, peace and democracy can be achieved through a number of ways and these include: adoption of measures that will ensure and maintain political and social dialogue as well as public trusts and transparency between political leaders and the people; the strengthening and institutionalisation of constitutional civilian control over armed and security forces to ensure the consolidation of democracy and constitutional order; and establishment of independent public institutions that promote and support democracy and constitutional order. I am highlighting this particular section because the issue of maintenance of public dialogue,

dialogue between public representatives and the electorate is an area of challenge and we do know that as the electorate, the only time when we see our elected leaders is when there is an election and they are coming to us to ask us to vote for them. After that, most of them disappear and we will see them when another election is on the horizon. Even, the establishment of independent public institutions and practice, we do establish these institutions but what then tends to happen is that, these institutions are not funded adequately and they are not therefore able to execute their mandate.

As far as elections are concerned, the Charter on democracy recognises popular participation through universal suffrage as an inalienable right of the people. To this end, the states parties reaffirm their commitment to holding regular, free and fair elections to ensure fair and equitable access by contesting parties and candidates to state controlled media during elections; to establish independent and impartial national electoral bodies; and to adopt a binding code of conduct governing legally recognised political stakeholders, governments and other political actors during and after elections. It also provides for deployment of observer missions. What tends to happen is that, the issue of access to state controlled media by all parties in the run up to elections during campaigning period is a problem that most parties, particularly the opposition parties are encountering. What then tends to happen is that during campaigning period, the lines get blurred between the government and the ruling party in so far as media coverage is concerned and that is why this Charter on Democracy has this section on equitable access to the media during contesting period.

Secondly, the issue of impartiality and the independence of National Elections Commissions is another contentious issue. On this continent, for whatever reason, we have elected to establish these independent electoral bodies, that unless a country has an independent electoral body, you cannot have a free and fair election. Now that we have chosen that route, then we have to make sure that indeed these commissions are truly independent and they are able to withstand political pressure. I am talking from experience as the Chief Electoral Officer, that unless a body like that can withstand political pressure and conduct an election in a free, fair and professional manner, the country can go up in flames and we do have many examples abound on this continent. But still the question remains which I always want to pose, which is, in developed democracies you do not have these bodies but the elections are always declared free and fair.

I also said that the Charter on Democracy provides for the deployment of election observation missions which are supposed to observe elections in an objective, impartial and transparent manner.

I think this is important because from where I sit at times I get a sense that some election observers descend the political arena, and they do not perform their functions in an impartial objective and transparent manner. I have already spoken about freedom of expression, freedom of the press and fostering of a professional media, in order to advance political economic and social governance, and this is what the Charter requires. I think this section is included here because we do know that on this continent, the persecution of journalists and media practitioners is one of the areas we are battling with. In my capacity as a Special Rapporteur on freedom of expression in Africa, I deal with many, many cases and urgent appeals from journalists who are persecuted by their governments, they are unlawfully arrested, and most of our countries still have criminal defamation in their statute books and this laws are often used to arrest journalists that are critical to the Government.

Of course this Charter is balanced because it also talks about fostering a professional media, so that the media itself has to help some self introspect to look at whether indeed they report in a professional and well balanced manner. The right to freedom of expression and access to information are probably more directly provided for, in the African Charter than in the Charter on Democracy, because this right has been elaborated upon by the African Commission in the declaration of principles on freedom of expression in Africa. The African Commission adopted this declaration in 2000, but despite that, we still find that very few countries on our continent have adopted freedom of information laws, and even those that have freedom of information laws do not implement them effectively. I will not deal with governance and unconstitutional change of government, because that has been covered adequately by my colleague. I will then look at the implementation mechanisms of the African Charter on Human and People's Rights and those of the African Charter on Democracy. My colleague has already spoken about the fact that the Charter on Democracy requires State Parties to implement the provisions of these instruments, by adopting measures for the implementation thereof, and we find the same provision in the African Charter regarding the implementation of that Charter.

Both instruments provide for the submission every two years after the date of effect of the instrument. State Parties must then submit every two years a report to the relevant organ, on the legislative and other measures they have taken to give effect to this instrument. In as so far the African Charter is concerned, the

two year report is submitted to the African Commission and in respect of the Charter on Democracy by the AUC. In the African Commission when a State Party submit their report to us, we then examine it and in doing so, in terms of the rules that we have adopted we can also look at the scheduled report that has been submitted to us by NGO's, and I hope that the AUC will also adopt this kind of interrogation of a report submitted by the State Party, on the implementation of the Charter on Democracy, because the scheduled reports usually provide the other perspective, and of course this schedule report can only be used provided the State Party is made aware of it, so that nobody can be taken by surprise. But the weakness in the reporting system of the African Charter is that, unlike the Charter on Democracy, the African Charter does not make specific provisions on how the Assembly should deal with the issues and recommendations, that the African Commission makes after the consideration of a report because what happens in our case, we look at the report and then submit it to the Assembly with recommendations, and we never hear from the Assembly on what they do with those recommendations, whereas in the Charter on Democracy there is a mechanism for taking forward those recommendations. The second thing is that, non-compliance has as far as this is concerned the Charter on Democracy state that the Assembly in the peace and security council, shall determine appropriate measures that will be imposed on any state that violates the Charter. Of course it remains to be seen how and what measures are going to be taken in this regard. Violations of any provisions of the African Charter, on the other hand can be dealt with through the submission of a communication or a complaint to the African Commission, and this communication can be submitted by a member state against another, or by an individual or an organisation representing an individual, and once the commission has admitted the communication it will then make a finding on the merits and recommendations. These findings and recommendations are submitted to the state party concerned and to the Assembly. But once again the weakness in the African Charter system is that, there is no provision in the African Charter on how the Assembly implements the findings and recommendations of the African Commission, and whereas in the Charter on Democracy there is also a mechanism for this. There is a weakness though in the Charter on Democracy in that it does not adequately define the role of the African commission in the implementation of these Charter, save for a provision that enjoins the AUC to coordinate evaluation on the implementation of the Charter, with other key organs of the union including the Pan African Parliament, the African Commission, the African Court on Justice and Human Rights etc. but as we know the Commission is a quasi judicial body and does not only interpret the African Charter but also promotes and protects all the rights in the African Charter, including of course the political rights stipulated in Article 13 thereof. The previous speaker has already indicated that the commission has adjudicated on a complaint on unconstitutional change of government and apart from that, we have dealt with nine other cases that deal with the violation of article 13 of the Human Rights Charter articles dealing with political rights. Moreover in terms of the protocol to the African Charter on Human and people's rights on the establishment of the court in human rights now called, The African Court of Justice and Human Rights. The African commission is one of the entities that have local stand to bring a case to this court. In terms of this protocol that establishes the court, the court has jurisdiction in all cases and disputes submitted to it concerning the interpretation and the application of the African Charter, the protocol on the court and any other human rights instrument ratified by the state party concerned including of course the Charter on democracy.

Moreover since this Charter provides that the perpetrators of unconstitutional change of government maybe tried before the competent court of the union, it means that the court has jurisdiction in such cases as well. Victims of unconstitutional change of government may also submit their complaints to the African Commission, and African Commission may then submit these cases to the African Court on behalf of the victims. In the light of this possible overlap in the jurisdiction or regarding the jurisdiction on the implementation of the Charter on democracy by a number of organs of the AU, it is important for the AU to strengthen coordination in so far as the implementation of the Charter is concerned. Finally, a report of the promotional mission undertaken by the members of the African Commission to a member state assigned to her or him, always contains a list of regional and international instruments ratified by such a State Party and the steps taken to domesticate these instruments. I am simply saying that that the African Commission with its limited resources has also taken steps to encourage member states to ratify regional and international instruments and also to domesticate them. That is why at the 42<sup>nd</sup> session of the Commission that was held in Brazzaville, Republic of Congo in November 2007, the African Commission adopted a resolution on the ratification of the African Charter on Democracy, Elections and Governance.

We have also adopted a number of resolutions in which the Charter on Democracy has been mentioned, for instance the resolution on elections in Africa that was adopted at the session of the commission that was

held in November 2008 in Abuja, federal Republic of Nigeria. We adopted that resolution precisely because of the phenomenon that seem to be gaining power in our continent, and I am talking here about the power sharing agreements, and we have seen a number of them, and these power sharing agreements are fine, for as long as they contribute towards peace, but at the same time they are problematic if they are used to circumvent the will of the people. That is really what the resolution was speaking to. We also passed the resolution on freedom of expression and up coming election in Zimbabwe and we did this in 2007 in Brazzaville, and even in that resolution really we were highlighting the principles that enunciated in the democracy Charter.

I conclude by saying the process of democratisation requires respect for human rights and observance of the rule of law and good governance. These are the principles upon which both the African Charter and the Charter on Democracy are founded. The effective and coordinated implementation of these instruments will without doubt strengthen democracy, good governance and lasting peace on our continent. We have good instruments, all that is required is the political will of member states to implement this instruments. I thank you Sir.

**CHAIRPERSON:** Thank you very much Madam Tlakula. Colleagues we have listened very attentively to very thought provoking presentations, very informative indeed, even to those of us who perhaps had a very little knowledge of some of these things. The silent majority have remained silent since this morning, and the talking minority have talked and presented since morning. The floor now is open to the silent majority, the will of the people. Let us hear what the people have to say. Colleagues as you are aware we will be adjourning for lunch at 12:45 p.m. and I think it will be proper that after our condiments we allow our resource persons to wrap up or respond to some of those salient points that you would have raised. Therefore the floor remains open and let be mindful of time. Who bells the cat, you show that by raising your country flag.

**MR S.E. MOTANYANE (LESOTHO):** Thank you very much, Mr Chairman. I would like to first of all thank the organizers of this important conference and also the people of the Republic of Botswana who have warmly welcomed us. As we have just said, Honourable Chair, being the first to break the ice, it is not always easy. I have listened very attentively to all presenters and that makes a case very complicated. There are a lot of issues around democracy which are understood differently by different people.

The first thing I would like to talk about is this notion of separation of powers. In most of our Constitutions, the Executive and Parliament are one and the same thing. Executive is just part of Parliament, that makes the matters in those circumstances very difficult because, instead of the Parliament holding Executive to account for its action, which is the right thing to do. They have to play a double role of holding the Executive to account and at the same time preserving their own images by protecting the government, because there will be no parliament without government and there will be no government without parliament. These two are really inseparable.

Nevertheless, because of such relationship there is always tension. The President or the Prime Minister elects members of the Executives from amongst the Members of Parliament and that does not augur very well to other Members of Parliament who have not been nominated to such executive positions. So, they start now pitying one Parliamentarian against the other Parliamentarian. I think there must in our situation be true devolution of power. If we can have our Constitution getting that rights, then I think there will be very little doubt about the rules of one or the other arms of Parliament, unless the Executive, the Parliament and the Judiciary are strong, there will be very little good governance in such a country.

Most people talk about the independence of the Judiciary; independent of what? Is it an absolute independence or a functional independence? I would hope and suppose it is a functional independence because all those are the three legs of the same pot. They cannot be independent of the pot they are carrying, in other words, the Judiciary cannot be independent of the government; the Executive cannot be independent of the government and the Parliament cannot be independent of the government because the government is what these three legs are carrying which is the pot.

So, I always want to liken this business of governance to the human body. Human body has different paths and each part of the body performs a special function. There is no collusion and once there is a collusion we know we come to that state of the body where we call disease, the body is not at ease therefore it is ill. There is a disease because it would not function harmoniously. I think Honourable Chair that is as far as I can contribute now, that the three legs of governance must work together for the good of the people

because without good Parliament, you cannot have good Executive or can you have good Judiciary. Those two must work together, the aim being to better the lives of the people they are serving. Thank you.

**CHAIRPERSON:** Thank you very much, Lesotho. When the Kingdoms speak, we all have to listen. Now we are going to call upon Uganda, the Pearl of Africa to come next.

**MS REBECCA KADAGA (DEPUTY SPEAKER, UGANDA):** Thank you very much, Honourable Chair. I want to thank you for inviting us to this great city. My contribution will focus on the Charter on Democracy, Elections and Governance.

The first problem I have with it is that, it is biased in favour of issues of democracy, and elections but extremely short on issues of governance. So, we are dealing with the political class but not with the governed and I will give my reasons. If you look at Chapter Two, the objectives of the Charter, hardly anything is talked about the socio-economic governance. Just look at the objectives; enumerated, their unthinkable theme, they are not thinking anything.

Now, when you look at the other areas of the Charter, they have many provisions relating to how people will be elected, what should be done and ... changes of government and so on. But go to Chapter Nine dealing what they call socio and economic governance is a single line and states, "State parties undertake to design and implement social and economic policies and programmes that promote sustainable development and human security"; that is all. Nothing is mentioned anywhere else in this Charter about the governance of the people. If you move to Article 10 on the premise of the Constitution, they will elaborate on the question of its amendment, its division, the rights to equality before the law etc.

You go to Article 12 on the culture of recent democracy, again they elaborate on promotion of governance, strengthening for its constitutions, creating conducive environment and creating civil education. So, we are not concentrating at all on the issues which the leaders raised this morning. We are the governed; we are the elites to education, where there are rights to housing, and work. All these are not visible in this Charter. So, I am not even sure that I should recommend this Charter in its present form to be ratified by my Parliament. I am not satisfied with the structure because it is skewed. I do not know what colleagues are going to do, where? This is because we are leading people who have no water, we still have a high infant mortality rate, and so where are we on these issues of governance? So for me, I want to say that we need to do more on the issue of the socio-economic governance. I think I want to appeal to the colleagues, individually and also as a body to use the African peer review mechanism. I do not know whether it is going to work, but that is where I can see immediately which we can use to address these issues. Otherwise as this Charter is, I think I am not satisfied. We should focus on the people that we are governing. Thank you, very much.

**CHAIRPERSON:** Thank you very much, Uganda. Next will be the DRC, the great lakes.

**MR MOKOLO WA MPOMBO EDOUARD (DEMOCRATIC REPUBLIC OF CONGO):** Thank you, Mr Chairman. I would like to go straight to the Charter itself. Personally I have three comments to make on the Charter. First and foremost that is the universal principles. These are well known. However, there is a problem of implementation even if the principles are good, how do you apply these? Now take Chapter Ten with regards to the mechanisms for the implementation of the Charter. It is requested to Parliamentarians to put in place legislative activities in order to ensure that the National Legislations are in conformity with the Charter. So, this is what is requested from Parliamentarians that we are.

The second point relates to the penalties. For instance, if you take Chapter Eight, these sanctions are affecting the State, so namely the whole population. I believe there is need to draw the attention of the others, in this case, all population are affected through these sanctions. Also you have the issue of ratification. So, we have to deploy our efforts so that even before the ratification, we shall be able to look at the issue of sanctions so that these sanctions would concentrate initially on the others and not affect the whole population. I cannot push under the carpet the excellent speech of President Khama which in the final analysis is a lesson for African Heads of State. I would have loved for this speech to be pronounced before his peers because it is Africa which is advancing here. I would like also to seize this opportunity to thank the previous President of Botswana, Sir Ketumile Masire for the important role he has played in the peace process under democratization process in the Democratic Republic of Congo. I would like to recall also for the benefit of my colleagues that for many African States, 2010 is the 50<sup>th</sup> Anniversary of the independence. What is the outcome of this when it comes to the African governance in the 50<sup>th</sup> period?

Here I join the appeal made by Mrs Graca Machel, so that we put in place initiatives to stop the degradation of Africa. I thank you, Sir.

**CHAIRPERSON :** Thank you very much colleague. The next presenter or commentator will be the Republic of Congo Brazzaville.

**HON M. CLAUDIN (CONGO BRAZAVILLE):** Thank you Mr Chairman. I would like to put across questions with regards to the independence of electoral commissions. When we talk about transparent elections being organized however these commissions have to be interested in all the process especially on the drawing up of electoral lists because you cannot have a transparent election if these lists are not viable. Unfortunately in most cases the electoral commissions only come after the holding of elections. So I would like at the level of the charter for the drawing of electoral lists have to be taken into board which in my opinion is of crucial importance. Thank you.

**CHAIRPERSON:** Thank you Madam. The next will be Benin.

**PROF. N. KOFFI (BENIN):** Thank you Mr Chairman. I would first and foremost on behalf of my colleagues of the Benin delegation, like to thank the officials of IPU and Botswana Parliament for organizing this conference. I would also like to thank the people as well as the head of state for having received us with so much hospitality, so much warmth. I must say Mr Chairman, that we are participating in this conference with a lot of enjoyment and pleasure, especially since this morning with the statements that we have heard and listened to and these are enriching and sources of hope. We have noted that there are a number of Africans who believe in the success of this continent and who believe in the principles which are required to ensure good governance in Africa.

I would now want to talk about the charter itself, the African Charter on Democracy, Elections and Governance. I would like to express my disappointment that only 29 signatures have been appended out of 50 states in Africa and only 2 states have ratified. So I believe here there is a problem of information to ratifications and a problem of information. Here we are dealing with under-information rather and I would like to note that nothing can be perfect at the word go.

The African Charter on Democracy, Elections and Governance is a formalisation of some principles that the African heads of states have adopted as the pillar to build Africa and African states. Now if there are some factors we are missing in due course, through additional protocols, we would be able to supplement these legal frameworks or pillars but however you have some elements or factors which we have to underscore. You have talked about elections; my colleague from Congo Brazzaville has said so earlier on, and there are several stages with regards to elections. At each of these stages one has to be stringent if in the final analysis one wants to acknowledge or recognize the elected individual. If you want at the end that there would not be any trouble so that everybody will accept the results. Consequently structures had to be put in place. Some instruments have to be put in place, inter alia the electoral lists. This is not well done in the bulk of our countries. Personally, sincerely speaking, I am disturbed by the observations and the observers who will come on the day of the elections itself and come in delegation with T- shirts, shorts and who most of the time just concentrate in the cities. At the end of the elections these observers say that everything went well. Elections actually start at the putting in place of the electoral lists and everything is done at that stage. The elections start from the putting in place of the election offices, devoting offices. Out of **10 000, 20 000**, electoral offices we have **500 000** who are fictitious. If you do not observe all these situations please do not come to observe elections on the day of the elections because at that time we are legitimizing, as it were, fraudulent elections. Through the very presence of the observers they are actually legitimizing the fraudulent practices that have been accomplished during the elections. So I believe if you want to do a good job we should do these throughout the process in the charter.

You have also underscored the issue of protection vis á vis the media. I have the impression that when we talk about this issue we are concentrating more on the principles to the detriment of what is happening on the ground, realities on the ground, the realities in Africa. I do not know if all colleagues live the same thing, but realities are totally different. If we want the games to be played well all the actors who are participating, respect the regulations, the rules. What type of press or media do we have in Africa today? Well the media, the press in Africa is under the influence of the political powers. The media which is mainly helped by the money makers who may, I say, implemented by a certain number of young journalists or more and more people who come into journalism as a shadow profession and not a vocational

professional. People come to the media to wait for getting a better thing, a stepping stone towards things because some colleagues have enriched themselves through this media and reinvent events. You write articles which are defamatory. So when you talk about the freedom of press you have to, at the same time, talk about the professionalism of the media and also penalise as much as possible the powers for the non respect of the press. There is also need to sanction the media practitioners who do not respect the rules of the game. I believe this is of crucial importance. If not we would be repeating things without in the final analysis looking at what is happening on the ground.

However the main problem in my own opinion is the implementation face, the application. I have the impression that in our countries here in Africa we have a lot of text, the Charter of Human Rights, et cetera et cetera, but when it comes to implementation we are very far from the realities and the principles that we have already adopted. By so saying I would like to state before concluding that there is need for the African Union as well as all international institutions in the same good day these institutions have to avoid double standards. If a head of state is elected and we are convinced that the election is fraudulent one has to take the correct decisions, the good decisions. Because if we do not implement the decisions in this case in point we are encouraging other cases to do the same thing. We have stated for example that in Mauritania the decisions were not applied because the charter was not ratified, no, we are not talking about the ratification of the charter here. The principles that we have formalized through the charter, are we convinced about these very same principles. If that is the case then these principles had already been enshrined in a charter that has been signed consequently we have to apply them. And I hear some military heads of states who say, "I am prepared to present myself" because in other cases they had not been sanctioned. Now if you listen to the radio you will hear some young soldiers declaring that they have the right to presenting themselves to be heads of states because elsewhere the same thing was done and the international community did not react. So now if you want things to be done the right way it is important, it is crucial for us to apply the principles in a transparent manner. This is all I had to say Mr Chairman and I thank you for you attention.

**CHAIRPERSON:** Thank you Benin, for your intervention. We will quickly invite Ethiopia, followed by Ghana and then later on we will go back to CEMAC Parliament and ECOWAS and probably at the end we might invite PAP if they have a representative here to give us their view on these issues. Ethiopia followed by Ghana. Let us try and make brief interventions colleagues. I am not trying to stifle you but we have got to be more systematic in terms of time.

**HON. M. ALI (ETHIOPIA):** Thank you. First and foremost I would like to appreciate and express my gratitude to the hosting country, Botswana for organizing this meaningful event. This morning we have listened at interesting speeches particularly the speech made by Graça Machel. Also interesting and igniting, Graça Machel has underlined that parliamentarians are key in reclaiming and regaining the sovereignty of the people. In this regard we should ask ourselves as to whether we are in a position to do this. Because in recent times the executive branch of the government is getting stronger and stronger. It is not only in Africa, it has the same trend all over the world. I think some form of government might have contributed to this. For example in parliamentary form of government the party who won the majority seats form the executive branch of government and the members of the majority party in parliament tend to show their loyalty to their party boss than to the electorates. In this situation or in this regard parliaments are not in a position to hold the executive accountable in cases where there is non compliance and violation of the laws. The other point is, the African Governments have no problem in signing and ratifying international and regional agreements. The problem is in implementing and bringing them into practice. Since they consider these international and regional agreements as a threat for them to stay in power their commitment end up in ratifying and for some in signing it. My question is here, what mechanisms do we have at regional and international level to make the states observe these international agreements? What are the measures to be taken in cases where the states fail to comply with these international agreements? The other question is asked to the demarcation between peaceful and violent means of coming to power. Because some African states stand to condemn every moment against the power as unconstitutional even the law does not prohibit to exercise their though, for example the right to call a strike, demonstration and so on, in compliance with the provision of the laws and procedures of the state concerned. What would be the role of IPU and AU in cases where people are deprived of the right to express their grievances and to show their desire for change? Thank you.



**CHAIRPERSON:** Thank you Ethiopia. Ghana is next.

**HON. ALBAN KINGSFORD BAGBIN (GHANA):** Thank you very much Mr Chairman. Mr Chairman, this morning we listened to very good presentations, candid and frank views on the practice of democracy in Africa. We have also listened to two very brilliant expositions about the African Charter on Democracy, Elections and Governance and African Charter on Human and People's Rights. A simple question I want to ask is this; what role do parliaments in Africa play during the formulation and the adoption of these charters? Were they just done deals and parliaments are being called upon to rubberstamp? Is that what we call good governance? We have problems with these documents. Just as you heard my sister Rebecca Kadaga pointing out, there are a lot of inadequacies in those charters and I think that good governance is about participation, it is about inclusiveness, it is about making sure that what is going to affect all of us is decided by all of us. Parliaments are not the poodles or lapping dogs of the executive. We have moved away from that these days. We have moved away from strong men to building strong institutions and clearly, if there are difficulties in ratifications, it is because after the debate at the Pan African Parliament, various parliaments are seeing that these documents do not adequately capture our present thinking and I think that it is important that we look at those documents in detail and make sure that parliaments make input before we are called upon to ratify them. Thank you very much for the opportunity.

**CHAIRPERSON:** Thank you Ghana, next will be CEMAC.

**HON GOMINA PAMPALI LAURENT (COMMISSION DE LA COMMUNAUTE' ECONOMIQUE ET MONE' DE L' AFRIQUE CENTRALE):** Mr Chairman, I would like to thank you sincerely for giving me the floor. The Speaker of the National Assembly of Benin has in some ways talked about the issues I wanted to underline with regard to the implementation of the texts that we are ratifying specifically how because in the speech by Mr Latib was issues of ... rather than putting in place provisions. A coup d'état is always a plot but the main issue is sanctions. How do we penalize the perpetrators of coup d'états if we want to ensure that democracy takes route in Africa? Without much ado, I would like to recall the case of Comoros where we saw an intervention force which chased away coup d'état perpetrator. Now, could this example be applied elsewhere all over the place or on the contrary as the Speaker of Benin has said, are we talking about double standards here whether we are dealing with a small country or a big country or whether we intervene or we do not intervene. So in the instant case, do we believe that the text that we are going to ratify, because Ms Machel's declaration is an appeal so that when we go back we deploy efforts to ensure that this charter be adopted by all the states. However, we should also know, if the charter that we are adopting would effectively be applied on the ground. Mr Chairman that was the thirst of my intervention. I thank you.

**CHAIRPERSON:** Thank you very much. We will call upon Pan African Parliament (PAP) if they are in and failing which then we move to ECOWAS.

**BETHEL AMADI (PAN AFRICAN PARLIAMENT):** Thank you Mr Chairman. I want to just make a short intervention on behalf of the Pan African Parliament (PAP). We had in one of our sessions extensively discussed and debated the African Charter on democracy, elections and good governance and we had during that session the opportunity to review and analyze the pros and cons of this very important document. This morning Mr Chairman, we have had a lot of speeches which were interesting, informative and enlightening but I believe the very basic concept of that Charter is to ensure enduring democracy in Africa. Like every document it is not a perfect document. We are convinced that the process of signing and the process of ratification by African countries of this document will go a very long way to build a basis and a foundation, a building block on which we can fodder international Democracy. We at the Pan African Parliament have tried to encourage our members on national parliaments to pursue the process of ensuring the domestication of this charter by various signatories. We are convinced that this would be a basic founding document on which we can enhance democracy. I am also convinced that even the signing of the charter will not necessarily be the only basis for its implementation. We believe that the content on the basis on which it was formulated are adequate ingredients to enhance democratic governance in Africa. Thank you Mr Chairman.

**CHAIRPERSON:** Thank you very much Pan African Parliament. We are now going to call upon Economic Community of West African States (ECOWAS) and I believe the colleague would like to read his text. I hope it would not take us too long because we have to give the presenters, the resource persons an opportunity to respond to some of the comments that have been made.

**HIS EXCELLENCY MAHAMANE OUSMANE (SPEAKER OF THE ECOWAS PARLIAMENT):**

Thank you very much Mr Chairman. The Speaker of the Botswana Parliament, the President of IPU, the Speakers of the national and regional parliaments, Honourable delegates, their colleagues, ladies and gentlemen, convey to you fraternal greetings from Honourable Members of the Parliament of the ECOWAS. I wish to inform this important gathering that our sub regional Parliament is currently holding its second session for 2009, at its seat in Abuja, Federal Republic of Nigeria. The main theme of this conference, Democracy and Political Tolerance in Africa could not have come at a better time considering the ongoing political events in the continent.

On behalf of my colleagues, Members of ECOWAS Parliaments, I wish to congratulate and salute the foresight and vision of the organizers of the conference; especially the Parliament, Government and the good people of Botswana, not only for hosting the conference, but also for the warm reception accorded to my delegation and I, since our arrival in this beautiful city of Gaborone.

I also wish to express our profound gratitude to the Inter-Parliamentary Union (IPU), for inviting the ECOWAS Parliament, to this conference. Our appreciation goes to Friedrich Ebert Stiftung Foundation for agreeing to be a part sponsor of the conference. The picture of Democracy in Africa can be said to be anything but perfect. Significant progress has been made, towards the attainment of democracy over the years, particularly with the collapse of the iron curtains in the late 1980s and the later unfolding political event, particularly the holding of Sovereign Conferences in several African States. These conferences went to usher in democracy.

After nearly 20 years of the emergence of Democracy in our countries, is it now prudent for us to do a stock taking, to find out if progress has indeed been made? It is necessary to recall that in West Africa, the quest for the attainment of democracy has led to the adoption by the ECOWAS Authority of Head of States and Government of the Supplementary Protocol on Democracy and Good Governance. This Protocol provides for the observance of the tenets of democracy, including frequent and transparent elections, freedom of political association and the guarantee of freedom of expression among others. Despite these provisions and the fact that nearly all member states of ECOWAS have ratified the Protocol, the picture of democracy remains a periscope of what is obtainable in other parts of the Continent.

We however, have fairly good example of success stories: Focusing on Ghana, Sierra Leone, Liberia and some extent Nigeria and the Republic of Benin; one has reason to be optimistic. Ghana is a celebrated example of a success story in democracy such that in his maiden visit to Africa, the US President, Mr Barack Obama, not only visited the country but used the opportunity of the visit, to deliver a major Foreign Policy speech on future US-Africa relations. Political watchers and observers will agree with me that this is by and large a significant boost to our quest for democracy; and we congratulate colleagues from Ghana for achieving that feat. Elsewhere within our sub regions, there are unpleasant political situations like coup d'état in Guinea, simultaneous assassinations of a sitting President and the Chief of Defense Staff in Guinea Bissau and the recent, the arbitrary change in the constitution of Niger Republic to permit the continuous as well as uninterrupted stay in power of the incumbent President. As its 2009 First Ordinary Session in May, the ECOWAS Parliament has adopted resolutions on happenings in each of the above countries. A summary is as follows:

- a) The resolutions in the case of Guinea condemned the military takeover in that country, and called for the restoration of constitutionalism. It also supported the activities of the international contact Group on Guinea, which is walking towards getting the military government to organize free and fair elections in that country.
- b) In the case of Guinea Bissau the Parliament condemned dual assassination of the late President Nino Vieira and the Chief of Defense Staff General Tagma Nawae. It called for a deep investigation into the two killings with the aim of punishing all those found guilty of any involvement in committing the abominable crimes. Notwithstanding the unpleasant event, it is gratifying to report that Presidential elections has taken place in that country and a new President has taken office on 8<sup>th</sup> September 2009.
- c) The case of Niger remains unresolved and appears to be worsening by the day. As earlier stated, during its First Ordinary Session in May 2009, the ECOWAS Parliament considered the country

report presented by the Members of the Niger delegation. It deliberated and adopted a resolution, calling on the President of that country to respect the constitution and discontinue actions that may lead to escalation of violent conflicts in that country. But during the intersection of Parliament from May to September, much in violation of the current constitution has happened as follows:

- The Niger Parliament was dissolved;
- The country's constitution was suspended;
- The constitutional court was also dissolved;
- A referendum was organized and as is to be expected, result declared in favour of a tenure elongation for the President. Consequently without any competition with anybody, without elections, the President now has three additional years, even when his second five years current mandate is expiring in the coming 22<sup>nd</sup> of December 2009, with possibility of unlimited tenure.

Meanwhile, members of the dissolved Assembly are currently, being arrested, harassed and intimidated by security agencies seemingly based on Directives from the President.

These events compelled the ECOWAS Parliament to re-open debate on the Niger situation, at the ongoing Second Ordinary Session. It placed yet another resolution, and also established an ad hoc committee under the leadership of the First Deputy Speaker of the Parliament.

The ad hoc committee is to embark on sensitization, both within and outside the sub region, for the purpose of ensuring that adequate pressure is brought to bear on the Government of that country to rescind its decision towards tenure elongation, and restore constitutionalism and democracy.

The resolution also condemns, in the strongest terms, the ongoing victimization, harassment and intimidation of members of the dissolved Parliament and other political actors.

It calls on the Government of Niger Republic, to respect the human rights and immediately and unconditionally, release all members of Parliament, and other citizens, arrested irrespective of their political stance. It also initiates measures, to ensure that, all ECOWAS Members of Parliament from Niger, are adequately protected, and immune from arrest, in line with Article 9 of the protocol relating to the Parliament.

It is necessary for me, at this point, to comment briefly the role of Members of Parliament in ensuring the sustenance of democracy, especially in Africa, where the institutional mechanisms are either too weak or even non-existent. Parliament remains the bastion of democracy, and the cheapest alternative for the common man to have his rights protected. As the saying goes on that once dictatorship is emerging, (whether civilian or military), its first victim is the parliament. Whenever Parliament is not in place, dictatorship thrives unchecked and uninterrupted.

The Niger situation is no doubt a fundamental test case for democracy in Africa. Indeed, the success or failure of democracy will depend on how Africans, are able to rise unanimously against the ongoing illegality, and the rape committed against democracy in Niger Republic. We must avoid the possibility of the emergence, of a domino situation, where if Niger succeeds, other countries follow suit.

As parliamentarians, and as the legitimate representatives, of our various populations, what roles have we played, towards ensuring that our hard earned democracies are sustained?

What readily comes in mind here is the need for us to sustain the use of parliamentary diplomacy as a preventive measure for armed and violent conflicts in the Continent. Several armed and violent conflicts can indeed be avoided, when we become proactive through anticipating the crises, and walking to prevent it. Our Parliaments had done similar diplomatic shuttles and they paid off.

In 2002, the ECOWAS Parliament contributed towards resolving the crisis in Cote D'ivoire through Parliamentary diplomacy. Similar efforts in the same year saw the Parliament involved in conflict resolution in Liberia, Sierra Leone and Guinea Bissau in 2004.

Parliament is optimistic that it can do more in the nearest future, especially with the expression of intent by the ECOWAS Authority of Heads of State and Government to institute a directly elected ECOWAS Parliament in the year 2010.

With this development therefore, the consequential enhancement in the powers of the sub-regional Parliament is envisaged.

Already, the Parliament has established an ad hoc Committee, whose task is to make proposal on the modality for holding such elections and the resultant enhanced powers of the Parliament. The recommendation of the ad hoc Committee will be considered by the Plenary and subsequently, forwarded to the ECOWAS Authority of Heads of State and Government, for adoption.

Finally, Mr President, I wish to state that the representational duties of a parliamentarian, carries a lot of weight and must be seen as a calling that requires constant watch, to ensure that democratic ideals, are not only established but respected. Only through such efforts shall we be seen as having exercised our mandate, as defenders and protectors of our people, and democratic rights, and aspiration. Thank you Mr President.

**CHAIRPERSON:** Thank you colleague for sharing with us those valuable pieces of information. We have come to a point where we have to close the contributions and invite our resource persons in the order they presented themselves to us to respond, thereafter we will make some few in-house announcements. I do not want to limit them in terms of time because it will be very unfair and undemocratic of the Chair to deny them time when so much has been said and they are expected to respond, but of course I know they will be mindful of the fact that we cannot live on talking alone, we have to stop somewhere and go for lunch.

**MR SALIN LATIB (DEMOCRACY AND GOVERNANCE COORDINATOR):** Thank you Chairperson. I think there were a lot of comments so it is difficult to respond directly to all of them, I think even some of them were meant for general discussion rather than specifically as questions or something that we need to respond to.

Starting with the comments from ECOWAS, I think it was quite significant, even within the Commission and within the intellectual and reflective circles - -the ECOWAS orientation and the polls to Niger is looked on very positively that actually there is some movement we engage with the unfolding situation in Niger. So the comment should also be seen in the context of the good work the ECOWAS is doing in democracy and governance. When we have a baby and the baby is not so beautiful we do not abandon it, we do not disassociate from the baby. The Charter on Democracy, Elections and Governance has been adopted, it might not have been adopted in the most optimal manner, we might say it might not have been the optimal process to create the baby but the baby was created into some extent while we recognise the limitation of the Charter. We go through the document and say that it has got this limitation and this, remember that it was a compromised document, it was the document that was debated by member states over a long period of time with your experts participating in the process, coming out with the document and it actually works. The Charter also says that member states could have better provisions than what is contained in the Charter, it also provides provisions for changing the Charter. But let us own it, as soon as you decide that this baby is not beautiful enough, the custodians who you asked to look after this baby, I mean what am I supposed to do, if you say the baby is not too beautiful, the one who is supposed to champion the baby for you is going to abandon the baby, so it is important that we take ownership of the Charter in so much as we recognise limitations. We know that the parliamentary process at the continental level and the manner in which the institutions have at a continental level have unfolded are difficult in terms of consultations. So no matter what processes we put in place, there will be limitations in those consulted processes, and there might have been limitations in the involvement of parliament, but member states have been involved, and to our mind if we look at the records of assembly meeting in 2007, only one member state registered reservations around the Charter, the rest of the member states adopted it. My own recollection of it is in fact when the Charter was going through foreign ministries, amongst others Uganda was the major champion by that point of getting the Charter adopted in the system. So we have to own this Charter, it is our Charter, it might not be the optimal Charter but I think it is important for us to own it.

The separation of power, the strength of the Executive, Parliament, Legislature, the issue of them being strong, these are the issues of capacity but there is also the issue of resourcing, and the Charter puts in specific provisions that say that we should resource the institutions that are established within the framework of the constitution.

Information of ratification is not always readily available. You are correct my colleague, from Benin, that we will try and distribute the list, so that people can see if your member state has actually signed and ratified. But the information flow tends to be very weak, it is a continental process and I think over time there will be improvements in doing that.

With regard to the comments around the election observation and election observers coming a day before the election, you are correct but we have to also see some of that in context, if you are for example the African Union Commission entrusted with the observation of elections, sometimes you are limited by the resources. I have seen my colleagues struggle with decisions to send a team two days before we need to be engaged substantively but resource limitation provides that we can only arrive at a certain point in time, but I think there is a commitment to improving that. I heard member states say we need to actually improve this, it needs to be for a longer period.

The parliamentary role, I think to some extent I would address it by saying there were limitations in the process. But I think the role can be enhanced, there are opportunities to improve on the Charter as it is, but as Africans we cannot disassociate from the Charter, it has been adopted we can identify its limitations, we can go into processes of improving the Charter for the future, and let us not disassociate with our Charter. Chairperson I think I would stop there.

**ADVOCATE PANSY TLAKULA (CHIEF ELECTORAL OFFICER):** Thank you Chair, I am going to be brief as well. I think the Charter provides us with standards and it is up to us to implement those standards. On the independence of national electoral bodies, it provides that member states should establish independent, impartial electoral bodies. Really, I think the onus is up to member states to put mechanisms in place that will ensure the independence of those institutions and independence really starts from the manner in which the members of those institutions are appointed to functional independences to the money that is given to those institutions, the time at which the finances are made available. It does not help to give a National Electoral Commission money a few months before the elections because they will never be able to produce a credible, free, fair and professionally run elections.

When it comes to the media as well, I think the Charter is quite balanced because it talks about freedom of the press and fostering a professional media. I think when this article was adopted, there was also recognition of the fact that in some instances, the media does not operate as professional as they should be. So, I think that there is a balance there.

Regarding implementation of instruments on the African continent, my last hope is the African court. I do hope that the day that court starts functioning effectively, I am hoping that we will see effective implementation of human rights standards in this continent of ours because the commission has been there for more than 20 years. It has made a number of recommendations, it is a quasi judicial body, it is not able to enforce its recommendations. So, my last hope is the court, but I think we also have to be careful because there are regional courts out there and in some instances, the decisions of those courts have been ignored by some member states. So, as we put our hope on this African court, we should also learn lessons from the ECOWAS court, the SADC court as well. Like my brother here, Salin, I think this is our Charter, we have to own it, we have to ratify it. We have to domesticate it because even the Charters that we have ratified we do not domesticate. Look at the African Charter on Human and People's Rights, a wonderful document that talks about human and people's rights, that has duties for that matter, it has been there since 1981. How many of our citizens know about this Charter in our own countries? So, let us start somewhere. Let us implement and educate people at national levels. Sitting where I am, I will conclude here by saying I think we have a lot of challenges on the continent, but I am hopeful, having been given the opportunity to sit on the African Commission, I see steady progress every year and we should not despair. We should push harder to make sure that we have a continent that is peaceful. Thank you very much.

**CHAIRPERSON (MR BALOPI):** Thank you Madam. Colleagues, we have come to the end of the morning session. Yes indeed, we should not despair, the picture looks gloomy but at least there is hope at the end of the tunnel. President Obama said yes, we can. Why can't we say the same, that yes we can, if only we are willing to do it because these things are not beyond our capacities.

By way of in-house announcements, I just have to inform Honourable colleagues that in its true African tradition, the Botswana Parliament would like to invite you for lunch today, tomorrow and Wednesday and the lunch is held right here. As we go out we turn left and we walk through the corridors until we enter into another big hall such as this one where we would have our lunch. Again, by way of trying to allow flexibility and interaction and relationships, sitting arrangement is free. You sit as closer to the dishing point as possible so that you can have as much food as you like. Botswana invites you to have a taste of its Botswana beef. We export beef to Europe, we cannot see why we cannot export all of it to Africa. The only problem is that you have not had a taste of it. Go and have a taste of it and leave orders, we will supply from next week.

Colleagues, we are going to break for lunch and thank you so much for having given me the honour and responsibility to chair your session. Thanks a lot and *bona petit*.

**APPLAUSE**

## PROCEEDINGS SUSPENDED FOR LUNCH

### PLENARY SESSION II POLITICAL TOLERANCE AND FREEDOM OF SPEECH

**CHAIRPERSON:** After having resolved the technical problems, it is now time for us to start the deliberation on Plenary Session II which will be centered on the theme “*Tolerance in politics under the freedom of expression.*” This theme will be dealt with successfully in two frameworks. Number 1, we shall listen to the presentation by Mr Anders Johnsson who is the Secretary General of IPU. Mr Johnsson will talk about the preliminary studies, the preliminary results on the study, political party control over the exercise of Parliamentary mandate, preliminary findings of an IPU study. After Mr Johnsson’s presentation, it is followed by a presentation by Dr Keith Jennings from the National Democratic Institute for International Affairs (NDI), Dr Jennings will give a presentation on the freedom of speech and democracy: the tension between party loyalty/discipline and conscience/service to the constituents. Then he will put across the question, “To what extent should political parties influence the exercise of the Parliamentary mandate?” Now, without much ado, I shall call upon the Secretary General of the IPU to share with us his presentation. You have the floor Sir.

**MR ANDERS B. JOHNSON (SECRETARY GENERAL OF THE INTER PARLIAMENTARY UNION):** Thank you Mr President. I will be very basic but I hope practical. As you know democracy is founded on the rights of everyone to take part in the management of public affairs. This is reflected in just about every single constitution and if I were to choose one, I would choose Article 4 of the Constitution of Benin which says that the people exercises sovereignty by its elected representatives. So, the emphasis is on individuals who have been elected to represent the people. This is reaffirmed through constitutions which provide for the free representational mandate. The concept of free representational mandate is not new, it goes back many centuries in time. It is a concept which is based on the notion that the sovereignty of the people is exercised through Members of Parliament like yourself who represent the people as a whole. They are not bound by orders or instructions from anyone. They speak and they vote their conscience. This concept is founded on a regional idea of Parliament which uses Parliament as a deliberative assembly of one nation with one interest of the whole of the population. There are, of course, contrasting visions and there is one where Parliament is considered as a congress of representatives of different and hostile interests which meet, must maintain their own views of those who have placed them there. This vision of Parliament goes hand in hand with what is known as the imperative mandate which is where Members of Parliament must follow instructions from their political parties or electors or other bodies. If they do not, they lose their Parliamentary mandate. Free representational mandate is essential, so here it goes, “to allow people to be freely represented and ask for whether in long and historically it has been prevailing norm.” The countries that followed the one party system during much of the 20<sup>th</sup> century however, particularly the socialist states, introduced the imperative mandate. The way it functioned was that, if the party was not satisfied for any number of reasons with the performance of a Member of Parliament, all of whom belong to that party, then they would convene a meeting of the constituents that had led to the election of this particular Parliamentarian and those electors would withdraw his mandate. They would express non-confidence in him, they would nominate somebody else and the party would inform the Speaker that the party had no longer this member as a member and therefore they wish this other member to be taking his seat. This is how it functioned in a great number of countries throughout the fifties, sixties, seventies and eighties.

When the cold war came to an end and the particular system of governance that existed in those countries came to an end, the imperative mandate also came to an end.

Also I thought, I say I, because I participated in a conference in Africa of Parliamentarians, where we discussed the role of the opposition in African Parliaments and that is when I discovered that in fact the imperative mandate have come back.

It is maybe surprising that today’s period, the period that we often refer to as the period of democratisation, is also the period where we see the re-emergence of the imperative mandate. This re-emergence we see particularly in those countries which I refer to as newly established democracies, and what we see is an effort to enhance the control of political parties over Members of Parliament. In the view of the IPU committee on the Human Rights of Parliamentarians, this is taking place at the detriment of the freedom of conscience and expression, and therefore also at the detriment of the representational function of Parliament and the capacity of Parliament as a whole to reflect the political will of the citizens who elected

them. A number of cases have been brought before the committee of the Human Rights for Members of Parliament. If my memory serves me right, the first case that was brought before the committee in the early 1990's was a case from Indonesia, where the political party met one day at 7 o'clock in the evening and decided that they did not want to have a certain member as a Member of Parliament anymore, and wrote to the Speaker, who the following day, applying the law for Indonesia, declared that individual no longer the Member of Parliament and had him promptly replaced by somebody else. He reportedly maintained his political party membership, but nevertheless he lost his membership for Parliament. Since then we have seen many other cases.

In today's world, there are not just white and black or very clear kept options. There is a whole area of the **gaze on's and** the free representational mandate that I have referred to is of course limited by a number of different rules and practices that have been put in place over centuries. There are systems in most parts of the world to ensure for example that Members of Parliament vote along party lines.

We have party whips, some of you are party whips, you have party caucuses, most of you belong to party caucuses I think. You have of course political party groups. You have any number of mechanisms in place but these are the best known examples. The IPU and its committee on the human rights of Parliamentarians got somebody worried about the frequency with which it was ceased with these kinds of cases. Cases of individuals who for one reason or another lost that membership in Parliament. Parliamentary mandate came between elections, for reasons which were not determined by the electors, if I put it that way.

So we decided to do a survey of what is the legal framework that determines and what is the practice, and I stand before you, as we are halfway through that exercise, so I will be able to share with you half of the outcome. The other half will depend upon work still to be done including here, because the part that we need to conclude is the analytical part of the data we have been able to bring forward. And that analytical part may be I hope, animated by your discussions today. So I will give you a survey of what we have found, and then I will ask a few questions and then you will tell us where we should look for the answers.

We surveyed 162 countries in the world, that is close to all, we missed out I think on 29. Fifty three of them are in Africa, so we were close to surveying every single African country. Fifty one are in Europe, 29 are in Asia and 29 are in Latin America. We have left out constitutions, basic laws, standing orders, electoral laws, political party laws; in other words, those laws that govern the functioning of political parties, and it was reassuring to see, we think that a large, very considerable majority about 75 per cent very clearly and unconditionally continue to uphold the free representational mandate. The imperative mandate, although it has grown in recent years, is still the exception to what appears to be the rule.

Out of the 162 countries, 43 have placed limits on the free representational mandate, several of them have in fact reintroduced what amounts to the imperative mandate. These 43 countries are by far, the most of them are in Africa, 20 of them are in Africa, 15 are in Asia, four in Latin America and four in Europe. There are legal provisions that are different, for example, the most common provision is the one that says a Member of Parliament can lose his or her Parliamentary mandate if he or she leaves his political party, resigns from it, withdraws from it or expelled from it. In other words it can be an act which is voluntary in the sense that it is a personalised initiative or involuntary, it can be the party that foresees this kind of loss of mandate which is the most common. This provision applies in 16 countries in Africa, which I think makes this the region with the highest proportion of what amounts to an imperative mandate.

The second most common provision provides for loss of mandate of a Member of Parliament when he leaves or she resigns from one party to join another. In those kinds of cases we have seven African Countries who apply this provision which is otherwise referred to as transhumance I believe. And then we have seven other African countries who lose their mandate if they were elected as independents and then join a political party and lose other mandates.

There are other possibilities to lose the Parliamentary mandates for example, if you abstain in a vote, or vote against the votes of your party, in some countries you then lose your parliamentary mandate. That is not applied in any African countries or if the party simply wants you thrown out of Parliament, the case I referred to which was and remains today the case in Indonesia, is still the only country that applies that kind of a provision. No African country for example has that kind of a provision. So where do we go from here?

In a number of countries the issue of laws of parliamentary mandate or should I put it differently, the involuntary laws of the parliamentary mandate is a very, very major issue. It is an issue in some countries, that is subjected to court proceedings, in other countries sometimes very acrimonious discussion in parliament and in some countries, a very big discussion in society. The power of political parties to compel members to support the party line, one can well understand why it is there for the theory goes that one of the draw backs of it is that it may jeopardise the oversight function, one of the two fundamental functions

of any Parliament. Members belonging to majority parties may indeed very well refrain from questioning or criticising government policy for fear of being sanctioned themselves. Members of Parliament who criticise the party line would otherwise displease the party hierarchy, face expulsion from their party, and occult hence from Parliament. There is often no possibility of re-dress in other words, these are the matters that are left to the discretion of political parties who meet in caucus. There is no external oversight, there is no re-dress in Parliament or in the court.

So when we question the provisions in law that allow for suspending members of parliament for transgression and the discipline of the political party where we are in fact, talking about the imperative mandate. Sanctioning of floor crossing or party hopping or political nomardism or has many names raises similar questions. Of course floor crossing for reasons of political opportunism is detrimental to the democratic process and it can put government stability at risk, and it can subvert the political will of the people. Therefore measures to prevent it are legitimate. From there to say that those measures should result in the loss of the Parliamentary mandate, is that justified? You could look at the point from the other angle, you could say members who become disenchanted with their party, and who cross the floor, you could argue that they may in fact best serve the interest of the constituency by crossing the floor and joining forces with other like minded members.

Then there is often an argument that goes that particularly in proportional electoral systems, people who vote for a party list they are looking for a party and not an individual, there are those who argue that this argument is felicitous, that political parties are largely identified with their leaders and with their members. There are not abstract entities based around the programme, they are highly dependent on the work and profile of their members. A charismatic Member of Parliament may in fact do a lot more for a political party, than the party can ever do for him or her. Mr President, I warned you, I said I was going to tell you half the story. The other half of the story I hope that we will write together.

This is in view of the IPU, a very important issue. As it is, if I can put it that way, an emerging issue and where we believe and we have since several abuses and therefore we welcome this opportunity to have this debate. On the basis of this debate, to beat on that and analyse all the material that we have and what you will give us this afternoon and then come back to you with a much more fully study with recommendations for action. Thank you very much...

**(APPLAUSE)...**

**CHAIRPERSON:** We would like to thank you, Secretary General for these presentations which would lead to a lot of discussions or suggestions especially responses to the question that you have just put across. Without much ado, we will listen to the second presenter, so this will enable us to have a discussion on both presentations, especially given the fact that they are dealing with the same issue. So, I shall call upon the presenter Dr Keith Jennings to share with us his presentation.

**DR KEITH JENNINGS (NATIONAL DEMOCRATIC INSTITUTE FOR INTERNATIONAL AFFAIRS (NDI):** Thank you very much, Mr Chair. The Excellencies President and the Secretary General of the IPU, Special Rapoteur on freedom of expression, Honourable Speakers, Distinguished Members, Ladies and Gentlemen, sisters and brothers, it is an honour to be here with you today. I come to this subject with all humility because I know the end of government is supposed to be about social justice and social justice is about life and death and that is very true on the African continent. I would say on behalf of the former Secretary of State, Marilyn O'Brien she had boarded India and the President of the India Cain Wollet thank you for inviting us to be part of this very important discussion. I was saying to my colleagues over lunch that I might be the wrong person to be addressing the question of freedom of speech, because just a few days ago, a member of Congress called President Obama a liar in the debate we were having on health care. Certainly civility was missing and respect for the office and perhaps a bit of racism was coming across. This some may say is the price of a democratic society. So, I come here today for India which works with political parties all around the world on political party building from internal democracy and procedures and candidate selection, to polling, platform and public outreach. This may help parties promote long time organization of development and enhances the environment and elections, establishes codes of conduct and helps them mitigate political conflict.

We also worked with Parliaments around the world to strengthen the community systems or to promote legislator well side burgeons. Our rules procedures, public access to information, caucuses and constituency outreach. Therefore you can imagine as a representative of a political party institute, a topic today is a great



concern because in our view, it is through the exercise of freedom of speech and expression, the public opinion is formed, the civil society is developed. The citizen society lacks a political party to form a government.

Mr Chairman, I would like to try to concentrate my remarks because my dear Secretary General has outlined the broad framework on political parties earlier, where Mrs Machel mentioned to us that parliament was the key and therefore say that political parties are at the door, their key is formed far. Quite frankly, it sometimes acts as a gate or gatekeeper because one must say as where the young people are and where are the women.

What I would like to do in the brief moment I have is to first talk about some of the lessons that we have learned globally from working in more than 60 countries and secondly focusing very clearly on interim democracy and its relationship to freedom of expression not only within the party but how they may manifest itself in Parliament.

It has been argued that party discipline has been used and abused to limit the rights of Members of Parliament as it was just explained. Sometimes party members are compelled to vote in a certain direction and this could limit their ability to carry out their oversight functions. I know we have been talking very frankly today and I hope to continue that. I know that as politicians or members of parties, you will recognize that reality in politics sometimes cause democratic theory to be adjusted. So, I am not going to stay here and say as a representative of a political party institute that there are certain limitations that are accepted on the international hemorrhage law or freedom of expression. On our context for instance, it is illegal for someone to unjustifiably scream fire in a crowded theatre because that is going to result in people getting hurt. Well, in this political context if freedom of expression does exist at the base level of a party and there's adequate debate, then one may not find anything wrong with party discipline being exercised at a level of parliament. However, with freedom of expression and they have not taken place, then one could expect that a member whose constituents are not adequate without being cared for in policy terms, he may feel disgruntled, he may feel as though he or she may become a rebel and cross the floor.

Some of the lessons that we have learnt globally, I think were laid on the basis for my subsequent comments here and just like re-serving quick lessons learnt from India, there has been hell influence by our IPU friends. First democracy is found in the right of everyone to take place in the management of public affairs. That is something that you will find in the universal declaration of human rights as well as the universal declaration on democracy as drawn up by IPU. Therefore it requires the existence of representative institutions.

Now personalized political parties; and that include the parliament with components of the society we are representing and which has the requisite powers, a means to express the will of the people. Secondly, we found that the institutions and processes of democracy must accommodate the participation of all people who are homogenous as well as heterogeneous societies in order to safeguard the diversity, religious, ethnic, cultural and gender that does exist. So that diversity itself and pluralism and the rights of people from different places and the right to be different are respected; and that is the essence of political tolerance. Democracy is an inclusive process which all citizens, men and women should be able to represent all political forces within their country and be able to take part in the management of society. This means a political context is everyone especially the opposition, are to be involved in the political process without undo barriers or what they mean is that opposition leaders are not accused of corruption by the ruling party that they are not corrupt. The anti-corruptions agency should not be used as a tool to helm opposition leaders. One's citizenship is not to be questioned just because you are an opposition member or even a member of the political ruling party who has decided to speak out against the third term effort.

One should not obviously be arrested or intimidated simply because they are members of the opposition party or their properties seized or destroyed just because they are part of the opposition or in some cases members of the ruling party who decided to express some opposition to a majority policy.

The fourth thing is that Parliament is an institution that embodies the society in diversity and its composition and its opinions which relates and channels this diversity in the political process and that is where the political parties exercise their mandate through the Parliament, but also outside of Parliament. Just like Members of Parliament who are part of the governing majority members of the opposition require full respect for basic rights and they should be shielded from any means which are used to infringe upon their personal rights and integrity. So, we now listen to how stories about hundreds of members of Parliament being arrested around the world.

The sixth and most important, I am assuming that the Special Rapporteur for freedom of expression is still with us and this is something we discussed earlier. Perhaps to be respected for freedom of expression and

information because this is essential to Members of Parliament and Parliamentarians for those who belong to our opposition as well those in majority to permit to carry out their Parliamentary mandates. If you do not have access to information it is very difficult for you to carry out your mandate. Representatives of opposition must be able to denounce freely in parliament and before public opinion the abuses that they have noticed or have been informed of by their constituents. They will have to act with the best intent to find a remedy. In other words, you will not be criticizing without an attempt to find a solution to the problem which you identify.

Seventh and I must say one more; the opposition must also enjoy free access or equal terms to stay on media. This is important because what may be happening to opposition sometimes needs to be told. If one country's opposition members are in Parliament and are arrested and charged with treason, other members of Parliament should know that this has taken place, just as we were informed this morning about what is happening in Nigeria.

Finally one of the eighth and some important lessons that we have learned globally is that the opposition should be able to criticize any disfunctioning act or actions, which they may find of the executive or even the courts. It is as important as against something that it is hard for those who I assume support Barack Obama to sit and watch someone call him a liar, when no one has ever called George Bush a liar in the Congress. So, you can see that there is a network tension. There is a party institute that tries to help build stronger parties and say to people that there is nothing wrong with being effective or efficient and discipline. Disciplined party will make sure that the members vote the way that they have agreed to vote. Again that manifestation takes place in Parliament. So, there is nothing inherently wrong with being disciplined. There is nothing that is directly contradictory to one's freedom of expression being abused just because the party discipline is being exercised. What is wrong is when there is a personalised party; no debate is taking place at the local level or even in the Party Congress and any dissent is seen as being disloyalty. Then the rest as mentioned earlier would take place. You will be expelled from the party and again since we were speaking very frankly, all of the benefits of being a Member of Parliament are taken away. So, the vehicle and the resources are no longer there.

One is faced with the challenge of, "do I sit in silence and maybe humiliation or do I stand on principle, represent my constituents and voice my opinion?" This natural tension is there because to be loyal to the party may make your chances of rising within the party structure more likely. To be disloyal or seen as being disloyal may mean not only expulsion but that you may not be able to feature firmly. If the party belongs to the people stands for something whether it is ideological or whether it has a platform, a broadly based platform, then the loyalty of citizens who are part of that party are not being questioned because at the end of the day a political party is a voluntary organization. Perhaps in the past people might have been compelled to join parties but today there are more than enough political parties for people to join. There are some practical considerations that people may make in joining those parties however.

Let me just try to wrap up by saying the loyalty to a party is required at the practical level often because one wants to be at the strong political party or the party may represent the interest of your constituency in the same manner that you might want it represented. I think that early this morning the way that the debate was framed was, "should you be loyal to the party or to your constituency or to the people," I will add one of the elements; your loyalty to the constitution. What I am speaking of has nothing to do with a third term effort. To be a loyal member means that you vote for it when you know that it is anti-constitutional, or certainly antidemocratic. There is a diversity of the various types of democracies that do exist and perhaps people might want to amend the constitutions, certainly they are right to do that but to do it in such a way that will lead to an antidemocratic outcome I think will go against the very principles that people say they are there to uphold. With regards to internal democracy of political parties; the reason that we say it is so important is because it seems rather contradictory to be speaking about democracy within society and it does not exist within the political party. I hope that this is translated in a way that you can understand because my accent is a bit different. I just want to say again that it seems contradictory for political parties to be arguing about democracy existing in a society when in fact it does not exist within a party itself. So internal democracy is so important not only in that way as to eliminate the contradiction but because you are creating a culture of tolerance, and if it is expressed within the party then it is possible for it to be expressed within parliament. An enabling environment will make it possible for political parties in this culture of tolerance to flourish in a bigger way. If there is vigorous debate within the party this will help us achieve that end. I want to be very clear that I am not in any way talking about ignoring human rights, especially, at the time when human rights are under such a threat. I am drawing a distinction between what is normal and what is expected of a party or a party caucus. But our friend from Lesotho this morning said,

“what about separation of powers.” Many of us come from countries where a party may have a dominant majority and it calls a party caucus and within the party caucus it decides on a policy which renders debates within parliament meaningless because they have already taken the decisions. How can you hold the executive accountable when the executive is headed by a party which sits in the caucus. These are some structural issues that we have to address. In some countries where a president can appoint 10 or 20 in some cases 30 members of parliament or draw members of parliament to be in the cabinet then the party may become more important than serving the constituency because people are busy jerking for ministries. I had more to say but let me conclude in the interest of time. Democracy needs dissent to thrive and creating this culture of tolerance within political parties is one of the best ways of ensuring that that culture of tolerance might excel or exist. Mr Chair, I would like to just finish by mentioning a few recommendations for consideration;

1. First political party leaders should ensure the internal democracy is a major feature of their party life and build political parties that belong to the people. Political party leaders should ensure that internal democracy is a major feature of party life as they build parties that belong to the people.
2. Those existing challenges and obstacles to freedom of speech or expression should be addressed within the party first and within the parliamentary context. If it is addressed thoroughly within the party then we ought not have the problem within the parliamentary context. Because if you are a voluntary member of a party and you have expressed your opinion and your opinion does not happen to be that of the majority within your party then you should be disciplined enough to say, “okay I have expressed myself, the party has a different view that it is going to articulate within the parliament that we vote on”. Let us assume that we are talking about democratic parties because that one word that I would insert Chairperson, is the question of, to what extent should democratic parties exercise or influence the political mandate in parliament. I do not find anything wrong with parties influencing the mandate to the extent that people have been allowed to have their say and to the extent that the information that they are supposed to be debating has been made available to them.
3. The challenges, obstacles, shortcomings or abuses that do exist in finding the appropriate balance between freedom of speech and party discipline should continue to be identified and addressed by political parties and others with the aim of finding practical solutions.
4. Freedom of speech and expression should be upheld by all political parties and
5. Whatever permissible restrictions or rules of the House that may exist are to be upheld.

I hope these brief remarks will at least be provocative enough to spare more debate which I saw this morning. Thank you all very much and I look forward to the questions.

**CHAIRPERSON:** Thank you for this presentation which I must say has been very enriching and has given us a lot of inspiration. Honourable Speaker, the parliamentarians, heads of delegations, the parliamentarians invitees, now is the time to use these two presentations with a view to enriching the view points of all and sundry to mutual enrichment on these themes which are important in consolidation of democracy in our countries, namely; the theme on political tolerance and freedom of expression. I would like to remind you that those who would like to take the floor kindly fill the necessary forms and send them to Roseboard. So far we have received enough participants who would like to take the floor. For the time being we shall give the floor to a representative from the Burkina Faso delegation. Others who would take the floor would be announced in due course. So we shall call upon Mr Sankara Benwende Stanislove to share with us his view point.

**MR S. B. STANISLOVE (BURKINA FASO):** Very well thank you Chairperson. I would align with those participants who took the floor before me this morning to say, a big thank you to the people of Botswana as well as to those who organized this present conference. Actually those who follow the news know that there is paradoxical matter in this matter. Burkina which is known for being a desert now we are experiencing floods. We did all to be here and this underlines the importance that we attach our country to the international day of democracy. At this very time in our country we are celebrating this important day. Let me tell you that I am from the political opposition party and I am happy today to be able to head as an opposition activist the majority of the commentaries conference. This means Chairperson, that democracy is a mindset. But when I followed the various presentations this morning I had a concern with regards to the way the theme is being made. That is to say, tolerance and the freedom of expression. In reality where do you find this level of tolerance? I will not go into specific cases because we can cite many cases; Niger

which is our neighbour and which today is a scene of desolation, in any case what one can say Niger is not an example of democracy. You have other countries who would also preempt the issue but however we have the silent majority, I am referring to the people. Because when you talk of article 41 of the constitution of Benin we are only representatives of the people who in most cases are faced with a slithery of phenomenon, for example poverty as well as corruption in our continent and the people do not believe in their representatives. So the question is, where is the level of tolerance between, I might say, the opposition and the powers that be? I would thank you because I would not want to belabour the issue. Thank you. Thank you Chairperson.

**HON. R. NDAKANE (SOUTH AFRICA):** Thank you very much Chairperson for allowing us also an opportunity to make our own contribution in this very difficult topic. It is very difficult precisely because democracy by its very nature is ever evolving. I think it is going to take many years for us to perfect it. The point that I wanted to just emphasis on is that I do not see any problem for the electoral system whether it is constituencies or proportional representations. In my view really those systems are determined by the political development of each country. Therefore they should be appreciated within the overall context of developing the participation of the general population. In my view parties have their own policies. If you are a member of a party surely you must respect the policies of the party. If a party takes a view that is in terms of their policy that is how their members should vote for a single matter. I guess that would be nothing undemocratical for the members to toe the line of the party because as individual members we are not free agents. We are also part and parcel of the party particularly in a disciplined party. I agree with the point that is raised that if there is no internal democratic process within a party therefore that tends to constrain the activities of various members. If there is a thorough discussion within the party and a decision is arrived at by the caucus of the party surely that for me is democratic enough for members of the party to accept the view or a dominant view in their own caucuses.

I think that, that should be encouraged; with democracy of course that is why it is about majorities.

The point that I want to emphasise is that internal party democracy depends on the culture, also in the context of the country and the countries are evolving in my view anyway, we are all national state generally speaking. We are in transition from undemocratic practices before, now we are developing new democratic practices and then it is going to take time for us to perfect them. Therefore I think we should accept that some Members of Parliament in other countries simply impose self censorship and in fact there are areas where party leadership encourages people to express their views as much as they can. Sometimes for whatever reasons members tend to impose self control instead of really articulating issues that would assist even a party to grow because I think it is acceptable that parties only develop and become strong when their own members too are participating fully in decision making processes of the party. Therefore, I do not think there would be anything like freedom of speech if you argue against an established policy of your own organization. Surely I think that would really be chaotic for parties to simply say that we do have this policy but you are allowed to argue against our own policy and yet you are a member of the very same organization. I think sometimes it is a very difficult thing, I hope we will have the workshop today or the seminar will assist us to strike a good balance between the two, otherwise it can be a very chaotic situation. But I guess that is a point that has been raised that government and parliament should be about social justice. Therefore the involvement of the majority of people in decision making structures to me also are very important but the point that I wanted just to emphasise on is that political tolerance is a process, it takes time for the overall understanding. In my own view there has always been political tolerance if there are national common objectives that are agreed across political parties. Then it is very easy to manage the relationship between oppositions and governing parties, that there are some objectives that are agreed nationally, whether opposition or you are a governing party, whether you are in power today or out of power tomorrow but if there are national objectives that are agreed by the society as a whole, it is very easy then to inculcate a culture of political tolerance. It is a critical point that political tolerance of course also has to be nurtured, because it cannot just emerge from no where, it will all emerge from the cultural development of a society. A society as it develops generally I think we also tend to develop the political tolerance and also appreciating divergence of views even within parties. Therefore to me that is a point that I want to just emphasise that as we move on, we should do so.

Then party discipline of course really all parties should encourage their members to be disciplined. I think it would be a very rare situation to have parties that encourage people not to be disciplined in terms of the work of their own party. In my view I think party discipline and freedom of speech, I do not think we could juxtapose them because party discipline simply means in my own view, that once a decision has been taken

and the majority within the democratic processes of the organization or a party, therefore that decision becomes a decision of every person. Even those who argued against that decision before a decision is made, but once a decision has been arrived at surely, you cannot go to Parliament and say that in my party we had this discussion but anyway, I still hold my view that I do not agree with this decision, I do not think that would be democratic in whatever way. I think it is a point that we should work on. But I accept of course the question of limitation. There has always been a structural limitation in political parties themselves and also Parliament by its very nature is a very limiting organ. There are procedures and processes that have to be followed to arrive at a decision even at Parliament. Therefore there are some limitations that we should look at. The point of loyalty to party people and constitution, to me is a very difficult exercise because I do think that all members take an oath to uphold the constitution of their country. Then first and foremost I think we are loyal to our constitution and to our own people in the party, sometimes I do not think we can divorce the whole argument that we are loyal to the party first and foremost we are loyal to the people. In my view there is a general understanding that we take an oath to uphold the constitution and therefore we are loyal to our countries, loyal to our people but of course also we are loyal to parties because in proportional representation system it is a party that put you on a list. Therefore you know the constituency base of course you can argue that people like you as an individual. In my view and also the point that was raised I think by Dr. Jennings that there are situations where individuals are more popular than their parties. Of course I think to me parties tend to have a long lasting plan than individuals, therefore sometimes individuals would come and go but my experience shows that parties live for many years than individuals. I will always argue that parties are more important than individuals because individuals anyway are products of the very same party, sometimes it would be very difficult for them to be more popular than their organization. They may at a certain point in time emerge for whatever reason but I do not think that they are. I agree with that point that democracy should be deepened and I think freedom of speech should be encouraged really but also, we need responsible oppositions because if opposition too is not responsible enough to take care of national interest, sometimes it is very difficult to balance the freedom of speech given to opposition and freedom of speech of members who got more responsibility because by and large those who are governing have got more responsibility than those who oppose. Generally speaking, I guess that opposition also are not just there for opposing the decision for the sake of it, I think they do have differences in terms of policy because this opposition to me is based on policies. Therefore it is very difficult sometimes to say in Parliament within some time you can just have a coming together of policies of different parties. When they go to elections, they stand on their own manifestos. Surely the party that wins the election, sometimes it will take time for them to persuade even those who were defeated in a democratic process because elections are democratic process. They may not be perfect but they are the best under the circumstances therefore they should be appreciated. In my view I think that is what we should really try our level best to do. The point is that parties are not abstract, parties are a construction of our own society, therefore whatever happens in society sometimes it does happen within parties too. If there is no tolerance within society, also parties generally tend to have that as part and parcel of their own development but I do think that society to me is more important than parties because party is general, it tend to be a mirror of a society. If a society is intolerant, therefore very few parties would be tolerant in that situation. Therefore to me creating a very harmonious society assist to create harmonious parties even their own internal democratic processes tend to be enhanced if the society as a whole anyway is very conducive for the inculcation of the culture of tolerance but of course it really takes more than what I am saying and I guess researchers and scientists I think they are still going to be working on this system. The question of the opposition, I think they should be appreciated. I do really appreciate opposition; I think they make valuable contribution. The point is that we should not regard them as enemies; I think they are part and parcel of these people in our country, therefore they should be appreciated. When they give a real point, I think we should appreciate opposition if they do so. Of course when they are wrong also they must be told that they are wrong, therefore we are not intolerant. When we tell them that you are wrong, your policy is wrong, but when they are right I think governing parties also should take their view and encourage this opposition. I think it is the only way that we can build very sustainable democracy in our countries.

Again the point that I wanted just to close with, all our national state are in transition, therefore it will take us sometime to perfect some of the institutions that we have built because it is one thing to have institutions, it is another thing to have working institutions that support democracy. Creating them is very easy, you can wake up early in the morning, create them but to sustain them and make them work, it takes a longer period. In my view that is what we need to really inculcate over years.

Thank you very much Chairperson.

**CHAIRPERSON:** Thank you for your intervention, given that quite a lot of participants have requested the floor, I would request those who follow to be very brief and to express themselves as briefly as possible. Without much ado, I would give the floor to Mr Oscar Ntasano (Senator) from Burundi.

**MR OSCAR NTASANO (BURUNDI):** Thank you Chairperson for giving me the floor. My intervention relates to the control by the political parties of the exercise on the political mandate. I have followed keenly the presentation of the Secretary General of the IPU and personally, I believe there is need to make a distinction between two cases. For instance for a representative of the people, a parliamentarian who was elected on the platform of his party's programme at the proportional representation, that I mean, he was elected based on a program of his party. The first case is when he leaves the party, if he is not in agreement with the programme anymore. Quite frankly speaking, I believe that these parliamentarians should resign immediately. He/she should not even be excluded, he/she should resign on his/her own volition because he/she was elected on a programme of the party, so if he/she is not in agreement with the programme anymore, he or she should resign from the party.

Now, the second case is following a decision of a party the parliamentarian is not in agreement with that decision. Obviously as a representative of South Africa has said, even between the party itself, you have debates. Now, if this parliamentarian in question is in the minority within the party itself, so he has to accept the stand of the party, the stand of the majority within the party itself and in this case he should not be excluded from the party and the Secretary General of the IPU has talked about interactive mandates under national mandates. If he is not in agreement I am talking about the Parliamentarian, for example if the constitution stipulates two terms of reference towards political party of the President, I would like to have a third mandate or to request for a third mandate under the Parliamentarian in question if is not an agreement with this proposal. Within this party certainly, there would be debates. Now, if the majority is in agreement for a third mandate, well, the parliamentarian has to accept what the majority within his party have decided. However, if he believes this is unacceptable, he can resign and on his own volition he would lose his mandate because the seat that he is occupying in parliament belongs to the party because he or she was elected with a view to ensuring proportional representation. So, what I am saying is normally, he should not be excluded. It is he, himself who should take the stand to resign because he is the one who accepted the parliamentarian post. Thank you.

**CHAIRPERSON:** Now, we shall give the floor to Hon Gomina Pampali Laurent of CEMAC.

**MR GOMINA PAMPALI LAURENT (CEMAC):** Thank you Mr Chairman. I would simply like to draw your attention to the fact that the control or the limitation of the mandates by the politicians is a forgone conclusion unless if we are an independent candidate but if we are represented by a party it goes without saying that this party should have an eye on your mandate, your activities at National Assembly. However, there are limitations here, you also have to know that at least there are two conditions relating to this exercise in control.

If you do not want to go into these imperative mandate, you have to give them a certain lee-way for discussions at the National Assembly, so that they will be able to express their opinion in line with the national interest and not in line with the interests of the party. The limitation of the mandate should also be infringed in the activities of the parliamentarians. I take the case in my country when one goes for elections, one has to put in place a programme of achievements relating to schools et cetera. So it is incumbent upon the party if this party continues to assist its parliamentarian at National Assembly in the implementation of the programme, so it is normal that this body has an eye on what the parliamentarian is doing in line with the where-with- all provided to him. But in the case where the party also have the where – with– all, the party especially in the Opposition, will have disparities when it comes to the financial where-with-all between the parties in the Opposition and in the majority. When there is financial discrepancy or disparity when some are better placed, so it is difficult for the party to ensure control or to have an eye on the work of the parliamentarian, because an Opposition party and Opposition parliamentarian lacks the financial where-with-all. So it is difficult for him to put in place a programme that has been put in place during the campaign.

With regards to the freedom of expression, I believe that the example has been underscored here by the presenter. It should be seen as a real serious issue. Calling a President a liar, whatever the situation, should not be encouraged, so the freedom of expression should not be tantamount to insulting orders et cetera

because I believe that parliamentarians are well educated. However, freedom of expression should be governed by the law. There should be control measures so that individuals would not come insulting people, expressing their hatred.

Thank you, I shall now leave the floor to Patrick Banco from Togo.

**PATRICK BANCO (TOGO):** Thank you Mr Chairman. I would like to take the floor to be given more clarification. We have organised elections in 2007, and this was a proportional voting. The title was clear. We are talking about the representative list for a given party, we were more than 16 parties to compete for the elections and today we have only three parties in the Parliament and the three of us are here present. But what we fail to understand is what they are saying, that the parliamentarian would have the total freedom, as if we are in an already concluded democracy. We would talk about disparity and really in these conditions Mr Chairman, we would like to know if under these conditions whether it would not be good for the parliamentarian to resign and to wait for the end of the mandate and then he goes to another party. Our understanding of the issues at stake is to have to avoid when we talk about independent candidates. Today we are in a transitional period in most of the African countries, so we are all fighting for ideas. We are fostering developments of these ideas, we try to fight against the imperative mandate. But obviously there is need for all the parties who are represented in the Parliament to put in place methods to maintain this debate. But if for one reason or the other the parliamentarian leaves his party to go to another one, cross-carpeting, we wonder whether in these circumstances Mr Chairman, the nascent democracy in Togo would gain progress. I thank you Mr Chairman.

**CHAIRPERSON:** Thank you for your intervention. We shall now give the floor to Stevens from South Africa.

**MR STEVENS (SOUTH AFRICA):** Thank you very much Chairperson. I would just want to make my humble contribution to the debates around here. Though I would try to be brief but I think a topic as important as this one is very-very difficult to be brief because it has quite pertinent and underlying issues. I think what we need to look at and especially the heart of African body politic, is the issue of our electoral systems, that is our electoral systems responsive to communities, or that is our electoral systems responsive to individuals. If we look at the Charter that we were discussing earlier it is speaking directly to the importance of making sure that our democratic principles and processes are in place. Though democracy is a process it is not a once-off thing but when it comes to the issue of the electoral system it is a question of whether we go for constituency base or we go for proportional representation. Now it is quite clear and simple that when you go to proportional representation, it will obviously be the party that takes precedence over the constituency. But if you look at the issues of the constituency base then the ownership goes to the people on its own. Those are pertinent issues when we debate that we have to look at, that which best model of democracy can be viable in Africa to make sure that those issues of constituencies and our people are responded to adequately.

The other issue is on the role of the Opposition. I think it is at the heart again of African politics, because of Opposition often is being seen as unpatriotic or something of an external force, and we need to understand that the underlying factor of the Opposition is very important in making sure that the eyes and ears of governance, or making sure that there is accountability, of making especially when it comes to issues of proportional representation, where it might be difficult for members of the ruling party to hold their own to account, that is where you find Opposition playing a very critical role because they will be in a position to make sure that the Executive account.

I think the issue again is on how we make sure that the policies that we put forward respond to the issues of the day, and making sure that the role that we play as parliamentarians make sure that the constituencies become our primary concern and our primary focus. Definitely those are balances that we need to look at in making sure that how do we respond to the issues of the day, because one of the 21<sup>st</sup> century challenges to Africa would be how do politicians speak to their people. If one looks at our conflicts around Africa, it goes at the heart of how do governments speak to the people, and that is one thing that we need to look at. There was an inference that was made earlier, I think by Mrs Graca Machel, where she said she finds that there is a gap that is emerging between the ruling people and as well as the poor, and that is one gap that would be a very big challenge to Africa as we move forward, on how do we close the gap between the elected representative and as well as the people on the ground. At the heart of political tolerance and freedom of

speeches how do we make sure that gap is closed rather than widening even further, hence perpetuating conflicts.

With those few words I would like to thank you Chairperson.

**CHAIRPERSON:** I thank you for your intervention. Now let me give the floor to Honourable Osei Kyei-Mensah-Bonsu, from Ghana.

**HONOURABLE OSEI KYEI-MENSAH-BONSU (MINORITY LEADER-GHANA):** Thank you very much Mr Chairman for giving me the floor.

In an attempt to answer this question, we must first of all pose the question to ourselves, 'what is the political party?' A political party is a congregation of people who share common ideas on social, political and economic programmes or activities and they are free to canvass for political power. Now if we share common ideas and we decide to relocate from that group, or decide to go against that current, where should be your position? I think that we should be very candid about this. Ghana's own case is different, once you are elected even if you commit any sin against the party, the party cannot take you away from Parliament because the provision in the Constitution is that you should resign. If the party expels you, you are not deemed to have left on your own volition, in which case you stay until the expiry of your mandate, the four year term. Thereafter you may not be fielded by a party, you may decide to go as an independent, if you win so be it. But Mr Chairman I think that as the hub systems have collapsed, today we are in uni-polar world, and so there are no extreme communist parties or conservative parties, capitalist parties. What we have in Africa, in my view, parties existing to the middle, all parties in Africa are either social democrats or liberal democrats, we do not have extreme capitalist parties in Africa, we do not have extreme communist parties in Africa, the convincing is towards the middle, and I believe that should provide the space for harmonization within the democratic space that we have, internally in the parties. I believe the more legions with our core course meetings or whatever that the parties have, to harmonise and reconcile ideas, the greater the tendency to create consensus. We may not have unanimity but we may be able to attain consensus such that people will not be hostile to ideas that may emanate from the party.

Mr Chairman, I think that we should be learning to congregate on ideas, now that as I have indicated, we do not have the same parties,

Ghana's own position is that the Constitution imposes an obligation on succeeding parties to carry on with the good works of parties that might have left. The constitution further creates a Commission, a national development planning commission, around which all of us congregate, and so there are no sharp differences within and amongst the political parties in Ghana. But having said that, as they say, the devil really lies in the detail, we come to how constitutions are fashioned. And in all constitutions in Africa, almost all of us I should say there is a great deal of investiture, of supreme or near absolute powers in one person, the President. And when he assumes power, if you have a person of mischief, he may decide to be given the tremendous powers invested in him to dismember the other opposing parties, and that indeed is the truth; a person may attain power and decides to apply a scotch-earth policy on political opponents, and the tendency then, is that those political parties or individuals who become endangered species definitely would congregate and decide to resort to protectionism. This is only being human, unless you want due respect to pretend that these things are not happening in Africa.

The succeeding governments may decide on assumption of power to do everything to rubbish their predecessors, that indeed is what is happening. It is done as if their legitimacy depends on the acidity of their tank towards departing parties. Again, this is the reality. My party had been in the opposition. We came to power and that to some extent was a resort. Today we have a new administration in Ghana and anybody who has been to Ghana would admit that these things are happening. Maybe somehow, even though we are trying to contain it and tolerate each other, but the four bodies may not be too good. We need really to resort to harmonisation of policies and come to the realisation that another person has come to sow the seed. It is for one party to nurture the seed and build on it. Once we agree to these tenets, therein, in my view, will lie the salvation of the system.

Finally, last but not one I should say, the policies of exclusiveness and I believe that many politicians, in particular our executive, do believe that they are sent there not to serve but to be served, which explains why they tend to be very reclusive. They do not share information, they keep everything to their chest. You are with a colleague, the next day he goes into the Executive and over night he transforms into a millionaire. These are realities. We should attend to this maybe by the relevant pieces of legislation, the Whistle Blower's Act, Freedom of Information Act, causing Members, particularly those in the Executive,



to declare their assets, have the assets so declared, gazetted and published so that tomorrow if over night the person transforms into a multi billionaire, all of us would know where he got his/her wealth. At independence, most of the countries in Africa were left with cabinet systems of administration. How come that over night they transformed into presidential systems? That is because they know that that comes with supreme powers. So, all of them shifted to presidential systems. We should begin to ask ourselves why the resort. It is no wonder that an empirical study by the World Bank and the International Monetary Fund (IMF) released last year indicates that corruption which has come the bin of administration in Africa is so much prevalent in presidential systems than cabinet system of administration. I believe that we should all be looking at this.

Finally, let me just say that we should look at ensuring the integrity of the institutions of governance, the Executive, Parliament, the Judiciary, the Police and all other institutions which also contribute to strengthening the democracy. If, as it happens in many countries, immediately after elections there is realignment and the police then drift to the ruling government, the army also does so, all other institutions are seen to be pondering to the Executive, certainly you will be scratching the earth to the opposition and you expect them to protect themselves as an endangered species and that certainly would not be very good for the advancement of democracy on the continent. I thank you very much.

**CHAIRPERSON:** Thank you for your intervention. Now, we give the floor to Honourable Theonest Safari from Rwanda.

**MR BEGUMISA THEONEST SAFARI (RWANDA):** Since it is my first time to speak, allow me to join others in thanking the entire Parliament of Botswana, IPU and others for having organised this big conference. Mr Chairman, my intervention is on the fear to speak in order for one not to lose his/her seat in the Parliament. Mr Chairman, I want to say that it is high time that in our African continent we designed our education programmes. For now, let us see why a Member of Parliament has to fear to speak in order to protect just a mere seat in Parliament. I am saying this because I feel we need such people who would accept to be trusted, who will accept to resign in favour of the will of the people. Issues of patriotism, a Member of Parliament should have that for his people. What does patriotism mean? It means to stand up and accept face to face all these challenges.

On the issue of the role of the opposition, most of the things have been said. I think it has been said but this brings me back to the African Charter. What does it say about the opposition who destroy the infrastructure, who turn around and kill the citizens they want to rule? Thank you.

**CHAIRPERSON:** I will now give the floor to Honourable Mokolo Wa Mpombo Edouard, 1<sup>st</sup> Deputy Speaker of the Senate of the Democratic Republic of Congo (DRC).

**MR MOKOLO WA MPOMBO EDOUARD (DEMOCRATIC REPUBLIC OF CONGO):** I would like to make two remarks and then my colleague will complement, he is from the position of the majority. With regard to the political tolerance, you know that DRC, my country, is a post conflict country. It is indeed very difficult to build democracy in a post conflict country. We must first of all resolve the problems, national reconciliation, but we will have substantial strides. Even if the Constitution recognises the political pluralism, we will have to do more so that it becomes a reality because in Congo currently we have more than 200 political parties. So, the legislator wanted to give more better protection to the political opposition. The Parliament voted from 18<sup>th</sup> February 2006 a law on the status of the opposition. The law gave the opposition the right. It implies that the opposition must be in all the Committees, the Bureau and the permanent Standing Committees. The law guarantees to Members of the Opposition a right to free access and equal opportunity to the public media, but there are difficulties. This morning the Speaker of the Assembly of Benin underscored a point regarding the public media. Fortunately in the DRC we have so many private media, we have more than 50 private radio and television stations and political parties at time have their own televisions. This is a relative issue. The opposition and the parliament then must have a Speaker who has a protocol rug. These are the principles encapsulated in the Constitution and they must be applied.

The freedom of expression and the influence of parties on the Parliamentary mandate, in DRC every imperative mandate is meant, it is like the Honourable delegate of Ghana has underscored. In practice, in my country you have to freely go away or resign. Otherwise there will be incompatibility, but in practice we have some problems. We have followed the case of the former Speaker of the National Assembly who

was forced by the party to resign from the National Assembly. These interferences by the political party is not absolute. The case of a Senate for example, where out of seven Members of the Bureau of the Senate you have the President of the Senate who is not from the majority and yet in the composition of the Senate out of 108 Senate, you have 72 Senators who are from the majority and 36 from the opposition, but he managed to beat the candidate from the majority. So, it means that it is not automatic. Now, we have a Bureau which is mixed which guarantees a good functioning of the Senate.

Let me also, before giving the floor to my colleague, underscore that in the permanent Committees, a candidate from the opposition was elected to lead a permanent Committee out of the seven Committees. With your permission, let me give the floor to my colleague to supplement what I have just said. Thank you.

**HON BALAMAGE NKOLO BONIFACE (DEMOCRATIC REPUBLIC OF CONGO):** Thank you. I will be very brief because my Vice Speaker has intervened. Let me address Dr Keith so that he can try to compare a difference between the discipline of the party, the obligation towards voters in Africa, mainly the tribe or the ethnic group. It is very true that voters elect Members of Parliament on the basis of programmes for society but in Africa, you will agree with me that the tribal and ethnic dimension is indeed very important, particularly in my country where we have 420 ethnic groups or tribes. It is difficult for a candidate from a minority tribe to be elected, practically impossible. Now, practically in the past elections, we had candidates from the opposition who were elected in the majority counties because of the tribal dimension. So, there is a difficulty in following the disciplined party to reconcile with the interest of the voters, but there is also the tribal dimension. Now, you intervened after a study made by NDI. Could you extend your study to cover this dimension or can you say something right now and we will be very grateful to you.

Secondly, my country has particular features because we have elected people in the Senate. Senators are elected by local and provincial Assemblies, but we have cases where we have provincial Assemblies that elect Senators whose party has no elected representatives because of their past, because of the tribal dimension. This is the case of some of the Senators, including myself. So, I am facing a difficulty between the discipline of my party and my voters. It is a country of the majority, a bastion which elected me from the opposition and it is difficult in this regard to survive politically between my party and my voters because the discipline and the aspirations of my voters are completely different, contradictory. It is the struggle I live everyday as a politician. On a daily basis I face these difficulties. I am happy indeed to have attended this meeting because this theme is very interesting. I am still yet to be satisfied but there is another case of loss of mandate of Members of Parliament when they are designated in other structures of the government.

As a matter of fact, in a country when a Member of Parliament is designated in other government courses he loses his mandate during the whole legislature because the constitution has declared it as incompatibility. In our legislation and constitution when designated in other factions or other positions, at the end of the positions it is possible to go back as a Parliamentarian or a Member of Parliament. So Mr Chairman, in a nutshell these are some of the small interrogation questions I had and I thank you for giving me the floor.

**CHAIRPERSON:** I thank you for your intervention, now I want to give the floor to Madam Rebecca Kadanga.

**REBECCA KADAGA (DEPUTY SPEAKER, UGANDA):** Thank you very much Honourable Chair. I think this is one of the most important topics that we are discussing, and I hope that there will be a time when we shall find the balance between party control, party discipline, and our representational roles. I am one of those who believe that parties are not necessarily democratic. I believe that party caucuses actually are used to filter the speech and participation of members, I am sure that in many party caucuses not many members get an opportunity either to contribute to the agenda of that caucus or even to speak in the caucuses.

I am even wondering how many women are actually able to influence the agenda of the party caucuses of their party or the youth. Now I also believe that party discipline and control should not be absolute, I think there are circumstances where members ought to be able to flex their muscles and ability so long as it is in the interest of the population.

I want to give an example for something we have to do in my Parliament. There was a time when we the women Members of Parliament were lobbying that the government provide sanitary towels to all the school going children as part of scholastic materials. You would not believe that even among the women it was rejected, and the government also rejected it. So we decided to take a fall back position and I discussed with the women's caucus, which is an all-party caucus by the way, and said that since we have failed to get the government to finance this part of girls education, can we lobby to remove the taxes, and I thought we had agreed. Now in that meeting, I even identified members who are going to speak on the subject on the floor of the House, but when the finance bill actually came to the floor and I was in the chair, suddenly a number of members found the need to go out of the Chamber. I ended up with two members, one from the government side and one from the opposition who were able to speak on the subject, but because I was convinced that this was a matter important for the girls of the country, I considered it a matter of succession of women, I considered it a matter of the retention of girl children.

I really ruled against the Minister of Finance. I had to remove the taxes, and you know, I am a very high ranking member of my party, but should I have been expelled for that? Now when I checked afterwards why the members had gone out, I was told that the Whip had called them, and said that we know what you are going to do, you are fighting the revenue proposals of your government. You know, and they abandoned us, because they thought they were acting against the party, but in reality they were acting against the children of the country, they were acting against the women. So for me, that is one of the examples I wanted to give, to say that we do not really have to cover absolute control and discipline. Then maybe the other thing we have done me and the Speaker in Uganda, we are both members of the ruling party, but we have declined to attend the party caucus. We do not attend the party caucus. So we thought that is a good way of extricating ourselves from the influence of the party, if they want us, they can find us anywhere but not in the party caucus so that we are not obliged to discuss issues on the plenary which we have already sat on as a caucus. Thank you very much.

**CHAIRPERSON:** Thank you very much for your intervention, we shall now give the floor to the Honourable Abdul Karim Harelimana.

**MR ABDUL KARIM HARELIMANA (EAST AFRICAN LEGISLATIVE ASSEMBLY):** Thank you Honourable Chairman for giving me the floor. I firstly take this opportunity to thank the Government of Botswana, the Parliament of Botswana and the Inter-Parliamentary Union for giving us the honour as the East African Legislative Assembly, to attend to this important meeting. East African Legislative Assembly is a Parliament of East African Community, those five countries, Burundi, Rwanda, Uganda, Kenya and Tanzania. They have a Legislative Assembly which sits and makes laws on behalf of the people of East Africa, and the laws enacted by East African Legislative Assembly supersede the laws of National Parliaments.

Mr Chairman, we are discussing a very important issue at this time while some of the countries of East African Community will go into general elections next year, that is Burundi, Rwanda and Tanzania. The issue which we are trying to study today also concerns all of these countries. Mr Chairman my contribution to this issue is just like as follows: if the question is about political parties and the constituents. I think that political parties have the history, when they go to the Assembly or to Parliament, because before going there, they talk to the people, they tell them their programmes, they make promises, and then the people elect them and send them to represent them in the Parliament and in the Assembly. So the opinion is that, whatever the party does there, be it the majority or be it the minority in parliament, they were sent there by the people because of their programmes. So I think there is no big programme between the people and their parties. Though, if there is a problem maybe which looks somehow new to the people, it is good to consult them again before we take a decision. So my suggestion here is that, political parties should stick on constitution and principles of democracy, that is number one. To allow the people when they see that their representatives are not truly representing them, to allow them to express themselves, one, by maybe demonstrating on the streets, saying that no, we do not accept this one. This one if it is not heard, and they are not listened to, next time in elections they will show the party that they are against them, by not sending them to represent them to the Parliament.

So I think that it is not a big problem between the people and the constituents, because there is still room for them to go back and consult them. Mr Chairman I thank you for giving me the floor again and I thank the Parliament of Botswana for inviting the East African Legislative Assembly to this important meeting. Thank you very much.

**CHAIRPERSON:** Thank you for your comment. We shall now give the floor to Honourable Clement Muchiri Wambugu from Kenya.

**CPT. CLEMENT MUCHIRI WAMBUGU (KENYA):** Thank you Mr Chairman for giving me a chance to contribute, first and foremost to thank the Government of Botswana and the Parliament for inviting us and hosting us for this conference, and also the Inter-Parliamentary Union (IPU). Let me also thank all the African countries and governments for the support they gave to the Kenyans last year, when we were going through a difficult time after the 2007 elections. Where we had violence that erupted in that country, but with your help we were able to come out of it and we are now doing well. That is what led to our power sharing agreement with other members of other parties. We are doing well but with a lot of difficulties.

As we continue this afternoon to discuss the points that we have, democracies and the issue of political parties control over Parliamentary mandate and also the freedom of expression. I think some of these problems that we have been having within the African continent, are the ones that have led to the problems of government, environmental degradation, internal conflict and especially in the issue of freedom of expression. I believe that Members of Parliament have been intimidated into following the party rules because most of the parties in the past have been funded by individuals. I think as we go out of that, if the governments of the various countries could start now funding the political parties individually, I think we could get out of that problem, and also be able to express ourselves freely. Also the freedom of expression, especially within party lines so that we can be able to get funding for our constituencies.

This is one issue which I think we should have been able to handle well in Kenya because every constituency has got a part of its fund which is sent directly to the constituencies and also implemented by the Member of Parliament. Such that, even if you talk against the government or even against your party, that fund will still go direct to the constituency and you will be able to advance your programmes, and all the other issues will be able to continue.

Mr Chairman, the functions and the duties of members of parliament are mainly legislation, the oversight and even representation. I do not think there is anywhere where we are supposed to say that we are not supposed to perform our functions properly. So I think with those few words, let me say thank you for giving me a chance to contribute.

**CHAIRPERSON:** Thank you for your intervention, and this is also an opportunity for me to thank all participants, all those who have expressed their opinion on such a crucial issue. There were questions asked, suggestions made, recommendations tabled, and I will kindly request the presenters to clarify issues, questions put across and also their view points. So I shall start with the Secretary General of the IPU.

**MR ANDRES B. JOHANSSON (IPU SECRETARY GENERAL):** Thank you Mr Chairman. I think the debates have shown the variety of views that exist on the subject, and in some ways it strikes me that they are not necessarily contradictory. What I think everybody in this room agrees on, is the fact that political parties just about anywhere there is a fact of life and it may sense necessary facts of life. It would be hard for political parties to function even if there is not minimum of party discipline in the members that are elected to Parliament, regardless of electoral system that there should not be some form of discipline.

Then from there, there are those who will argue that, linkage that is justifiable discipline is stronger when it is a proportional system where members have been elected on the list submitted by a party and maybe possibly less strong when the individual has gone before the constituency in a one member constituency and have been elected. There are those of you who are in the line of how important and believes that the party link when there is party list and party programmes and you have suggested that people are voting for programmes and not for individuals.

I think on that level of generalities there is no disagreement as someone said the devil is always in the details and is when you go beyond that. For example, if this debate had only been about power to discipline and what the party does, cut the level of the party to discipline its members. I think that we could have left the debate there. What makes this debate more difficult is one of the measures that are conceived of and the plight is the loss of parliamentary mandate. That really means the end of being able to work as a parliamentarian and able to represent the people who supposedly put you in Parliament in the first place. I think that is where the difficulty arises and as you have heard, some of your colleagues suggest that should not happen. There should be self-discipline and if the incompatibility is between one's political views and the party that one represents, be such that one cannot go on, then there should be self discipline on one must live on one's own volition. The party should not be an imperative mandate. Those who have spoken to the

contrary, you have not really spoken to that, and I have not really, like many who are saying that there should be a possibility to expel somebody, although maybe again that could be justified.

I must say that I have personal perception for the views that were expressed by Madam Kadaga to the end of the debate, because she gave one concrete example with skin, bones and everything. Where in a very particular situation, she explained why it made sense for an individual to depart from party lines, so to speak, disobey the party and where in fact it was discovered that the party was not applying in a very democratic principles itself. I think that is the difficulty that we have found and that is why I like the example. This is because the example shows that in fact, it is so very well when we are at the level of generalities to say, well the party of course must be democratic and there must be an opportunity for members to participate in the debate. Once we have participated in the debate, some of you said this, when the party debate comes to a conclusion and then we live with that, then that is how we go back into parliament and how we represent our views and how we do it. The fact of the matter is that there are many instances that does happen is that, there is not a real democracy within the parties and the parties contrary to Parliament itself, are not necessarily incredibly transparent and they are open for external scrutiny.

So, you may have gone through an exercise where in a very public and very political campaign, you have been elected on the party platform. Then there maybe circumstances in which you lose that mandate in not at all such a public manner and whether there is no redress whatsoever. So, I do not see that there are many questions which are being raised here, I think there is a sense in this room, but yes, there is a need, that the parties have an important role. Yes, there is a need for a party discipline; yes, it goes hand in hand with democracy in the party. I think there will be another answer to this, how far can we take that discipline? Is there other circumstances, well yes, it is unquestionable; man should also lose one's mandate. At the end of the day, I am sure this will be left to the individual countries to decide depending on circumstances.

I remember when India was a country that did not have any of these measures, introduced a loss of mandate as a penalty when a Member of Parliament left the party to join another one. The reason they did was because they lived through a period of great political instability. They had a difficulty in having a government in power for more than just a few months, because immediately after elections, people left the party and joined another one and the majorities were lost. So, there are always points of circumstances like that and what we will do. I see that the beginning to take from this debate is the input from here in order to examine what the examples we get from the study they are undertaking. If they are concrete examples that you would like to share with us, like the one we have heard from Madam Kadaga then also from mothers, I think that would be very helpful.

The delegates from the DRC mentioned a particular issue. She brought in the issue of incompatibilities whereby in the course of your mandate, you may be appointed to another post and you may have as a result of that no longer been able to keep your mandate. All these incompatibilities are normally laid down in the basic laws. What some countries have is a possibility to retain the mandate, come back to it if you lose that post. In other words, for example you maybe appointed a governor for a year. When you no longer hold that point through the post of governor, you may come back to the original post. Once again those kinds of possibilities need to be laid down in the law.

Let me say as the last comment that the risk of making myself unpopular in this room, I have incredible amount of respect for political parties and they are the working engines of the democratic process. I also have an incredible amount of doubts about the openness of the political parties. I think on the issue of gender is may be the one is to where I find that the political parties are not delivering after all that has been said and done. Then the campaigns that have been led for the last thirty years to get women into Parliament, to find that the political parties are still not putting forward any candidates, I am absolutely convinced that is not because they are not women candidates to be heard, there are plenty. They are very competent but for some reason I think the political parties are not delivering on that. Thank you, Mr President.

**CHAIRPERSON:** We shall give the floor to the Chairperson of the IPU who will also like to take the floor.

**DR THEO-BEN GURIRAB (PRESIDENT OF IPU):** Mr Chairman, thank you very much Secretary General for your serious effort to strike not to mention a balance but what it is that we are here all about.

On Page two of my statement this morning, I read out to you this, "In November 2007 at the United Nations, General Assembly declared shifting December as the International Day of Democracy." In so doing, the United Nations, you know we speak in there, stated that, "while democracy share common

features, there is no single model of democracy and that democracy does not belong to any country or any region. I should have added does not belong to any experience or any particular wisdom. I ended that quote by saying, I wholeheartedly agree because I see now contradiction. What we are dealing with here, dear colleagues, sisters, brothers, is to try on this occasion and at the end of the day, we will not have found the perfect something that democracy is. What we are trying to do here is actually exposing to ourselves what I call the existential contradictions and deficiencies of democracy. Wise people long time ago have said, up to this stage, probably nearly 20 years ago and that was said, up to today humanity has not been able to find the political system, public administration management system better than what we are all trying to call democracy here. Probably I may say even at the end of the exercise that we are engaged in, we may not be able to have found that. Until one of you or one of our blames next to a generation, would have found a better system than democracy, let us hold on this one that we basically all agree upon and continue fixing it and when we are able to have found the best practice of democracy, they will all try to emulate that, probably the best session so far. Thank you very much.

**CHAIRPERSON:** Thank you Sir. I would also kindly request Dr Keith to give us some additional information with regard to his presentation and also the questions posed here.

**DR KEITH JENNINGS:** Since sometimes people misunderstand, those of us who come from the United State is that we are promoting an ideal state of Democracy. I am speaking to my colleagues from the Congo in particular. Some people thought that it was practically impossible for Barack Obama to be elected in the United States of America. It was only some years ago in the region of the country that I am from in the South that black people could not vote until Dr King's movement came about. So I will say two or three things to you in terms of being a representative who is constantly in a struggle between representing your party, the people and the ethnic group. One, I think you should speak with some of your colleagues because often a party, its not for me and not for your system to speak authoritatively, a party if it is just regional or just from one ethnic group ought not to be allowed to register because you are to represent a national grouping.

Secondly, whatever the registration rules are, you should represent national interest and try to find like minority parties to either merge with or to develop your party further.

The other thing I want to say in relationship to the broader question of ethnicity, the different forms of association of life, some are cultural, others may be religious, some may be based on language and the diversity that exist with there. I think it will be a mistake for us to say the two should continue with the struggle because you are not representing the people. Everyone of us, who ever holds office, part of going there is because people want you to deliver, either to represent them effectively or to bring something there to make their conditions better. So I do not find anything wrong with that, but the struggle that you are going through has to be addressed once they stand on national interest and try to build a national political party. If I, have it wrong we can talk later. I would say that with respect to my colleague from South Africa, what I did not say the first gentleman here who spoke from South Africa, what I did not say early because of time is that we all know that the state of parties right now, the view that many people have, regardless of people of region and the world of political parties right now is not good. It is in fact because of that, that we have to try to build strong political parties that are effective because we could have, if it was not me, that who said sometimes you have individuals who are more popular in the parties that was the Secretary General. I agree with him, you have those cases, in fact to the extent that the party's representative is not held in good light, you can open yourself up to popularism of the left or right version, and that is what is manifesting itself in Latin America right now and in other places around the world. I would say to the extent that the opposition is seen as enemy, there is not any political tolerance and I would not unite, with any kind of effort even though there may be countries in transition and there may be post conflict societies to continue to cede our position as an enemy is by definition meaning that you are not going to make any progress and whatever stage that we think we might be at, we have to have a view of where we are going. We know where we come from and we need to know where we are going and that is something that can be shared as a friend from Ghana pointed out. It is interesting though, I was in Ghana during the elections day, he pointed out all the challenges that the new government is bringing. When I was there, the NDC used to point out some of the same things like the promises of Local Government that the NPP said they would put into place. So I think you have a different way of viewing the world when you are in opposition as opposed to when you are in the ruling party.

I would like to say that we should allow the discipline to be exercised in a way as I thought I have said it in my paper when there is an anti-democratic or an undemocratic effort. So my friend, who I believe I do not want to put it on the Burundi representative, but I thought it was Burundi representative who said that if you lacked, or a basis or a programme or platform and you no longer agree, you should resign, I agree with that. However, if you lack it on a platform, supposedly standing for democracy, and your party leader decides that I want to be anti-democratic and I want you to support me in this anti-democratic venture, then I think your conscience ought to be your guide because I do not believe that if you were elected to engage in anti-democratic efforts. Again if I am saying Burundi when I should be talking about Togo, I am sorry. There are two Togolese colleagues I think who did pose a concrete question under such conditions should you resign. I would say “no” this is the same advice I gave to people in Ethiopia. You embody the defiance. You embody, as the opposition even if it is only three of you, you embody what people want to see to the extent that you adorn the democratic space that you represent is lost and I think that is important to capture and to defend the democratic space that is then used as a platform. You may not get a second to your motion or it may not even be recognized but at least you are there to remind people to beat their conscience. I would conclude, there is no time to talk about the electoral systems from my colleagues from South Africa, but I do think there is a direct relationship between the electoral system and the electoral outcome. Someone spoke earlier today about these parachuting election observers and since my organization does election observation, I would just say methodologically if you show up a day before the elections, you are not there to find anything. Increasingly long-term observation is what is needed because if there is going to be any rigging that will take place long before election date.

I just conclude where the Secretary General ended actually, and as the case of Uganda I can feel for you my sister because we call those types of people who say “I am with you when you look for me” and out there we call them hallway commandos. One of my great friends who is the Chairperson of the Congressional of Black Caucus representative, Barbra Lee thought she had 19 other people with her when it was time to vote against funding for the war in Iraq and it ended up, she was the only one out of 535 members who spoke out against funding for the war and that is what this principle that is in the booklet in your package speaks about, the courage that it takes when you are in the minority. So I would just say you should continue to do what you were doing and if it is democratic and in the interest of the majority, I think the people you are talking about on average are about 52 per cent of the populations, I think you going on to say that we are going to do this especially a few of you who are walking across lines. There is a person of preference there because I think democracy of the people, for the people and by the people ought not to be reduced with democracy by me and democracy for me because I am the people. When one leader becomes the people, I think it is not democracy at all. So again I will stop there, there are many other things that people raised, I did not hear direct questions so I would just leave it there. Thank you Chairperson.

**CHAIRPERSON:** I thank you for the additional information that you have just shared with us. I believe that the programme provides for us to conclude the debate on this issue at 5:30 p.m. so it means that we do have time. Given that the issue has led to a very enriching debate, a lot of suggestions were made, so may be we can give the floor to some participants if they do want to take the floor. It would appear that is not the case as the Chairperson. Well we are talking about democracy here, so we should stick to the majority when it comes to decision making. So please allow us to give the floor to the Secretary General, he has something to add with regard to this theme before we conclude.

**MR ANDRES B. JOHANSSON (IPU SECRETARY GENERAL):** Thank you Mr President. I think this discussion has been very interesting and very instructive. I think that we will go away thinking more about this and we will do that too. I just want to give you one extra piece of information, you are going to get it tomorrow in any case I thought you will get it today because it relates to this discussion you have just heard. Tomorrow President Gurrirab is going to present to you pole what the IPU has done, we could have commissioned the pole asking people’s views and issues relating to Democracy and one other thing that he is going to tell you is related exactly to this debate. When you ask people like the they were asking this pole, where they may not think it is very important that people should be able to express freely their views. Wherever you ask people in the world they say “yes” this is very important. When you ask them whether or not they think that Members of Parliament feel free to express views that are different from their political parties, the overwhelming majority say they do not feel free. More of that for tomorrow.

**CHAIRPERSON:** Thank you for this additional information. So we shall now call it a day on this theme, Political Tolerance and Freedom of Expression. I believe that all and sundry would come up with their own synopsis before the general summary so that we shall be able to communicate the main source of discussion. So I shall now give the floor to Mr Martin Chungong, who has some house keeping matters to share with you before closing the floor.

**MR CHUNGONG:** I think that is one of the things that I was going to announce has been said by the Secretary General and this concerns the special event that we are organizing tomorrow from 2:00 p.m. to 3:00 p.m. when the President of the IPU will be realising the findings of a Pole on attitude to Democracy and Tolerance. There will be there for a high level segment to which President has invited Members of his Colleagues who will be available to the audience to take questions on democracy. The other House keeping matter that I wanted to mention is what our Botswana host has asked me to announce, that they have initially thought that this afternoon session will be in two parts, so you could have tea or coffee break but you have had to go through it in one go. Nevertheless they are asking you as you walk out of this room to take a cup of coffee of tea before you go home. They say that the coffee and tea must be drunk, otherwise it will be thrown away. As you know water is very scarce in this country. So Chairperson, I hand over the floor back to you.

**CHAIRPERSON:** Well I have no intent to make another speech. As far as it is, I wish you a pleasant end of the day. We hope that you will gather with energy for tomorrow which will be equally long. I thank you and this afternoon session has been called to a close. I thank you.

**ADJOURNMENT**  
Tuesday 15<sup>th</sup> September, 2009

**INTER-PARLIAMENTARY UNION CONFERENCE  
ON DEMOCRACY IN AFRICA  
PLENARY SESSION III: INCLUSIVENESS IN DECISION-MAKING**

**CHAIRPERSON (MS REBECCA KADAGA - UGANDA):** We would like to begin our session. This morning we are privileged to have Mr Yawovi Agboyibo, the Former Prime Minister of Togo who will present on the rights, role and responsibilities of the ruling/governing and opposition parties and how to promote harmonious relationship between the two.

We are also very grateful to have Honourable Mrs Rose Mukuntabana, Speaker of the Chamber of Deputies of Rwanda who will present on the managing diversity, promoting gender partnerships in political life; integrating minorities and other marginalised groups in the political mainstream.

After the break we shall have a son of the soil, Professor Mpho Molomo of the Department of Political and Administrative Studies of the University of Botswana who will give us the Botswana's experience in inclusiveness in the context of Democracy.

So, I would now like to invite the Former Prime Minister of Togo to make his presentation. Say your name first for the records so that it is recorded.

**MR YAWOVI AGBOYIBO (FORMER PRIME MINISTER OF TOGO):** Honourable Members of Parliament, distinguished invited guests, before anything else ... (Inaudible)... who have invited me as an expert to this seminar. This seminar gives me the opportunity of renewing relationship with this big family of parliamentarians and as a parliamentarian as myself I have participated in their meetings for over 15 years. So it is a great pleasure for me to come back to this family. Yesterday at length we had talked about the freedom of expression in all its ramifications when it comes to relations within the parties. Before talking about the subject, I would like to say something about these particular aspects with regard to our debates because yesterday we had talked at length about the excesses which could lead to the freedom of expression. In that regard, I do recall that a parliamentarian from Benin had underscored the excesses that they live on a day to day basis in enjoying this freedom. So, consequently there is need for us to read two fundamental articles, the Universal Declaration of Human Rights and Article 19 of the part on Civil and Political Covenant. They have the same wording and at the same time they deal with the freedom of opinion and the freedom of expression. When you read the two articles and when you compare them, you would see that the international community has got back on its feet when it comes to the drafting of this



document because the initial wording of Article 19, in the initial wording, they have put side to side the freedom of expression and the freedom of opinion whilst the two concepts are different by their very nature. Opinion is a view point. View points are put in place from established facts and from these established facts, one has the liberty to interpret and from this view point, you will see that in the protocol, this right is absolute. Whatever the opinion one expresses as an expression of one's conscience, one would not be submitted on any other person but when you talk about the freedom of expression, it is not the opinion which comes to play here because, let me repeat; it is one thing is to have an opinion and another thing to allege a fact. When you allege a fact you are taking a risk and this has to be exact. The alleged fact has to be exact. So this is why in the protocol it is stated that freedom of expression would lead to allegations, it could be submitted at the level of each stage Sir. So, I just wanted to clarify this issue before going in to the crux of the matter and I would like to say therefore that today we are looking at the other form of peace research within our states than based on tolerance, not based on tolerance but rather on the harmonious relationships. This is the right to difference. It is the consequences to the fact that nobody can have the monopoly of the truth and at each time we should not lose the fact that the truth can come from where it is not expected. Now, this is the basis of tolerance.

Harmonious relationship is actually complimentary but different. It means in the rival duties, in a rank between the political parties and the opposition parties, the idea is to see how you can ensure a harmonious relationship. In actual fact the rivalry is not new in the continent before the advent of the colonial powers, our countries have experienced various forms of powers. They also had rivalry. So, there were traditional matters to regulate these conflicts and emphasis was made on the search for compromise and in the final analysis we were able to succeed. So, this relates to the equilibrium in our society, some call it African democracy. When we talk about democracy in terms of the mode of the control of the leaders, this is a phenomenon which came later in the African continent. This goes to the period for the fight against colonisation at that time you had parties and some were in favour for immediate independence and others thought there was need to continue to walk hand in hand with the colonial powers. So this was a period, and at that time one can also see that the clashes as it were, were nearly inevitable between the two conceptions of the national sovereignty of countries. However, this was a conjectural multi-partisan which was linked to a precise historical event at stake in time and then it disappeared with the access of our countries to independence and most of these parties disappeared and they gave way to monolithic systems of governance which were embodied either by the pre-independence parties or by soldiers who in due course took over power. So, there was this important period that our countries experienced and what it took was the wave from the Eastern waves to enable African countries to go back to democracy, to multi-partisan. So, very briefly, we are able to see that just like the time of decolonization, we saw that rivalry have been rekindled between the parties. So, between the parties the relationships were extremely bad due to various reasons and there were attacks against the adversaries and there were abuses, persecutions, imprisonments, torture and assassination of the opponent. The exploitation of faint assent of tribal sentiment, the fraudulent electoral practices and a culture of systematically refusing political assonance. This was a phenomenon we have noted in various countries, the relationship between the political parties, the parties in power and the opposition parties. The relationships I was saying were not good and this has had effects on the stability of our countries and also on the process of the development of our countries. The consequences, because you live this on a day to day basis the consequences is that several countries have degraded, they have gone down and nobody expected this at the time of independence. So, this problem of the type of relationship to foster between the political parties, opposition on the one hand and the powers that be on the other hand is a crucial problem. One has to pay tribute here to the organisers of this very seminar for having put this theme in the agenda and this theme as you have seen the wording of this theme is namely, how we foster a harmonious relationship between on the one hand the powers that be under the opposition parties. True, the mutual acknowledgement, mutual recognizance of the rights and duties of all and sundry, this is the exercise that we are dealing with here and in the final analysis, we are called upon to see how we can ensure this harmonious relationship. Let me state that in this game of politics, this game is not easy because by its very nature, politics leads to adversity, opposition and the powers that be are always fighting, so we cannot expect a harmonious relations between the two. So, there is need in the final analysis to reconcile this adversity which is inherent in politics with the need to harmonise issues within the political parties themselves for the development of our respective countries.

Therefore, it goes without saying, how do we ensure this harmonious relationship in reality? Here, the theme is clear whether we like it or not, the power is an institution which is a part and parcel of the constitution. The opposition parties also in most cases are mentioned in the in the constitution in any case

some of them have their own charters. So, in the final analysis the conclusion is that these two institutions which are really crucial for practical activities and namely on the one hand the powers that be and on the other hand the opposition parties. If the two are institutions which are devoted by the text, so we have to feed them in the right positive... When this is indicated in the constitution, you cannot state the opposition in the constitution without giving it its duties so, the opposition has duties, so, its relation with duties that we have to identify the ways and means to ensure that these responsibilities are assumed by the opposition parties and the same thing goes for the powers that be. So, in the final analysis, before everything else, first and foremost we have to ensure that we identify what the roles of the powers that be, what is its function and on the other hand what are the duties of the opposition parties. So, this is the crux of the matter and this is where our exercise is concentrated on. So, let us start by the duties, responsibilities of the powers that be and then we talk about the duties and responsibilities of the opposition, the duties and responsibilities which are specific to each political party. From the view point of the common duties and responsibilities, we will have to come back to the fundamental text which governs the various parties.

We can see that there is a common denominator issue. That is to say the political activity in the final analysis aims at looking for the common goal here. There is no discrepancy here, the issue is to know what should be done so that in a given country, there is prosperity on the general plan which could lead to the well-being of all and sovereign. I believe this is the common duties and responsibilities, whether we are in the opposition or whether we are in the powers that be. So, some of these common duties are responsibilities that all the political parties have. You have consequences or impacts under duties and this is not underscored. You do not create the political party as you create a business with profits, no, a political party is created because over the years, one has the intention of creating things, that there are problems and there is need to come together to resolve the problems in the interest of the population. So the vocation of politics is to serve the public, not only the public service but among all the public services between the States. We should not lose sight of the issue of citizens. What I am saying is that the fact that the finality of the political activity is that they are the common goals and this is the false consequence and obviously it is the public nature. From this public nature, there is another consequence which I will talk about later on, that is, the management of political affairs, are the financing of political activities, because it is the activities of the interest of all so it is the local collectivity which takes this into account. This is not the public nature, it is transferred into an individual nature, so this is what one can see as a common duty on responsibilities of the political parties; whether they are the parties that lead or the opposition. And since we want the common good, there is need to put in place its societal projects. There is this conception of common good and the manner in which to go towards these common goods are the parties that are not in a position to produce a political societal project

The second consequence is when it comes to duties and responsibilities. the parties have to be capable of dissimilating this concept to bring in the population around this common responsibility and also to sensitize the population. That is our conception to go towards the well-being of the people and consequently we have to educate people, we have to sensitize the citizens, to ensure the conditions of development of our country. There is need for the citizens to understand this, and this means that on regular basis citizens have to be included in the electoral list, they have to vote at the right time, and they have to ensure to meet political rights not on personal considerations but before anything else the quality of the programme has to be proposed for the society at large.

Sir, in my opinion, the foster duties, are responsibilities on the political activities. As I have said, it is common to political parties; whether those that are in power or those in opposition, but apart from these common activities, common aspects, the political parties whether they are in both sides, have specific duties. There is need for the opposition to acknowledge the duties, specifically to the powers that be, and that on the other hand the specific duties allocated to the opposition parties. We are talking about those who have chosen to be on the other side. So in terms of specific duties of those who are in power, this goes without saying, the ruling party programmes that have been proposed during the electoral campaigns, proposed to citizens, and the citizens have voted in favour of a different programme. So this is the ruling party, that has been voted in power, it is not on the opposition side, that you have to look for the specific duties. It is the ruling power which is responsible for ensuring this, so they have to assume in the interest of all and sovereign and not on the basis of considerations relating to tribalistic reasons. But less to the consideration of the electoral reasons, it is true that at the time when the citizens have chosen it is not on the social structure, it is not on the location that are voted for those in power, but as soon as the ruling party is in power they have a responsibility to share the national resources to all. Now when you see this not being put in place it is incumbent on the parliamentarians to ensure that this is done, whether you are talking

about the appointment of officials or whether you are talking about the tenders that are given to entrepreneurs, so the ruling party is responsible to ensure that they manage the public resource for the benefit of all our sovereigns, this is the responsibility of the ruling party.

Now let us talk about the opposition party. Let me belabour on the issue for a while just to place particular emphasis on what these duties of the opposition parties are represented.

During the seminar that we held in May 1999 in Libreville, we placed a particular emphasis on the fundamental role of the opposition parties, and we have stated that this important role is to offer to the people a credible and attractive alternative, so this is the duty of the opposition party. I repeat, 'to offer to the people a credible alternative.' Let me insist that this is not a programme, we are not talking about parties going to elections to state that the alternatives could be a choice for the opposition. It is not actually right, it is more of an institutional duty, it is the reason that if this obligation was not there, that is to say to produce an alternative to the ruling party, in the absence of that the opposition party will not have any reason to offer the alternatives. Here I would like to quote what Professor Guy Carcassonne said in Libreville, "To construct such an alternative and render it potentially attractive is the task of the opposition, it is a primary duty, which no one else can discharge for it." One cannot be in the opposition and await for the orders to come from the alternative. You cannot be in opposition party and wait for the liberation movement to take place of the alternative in this place, it is the role, it is the function of the opposition. Once again I would like to quote Professor Guy Carcassonne who says as follows; "Those who hold power do not really feel responsible when there is no threat of a substitution." Obviously, it is a vacuum. It is a lee-way to all abuses. In the absence of sanctions, this leads to the reasons of politics and are all its consequences." So consequently remain the specific duty on which we need to underscore is to offer this alternative to the citizens, and consequently there are consequences, impacts, and duties, and one of the most false consequence is that there is need to place oneself rightly on the part of the political power to ensure that there is a status quo, to ensure that those in power remain. And if one places oneself as opposition parties obviously there is need to walk for changes for the departure of those who are in power. Let us say it is true that maybe later on you will talk about it, how to change power. However, it is only during crisis situation that those who choose to be on opposition parties, and apart from what the electorals want then they come and join those in power, because here they have betrayed what the electorates said, so maybe they can engage in such consensus in such political mileage.

Now the duties which are linked to the function of the political parties first and foremost is that there is need to conceive the societal projects around which one could adhere. One can bring together all the citizens who do not agree with the policy of the government. This is a specific duty because the citizens are up for change, now it is incumbent on the opposition parties to support the aspirations of the citizens and also to translate this into a project, and from this project to officer an alternative.

Now the second responsibility which is linked to the obligation to bring alternative measures is that those who have chosen to be in the opposition and who are members in the parliament have an extraordinary platform, that is to say the parliament itself, because at the parliament they can criticise issues. Somebody said so yesterday, however they have to consider, they have to look at the shortcomings of the powers that are being, they have to denounce them on time because people have the opportunity of saying day to day we have been given an image of what should be the powers that day.

Let me go beyond, let me say that everything else there is at the same time not even seen in isolation, the opposition parties I am referring to, the parties have to come up with human resources which show to the population that they are prepared to assume the responsibilities that they have voted for, because it is easy to criticise those that are in power but within the opposition parties do we have the adequate human resources, do we have the human resources that is required to ensure that those who are here are brought to book, so parties are just not there to criticise and make demonstrations, but it is a platform where we have to exercise the state responsibilities. So in a nut shell this is what we could refer to as the role and the duties of the parties, whether they are in power or in the opposition.

Now I will talk about the rights and the means to put in place these responsibilities that I have just defined. The functions are not the same, whether we are in the opposition party or in the ruling party. In the ruling party case, it is not very complicated. The wherewithal there are made available. The legislation, the Constitution, the ordinary laws, these are instruments for the ruling powers and so, they have the possibilities of adopting these legislations. In the final analysis, the problem for those in the ruling party is to act in such a manner as not to be impeded in the accomplishment of their duties because they are in the ruling party. This is what we expect from the ruling party as the opposition parties. Now, how do we ensure that opposition parties leave the ruling parties play their role? Here there is no miracle, harmony has to

work here. When this party has the means of accomplishing this task, then there is equilibrium, there is a balance and every actor plays their role just like in the universe, which is the epitome of equilibrium. The same thing goes for our countries. If the opposition vis-à-vis the ruling parties, if we ensure that they freely assume their duties and responsibilities, the main thing that remains to be done is to ensure that the opposition should have the rights and duties for everybody to be comfortable. This is what is required. Sometimes one has a tendency to believe that when there are some concessions when it comes the freedom of speech, when there are concessions to the opposition parties, some people believe that this is not well done whilst those in the opposition in a democratic system the duties and responsibilities are not exclusive, they are preserved because you do not choose to be opposition. At one stage one has to leave the opposition parties to ensure that the ruling party goes to the other side. So, all that is achieved by the opposition today is an achievement for tomorrow for those who are for the time being are in the ruling party. Actually, it is a fight, a combat undertaken by the opposition parties but it is for everybody.

So, now I will go to the last portion that says, what are the rights and privileges of the opposition party. Among these rights and privileges, one can talk about three categories. First and foremost, there are rights and privileges which are derived from the fundamental freedoms of citizens because there are no fundamental taxes governing the freedoms of the political parties. So, it is through this system that we create parties. So, we have to acknowledge to the parties these rights and liberties.

The second category is the rights today which are enjoyed through the elected members of the parties because they enjoy some prerogatives.

Finally the third category is through the reading of the organic text, what we can qualify as the right to public funding. Let me repeat, the right to public funding of political activities. So, these are the three categories.

Very briefly, let us look at these three categories, let us start first with the right from the fundamental freedoms of citizens. Here, one has to acknowledge that in our countries, efforts have been accomplished after the establishment of parties after the waive from the eastern part. This was actually a difficult situation because the parties could not actually undertake their activities in the field. Today, platforms are being opened up and the parties can be established anywhere in the country. Freedom of expression is not available in all the countries but in most African countries the parties can establish themselves and they can also organise public meeting. They can express themselves freely during meetings in the media. They can also participate in the referenda. Within the structures responsible for the organisation of these activities, they can have representatives within these entities and so on. So, in this particular respect, we encounter problems which on a day to day basis are abound in the continent.

Then, the second category, the dictates that govern our Parliamentary activities, give the Parliamentarians, whether they are in the opposition or the ruling party, it gives them rights, for example, depending on their numbers, they can hold posts in bodies responsible for organising Parliamentary proceedings. We are talking about the Bureau, Committee Bureaux, etc. They can also be represented in the Standing Committees. They can also form Parliamentary groupings. They can also introduce Bills. They can also use the forum of Parliament to express their position during allotted time speaking times without fear of reprisals against their speakers. They also have access to information on several areas of governmental action. They can also call for the establishment and putting in place of enquiry commissions. They can also pose written or oral questions to members of the government and they can also bring a motion to impeach the government if they have the correct numbers. So, these rights and privileges are accorded to political parties in most of our countries and they enjoy them through their elected Parliamentarians. However, here I would go towards the conclusion. All these rights are formal platforms for the opposition.

In the final analysis, in reality everything will be played on the last aspect, that is to say, the right to financing, the right to public financing of political activities. It goes without saying. What I am saying is that, this is the common good of the people. We cannot state that it is the militants of the parties who finance political activities because a political party is not meant for the militants, it is for the whole nation. You cannot also ensure that the economic operators who finance public activities, here the reasons are obvious. If not, we would think that it is thanks to a personal fortune that you conduct political activities. Here, the exercises are also evident. In the final analysis, it is incumbent on the state for the interest of the citizens to ensure that the parties are financed. This means that we are supporting political activities.

Let me conclude by saying that, the consequence of this state of affairs is that there is need to include in the Charter that political activities are public services. The second thing is that we have to acknowledge that among all the public services the highest in the rank of the ladder is the political activities. Thirdly, we have to give the institutional wherewithal, whether you are talking about the rights of speech or whether you are

talking about financial or material wherewithal to ensure that the political parties, whether they are in power or in the opposition so that you ensure that these parties assume their duties in the right way. I thank you for your attention.

**CHAIRPERSON:** Thank you very much Mr Agboyibo for that lengthy experience about these issues. I now invite Honourable Mukantabana to give us his experience on managing diversity.

**MS ROSE MUKANTABANA (SPEAKER OF THE CHAMBER OF DEPUTIES OF RWANDA):**

Thank you very much Madam Chair of the session. I am called Rose Mukantabana, I am the President of the Chamber of Deputies in the Rwandan Parliament. I wish to accord my appreciation to the Chair for the opportunity offered to me in order to present my paper. I wish to present to the participants of this assembly my modest contribution on the theme of inclusiveness in decision making. Let me also avail myself this opportunity offered to me to thank the IPU and the Botswana Parliament for having organised this conference which is in line with the commemoration of the International Day of Democracy. I also wish to thank on behalf of the Parliament of Rwanda and on behalf of the Members of my delegation and on my own behalf. The theme of managing diversity in politics in democratic societies, since we are talking for democracy, is a subject which is quite sensitive but at the same time quite interesting because if the differences or diversities are not well managed, they lead to destruction of established systems. I am doing this as a Rwandan, I am talking out of experience because Rwanda went through genocide which was caused by the fact that we could not manage the diversities and the differences that existed within our community. Inclusiveness in decision making necessarily implies considering the following essential points. First and foremost, in the exercise of political power, the will of the people should be paramount. That is, decisions and the actions taken by the governing authorities to whom power is bestowed or delegated should take into account the will of the people. The differences that exist within the community must be turned into the best advantage in order to move the community further along the road to democracy, peace and economic advancement or development. Equality between citizens, that is, equality before the law must be strengthened through a formative or positive action aimed at correcting the defect or inequalities which are present in every community.

My presentation will be on the integration of the minority groups, gender, partnership and politics. Let me give you a background on these fundamental principles of democracy. Then I will conclude by sharing with you the experience of my country, Rwanda, particularly regarding tolerance and inclusiveness in politics.

It was said time and again that the words politics and democracy which are understood to refer respectively to the manner for exercising authority in a state or a given society and democracy as a power of the people by the people and for the people. It implies the involvement of the two principles of equality and collective autonomy of members of the same community. These two principles are clearly enshrined in international legal instruments, particularly the universal declaration of human rights and the international covenant on civil and political rights. In very clear terms, they talk about equality of all citizens and the dignity inherent to the human persons of all members of the society. These principles of equality prohibits any discrimination, all protected by the political powers when a country party to these different international convention adopted legal text they must ensure that its content is not discriminatory in anyway.

Now with regard to the principle of collective autonomy, it is also enshrined in the international covenant of civil and political rights, because all people have the right to conserve self determination and to organise the power as they fully determine, and we are talking about the people who are considered as a whole set of members of a community, which must determine the form of government of their community. In other words, the idea of democracy implies that the power governing the community should reflect the will of the members of that community as human beings equal in dignity before the law. There is no single formula of governance that is ideal for all the communities that beholds each community to integrate the universal principles in its own context, and by looking at the need of a social economic development in considering the interests of all members of the same community.

So this being said, let me now turn to the integration of minority and or marginalised groups into political life. Let me also recall that the principle of majority generally there seems to be particularly appropriate decision making principle in the context of democracy. The majority rule and democracy are closely rather related with the electoral process being the most common expression. There are some people who believe however, which I think is right, that democracy is characterised less by majority rule, than by the recognised right of every citizen to participate effectively, in the decision making process within a community that they belong to. Certain limits are thus necessary and must be imposed on majority rule as

implemented in democratic systems. Those limits are intended in particular, to protect minorities and marginalised groups from decisions taken by the majority that take no account of their interests.

Now looking at the elections you will agree with me that there are some groups aided with all the will that will never win elections because they will never be in the position to fulfil the conditions because they require money, or they do not have financial aid or they need other resources; material and financial. Resources which they do not possess, then you will never be able to win the elections, that is why certain measures are important to interview the different groups into the political life for a given country.

Now with regard to the minority, when you talk of minority and if you look at the international instruments that we have today, the idea from minorities in the international covenant of civil and political rights that provides that, in those states in which ethnic religion limits mannerisms which exist to person belonging to such minority shall not be denied access to this article. So this article of the international covenant related to civil and political rights, contrary to other provisions of this benefit which generally is beneficial to all people and these provisions that are elected by the minority groups, to join just to adopt positive measures in favour of the minorities living on their territory.

With regard to general rights recognised to each citizen, it is expressed in the text of the international covenant of civil and political rights, with regard to the participation to political life, right to vote, right to be elected, right to have access on the general terms according to the political service. As I said these are forms of principles but in real life, these cannot be applied if we do not take appropriate positive measures to rectify inequalities that exist in our communities. So we must recognise these which impose to individuals which result from the economic conditions, social and cultural conditions. Now the rule of equality prohibits except on objective and reasonable grounds and the difference to treatment for categories or groups of people in order to have equilibrium between the situation if we have to talk about democratic state. Therefore the rule of equality as I said a while ago, cohabits except on a reasonable grounds in a different treatment for categories or groups of people in comparable situations.

Furthermore, it also prohibits the identical treatment except on objective and reasonable grounds of categories or groups of people in non comparable situations. As the concept of distinction which is differential treatment in the response to the requirements of equality. Such differential treatment is admissible to remedy situations in order to correct the factor situation that exists in our different societies. The principle for equality has thus promoted the exposures or recognition of the rights for various categories of people, between the minority and the marginalised groups. The decision making process must take into account all national concerns. The risk that political decision will be contested by the minority group, must therefore be limited by measures to which the principle majority rule is subordinate. The examples are quotas or seats set aside for certain categories of people during the elections or a special procedure of appointment. Let me give the example of my country Rwanda. In our senate with a view to correcting the imbalance that exists, there is a procedure for electing senators, but senators are appointed by the President of the Republic, who ensures that the most underprivileged national community and historically is represented.

Now, with regard to gender partnership in politics, this is a very sensitive issue because in many societies, women have been excluded from politics for time immemorial and the politics have been considered as the man's business and for the many reasons that are known to everybody. First of all there is domination for men, because men held the reigns of power in many societies politically, and the economic arenas, socially and even at the cultural level. Furthermore, there are some other unequal opportunities between men and women enjoying the fundamental rights, that everybody should enjoy in spite of the fact that it is enshrined in the universal declaration of human rights in the different covenants under other international instruments, women did not have easy access to education. In some countries they did not enjoy the right to own the family property in the household, the right to choose one's work freely, sometimes it is imposed on women. The right to vote and to be elected, was given to women only recently vis-a-vis men and there are also cultural stereo types and prejudices, which are found in many cultures without forgetting the violence of all kinds mounted against all women.

As a result of all the above, that women were oppressed or discriminated against in politics, looking at the patriarchal system prevailing in certain countries that foster women involvement in the participation of the political life. Even today we have noted a very low number of women participating in local, national, regional and international decision-making bodies. You will also agree with me that we cannot talk of true democracy if part of the population has no part in the process of decision on the management of public affairs. Democracy requests that the interest of the various groups in society, including those of women be taken into account when the decisions are taken or made.

In the international human rights law it was declared that it is an ideal to be attained by all the communities but this situation has not been attained with regard to the rights of women. It was not implemented, that is why at the United Nations they tried to connect by adopting other instruments such as the Convention on Human Rights adopted in 1952, and this did not correct the inequalities. In 1979 there was a new step by adopting the convention on the elimination of all discrimination against women. Women had also started to do away with the culture and the two different conventions and the different international conferences that were organised since Mexico in 1979, 1975 up to Beijing.

In 1995 women were made aware that it is not logical and that the political arena should only be preserved for men. So they were made aware that they should participate equally in the plan of action of the declaration adopted in Beijing. Those provisions that require at least 30 per cent of sitting should be reserved for women decision making processes. But today more than 10 years after Beijing, one must see whether this is implemented throughout the world. Very few countries have indeed implemented those provisions.

Now looking at the study carried out by IPU in 2008 on women and politics, 18 per cent of women participating in Parliament, 16 per cent only in the executive, but we cannot despair because progress has been made here and there in some countries. Maybe I always give the example of my country because it is the country I know best. The evolution of women in the political life gives us very promising results looking at the Parliament for example, very recently from 1994 up to date, in 1994, there were only six in Parliament out of 70 Members of Parliament. Today in Parliament in Rwanda, the chamber of deputies, there are 45 out of 80 Members of Parliament, so they are the majority. It is more than 56 per cent, in the senate they are 30 per cent.

In Rwanda, through the constitution, we have the principle to respect at least 30 per cent in all decision making organs or bodies from Parliament, government and all other programmes.

In government, women now represent more than 30 percent in the judicial bodies and they represent more than 47 percent and in the district councils bodies there are more than 45 percent. You will ask why? Why did we move to this situation so there is a political will to make gender equality the kingpin for the national politics? We also have the commitment of women themselves to participate effectively this opportunity that is offered to them by the political will.

In concluding this chapter on gender equality, there are conditions which are necessary in this requirement because without those conditions, you will never manage. You have to educate the public about gender and the rights of people or persons because we have noted that at the end of the day women rights are violated not only that people are bad; because people do not know that this is now a violation of the rights of the people. They must mobilise and we must sensitise women themselves on the fundamental rights. I was recently following the radio in a country that I do not want to give you the name, about the law which was adopted that gave the right to succession to women and I was surprised to see that women were saying no, no, you have given us too much; hold on, it is too much. Women are against the principles which they want. If women themselves are not aware about the violation of the fundamental rights then things will never move in the right direction.

We must also have the space of dialogue and exchange between men and women in order to make men value the fears of men that the promotion of women is not to challenge them from the situation, it is just to build peaceful, just society. We must adopt at the national level policies and strategies that mainstream the principles of gender equality. Let me tell you, if there is no political will, nothing will move because the political powers mechanisms should commit themselves to mainstream gender in national policies and national development strategies. We must also establish legal and institutional framework allowing for effective implementation because everything is in line the legal framework and we must have laws that are favourable. We must have strong Constitution, democratic Constitution that will implement different principles. As we take an affirmative action or measures, man call it positive discrimination but we prefer affirmative action. In order to reduce the gap that exists today between men and women in as far as political parties are concerned, this requires not necessarily the political powers but all stakeholders in the community. All the stakeholders that have the same language, that is the media because we have noted that Medias are the thrust to develop stereotypes against women, to discourage women, to present a negative image of the women. So, media should tell their language in order to foster the participation of women, the civil society has the people to roll to players. I am saying this because experience I have in my country and why we managed to reach the level we are today is because there is collaboration, cooperation, efforts concerted and levels that the political level, the Parliament, the media and the civil society. Everybody

understands the issue uniformly and women to present more than half the population, they cannot be ignored; genuine development and genuine democratic country.

Now let me turn to some examples but I have adorned from the Constitution of the Republic of Rwanda to show you how the policies inclusive; this is a policy that was adopted after 1994. 1994 is a historic year in my country for the people of Rwanda because as I say at the beginning of my presentation, we went through genocide. I presented the genocide that was caused by the intolerance of the other genocide that was caused by the absolute power of individuals or a group of individuals. The political group at that time did not manage the diversity they inculcated a hatred against another group which laid to the extermination of fourth particular group that was qualified as an enemy. During the genocide group felt that they had the right to eliminate the other group because that is how they were taught, that these were your enemies that must be eliminated. Now with this experience therefore, that experience on the genocide were stocked by Rwandans themselves. They were passive and in that passive eyes of the United Nations International admitted they had the force to intervene. They were passive in observing the killings in the country; the Rwandans themselves topped the genocide. Immediately after the genocide, we said no, we can never go back to the same mistakes. We must find other means for governance. The orientation of our politics as well as to put an end to this chronic piece of discrimination that led us to the genocide. So, with the new Constitution adopted by the referendum in 2003, the people for Rwanda have now given us the following principle as enshrined in our constitution. The first constitute principle is the fight against the ideology of genocide and all its manifestations.

The second principle is the eradication of ethnic, regional and other division; the promotion of a national unity. Third; principle enshrined their Constitution to the equitable sharing of power. Fourth principle is the establishment of the rule of law and for a true realistic democratic system, equality of Rwandans and the gender equality in that at least 30 percent of past in decision making the bodies are set aside for women.

The fifth principle is the establishment of a stature dedicated well being with the population and to the social justice. Sixth principle is the cost of search for dialogue and consensus.

The other articles in the Constitution that show how those principles are to be materialised; the principle of multi-party system is recognized. Currently in Rwanda we have ten authorized political parties and out of the ten political parties, nine are in Parliament. The tenth party was just authorized recently, that is why it does not participate in the Parliament.

With regard to political parties, we would be in the same spirit of national unity. Political parties are prohibited from diversifying with the rest. An ethnic group, a tribe, clan, region, sex, religion or any other characteristic that could serve as grounds for discrimination. There are also the obligations; the political parties have obligations that once they recruit their members and the composition of emerging bodies and there are functions and the national unity and the gender promotion are paramount. For establishing a little list, any political party must align at least both men and women that women should not be at the end of the ladder. They should be in good positions in high echelons in the participation in Parliament. The Constitution stipulates that any political party that obtains at least 5 percent in the suffrage of the vote nationwide are represented in Parliament. That is why I was telling you that nine political parties that existed in the 2008 elections are all participating in the part of Parliament today because some political parties have the coalition and presented a single less than two who presented themselves at independent parties.

In the Chamber for deputies we have 80 Members of Parliament and out of the 80 deputies fifty-three are elected on the proportion list of parties. 30 percent result for women represented about 24 seats elected on separate list for women and by the separate organs. We also have two representing the youth and one MP who represents the people with disabilities with review to integrate all the marginalized groups who have been marginalized for a long time or minority groups.

Now in the Senate, we have a system of electing member of Senate. There are 25 Senators, the twelve are elected by specific decentralised institutions; four are elected by the forum of political parties. Maybe to talk a bit about the forum of political parties and one represents the private universities. There is one Senator who represents post secondary education, and the private sector. It is recommended that at least 30 percent of Senators must be women. The programmes that designate Members should always have in mind this provision of having 30 percent reserved for women.

Yesterday we were talking about the mandate of the MP in national and imperative mandate. In Rwanda we have seen this problem; the mandate of the MP, he represents the people of Rwanda. He has a national mandate, whilst he is elected; he is not representing Parliament in political party. You do not represent the specific group that elected you. You represent all people for Rwanda. The opinions that they express in



Parliament, you can never say that I am talking on behalf of my party or I am talking on behalf of a particular group because we no longer want to have the ideas that merely put divisions or that could have a divisional connotation within the role of community. You are not forced to carry out actions in your own constituencies. You are free to go everywhere in the country because you are a national MP. For any given reason you are excluded from your political party, because these are lists; electoral lists for those who are elected out of the political party list for any reason and you are excluded from your party, then you are excluded automatically from Parliament because it is the list and the person following you goes up and takes over from you. Now for the MPs who have been elected by specific groups if you lose your seat in the Parliament then new elections that are held.

Another important element in Rwanda is that the President of the Republic and the President of the Chamber of our deputies can never belong to the same political party. With regard to the forum of political parties, the cause for dialogue and consensus, we have had political parties forum which is a framework for dialogue where political parties meet in order to exchange views on the major political issues of national interest in order to consolidate national unity with a view to giving a consultative view opinion on national policy.

The Chairmanship of this forum is on rotational basis, so the political parties present the candidate for the Chairman of all the participation in Government. Members of the Government are chosen from the political parties in the light of the division of seats in the Chamber of deputism, although we cannot exclude people who do not belong to political parties, who are recognized because of the capacity or the experience at your level. So these are the people called independent who do not belong to any political party. Another important aspect here is that majority of political party in the Chamber of Deputising can not account for more than 50 per cent of Government Cabinet Members. So they only have right to 50 per cent and the other 50 per cent is reserved to other political parties that do not have the majority to independent people who are recognized because of the capacity and experience.

This policy of dialogue and consensus is a form of governance policy that the people of Rwanda chose, taking into account history and that goes back to 1994. So that we can never go back to that experience and makes it possible for us to have collaboration between the different institutions they were talking about, the collaboration or rigid or functional collaboration in Rwanda and we promote the functional collaboration of institutions, but every institution remains independent in their own mission. Let me hasten to end with this form of governor policy Rwanda is having positive results at international level. I am very sure that if you have followed very recently the results of the world banker doing business where Rwanda was number one at the award stage in terms of conducive environment for investment. Rwanda moved from 134 to 67, so this is a giant step. It was becoming a fast country in the world that makes strides. So I am saying this because we managed to have these results as a result of a collaboration at very good and factional collaboration between all the institution of Government, the Executive the Parliament and other organs in the public arena because we wanted to look at the contexts which is favourable for investment promotion in the organs of a country participated in this concerted effort with a view to respecting the criteria set by the World Bank. I just wanted to share with you the factional collaboration and clean collaboration. Of course will make it possible to have exceptional results. I thank you.

**CHAIRPERSON:** Thank you very much Honourable Speaker for your experiences. Honourable Members we need to use the next 35 minutes to respond to the presentations. I would ask that each delegation takes not more than five minutes to be able to share up the remaining little time. I also want to ask you to mention your name and institution so that that they can be recorded. So we shall start with the delegation of Lesotho, Honourable Motanyane, to be followed by Honourable Abdoul Quadri, East African Legislative Assembly, Lesotho.

**MR MOTANYANE (DEPUTY SPEAKER-LESOTHO):** Thank you madam Chair. My name is Sephiri Motanyane, a Member of Parliament since 1965. Madam Chair, I want to speak on the role of opposition and the ruling party. As I indicated I have seen it all, I have been in the opposition and the Government. So I speak from the back of experience. What is the Opposition after all? Opposition is Government in waiting, and as such, it must behave as Government in waiting. Our party is the only party in the whole of Africa and elsewhere, I think, which was able to defeat the ruling party in the next election. Once a party comes into power in Africa and elsewhere, it is almost difficult to unseat it but we did it in 1970. Five years down the line, we were able to unseat the ruling party because we behaved like the Government in waiting. That is my message to those who are in Opposition now. The former Prime Minister of Togo clearly

indicated that Opposition must be in a position to offer an alternative to the ruling party. If you just oppose without alternative, people will not know what you are up to.

One thing which opposition parties do not realize is that ruling parties lose support to opposition parties, that is a fact, because of the criticisms that have piled during their term of office because no party on earth is able to fulfil all its promises. If opposition parties can utilise that very unique situation, then there will become Government some time soon or later, but they must wait. To manage the diversities in Parliament, sometimes we need to reform our Electoral Systems. Certain Electoral Systems are not very inclusive, for instance if you take First Past the Post System, it is good for representativeness because each person knows who represent him or her in Parliament, but it is not very inclusive because that portion of the electors which have not been through to Parliament are not included. So we had to employ a hybrid of Proportional and First Past the Post Systems in order to come up with a system that is both inclusive and representative. So this question of managing diversities can also be managed through the time of the Electoral Systems that one employs.

In First Past the Post system, like I have said before, it is not very inclusive. It is only a good as representativeness is concerned, but as inclusiveness is concerned, the system does not offer much. Those countries that are using First Past the Post have to make laws that are positively inclusive because many women were not able to come through the primary elections. We have to legislate in order that the 30 per cent that is required should be met. In the Local Government Elections in 2004, we had to say every third constituency must be reserved for women and then the results were that we got 58 per cent of women represented in the Local Government.

Honourable Chair, I think this was what I just wanted to share with you. Thank you.

**CHAIRPERSON:** Thank you very much. Honourable Quadrim from the East African Legislative Assembly, to be followed by Honourable Kotsi of South Africa.

**MR QUADRIM (EAST AFRICAN LEGISLATIVE ASSEMBLY):** Thank you Honourable Madam Chair for giving me the floor. I have tried to follow attentively the two Honourable presenters, their papers are very rich and I think if we take the resolutions and the recommendations they made to us, we will be able to promote democracy in our continent. There are some problems which are very rampant in our administration especially political structures. We had been suffering from these tendencies, but I do not know why as Africans we do not want to draw less concentration from that and make changes where need be. Like the problem of the 'winner takes it all,' this one was inherited from Western countries democracy which has been in place for years and years, maybe centuries at least from 80 years and above. They are good at that and they cannot tolerate each other. In Africa I think it is only five decades at most which we have been living in democracy and we want to take whatever we got from western countries wholly without trying to analyse it and see whether it can fit in our societies. What happens then is a problem. Everyone wants to be in power, everyone wants to be a President, want to be in Parliament here and there and we want to take it by all means including even sacrificing our own people. So, I think that problem of the winner takes it all, we should think about it and see whether we can leave it to the western countries and try to put in place what fits our societies in Africa.

The second issue is about the opposition. My learned member whom I can call the dean of all parliamentarians in Africa, who has just left the floor has talked about opposition that it is government in waiting which I think is true but there is a problem of opposition also in Africa for opposing everything including even the positive ones. They can go to the level of, if you tell them this colour is black and that one is white and that one is purple, the opposition is ready to tell you that those colours are not what you are saying. Black is white, white is black, purple is red, just to oppose for opposing. This is what happens in Africa. You can bring in good alternatives if the party in power is saying that we are going to put roads here, we are going to build schools for our people, we are going to put in place centres and so on and so forth, that one is a good programme. If you cannot oppose it, bring in another one which is better than that one, if they are saying that they are going to put in place let us say five classrooms, say that we are bringing 12, we do not need five, we need only three but saying that schools are not good, I think that one is going far in opposing just for opposing.

Madam Chair, I think if we try to go I do not know, I have followed, I happen to be born in Rwanda to be a Rwandese and they have been following the politics of that country for so long. I think the way they have taken is not bad, can we learn from them as Africans and see whether we can take some of their policies to our countries and see whether they fit in there or not. Thank you Madam Chair.

**CHAIRPERSON:** Thank you very much. Now, Honourable Kotsi of South Africa to be followed by Honourable Sankara of Burkina Faso.

**MS CECILIA KOTSI (SOUTH AFRICA):** Thank you very much Chairperson. Chair, I just want to say perhaps in South Africa, myself coming from the opposition party, I think we have to congratulate the ruling party for leading in on women's issues and making sure that women are represented without legislating. Therefore it becomes an incumbent even for other parties as well to make sure that women are actually represented and they are actually very well represented.

Perhaps I should say as an opposition party, we need to be patriotic oppositions. Oppositions that are there to build and not to oppose for the sake of opposing. We also have to make sure that we strengthen and promote democracy and we make sure a one party state is avoided because absolute power corrupts and we have all learnt from that. I think opposition parties have got to be funded appropriately to actually see to the checks and balances of government that are being done. In many instances, parties make lots of promises to people and there are very good policies and those policies are not implemented and it is for the opposition party to make sure that those policies are implemented. I think in terms of how much time you give to political parties, opposition parties in Parliament to raise those issues is very important because it is actually assisting the country and not necessarily promoting opposition because if you are patriotic, your interests are about the country and not about your party. How people are going to judge you at the end is actually how much you raised the very issues that the ruling party has actually made mention of in Parliament. There is perhaps an issue of abuse of power in a number of cases in ruling parties where legislation is changed willy-nilly and that becomes a problem because at times you discover that the very legislation that was changed to deal with a particular matter is not implementable. For me that is not democracy because democracy should be about, why do you want to change this legislation not because you want to deal with a particular person or persons per se. Therefore any country that has got a one party state has a problem, I think so and we need checks and balances. Therefore we have seen in many African countries and in other countries where there has not been opposition people have not been given what they are supposed to be given in terms of service delivery and it is based on how government is able to evaluate and monitor not by itself but by Members of Parliament and by and large by opposition parties. They should not be seen as spoilers, they should not be spoilers themselves. The main issue is that as opposition parties, you have to be patriotic, your country first and thereafter you can look at other interests. I thank you very much.

**CHAIRPERSON:** Thank you very much. Honourable Sankara to be followed by Honourable Mensah of Namibia.

**MR BENEWENDE SANKARA (BURKINA FASO):** Thank you Madam Chair. Madam Chair, I would just like to welcome these enriching contributions and in the same vein I would like to recall here that if there is a majority which is ruling, it is because there is opposition because without this scenario, we cannot talk about democracy. However, I do have the impression Madam Chair, that these two institutional forces as has been underscored here, there are antagonistic in some cases and in the same vein, they are an impediment to the population which has other aspirations which means that today consequently, the opposition as well as the ruling party is seen as having usurped the progress of the people. We have seen such cases and somebody here has stated that one has to have enough financial means to win elections. The question is, does this justify that we make amendments, disgraceful amendments of our constitution to stay in power. Today, we cannot talk about tolerance when we know that the person who is in power through undemocratic means, he looks for other formulas of democracy so that he will be able to manipulate the constitution. This has been underscored here and while waiting for my colleague from Burkina, Ronald Dicko, I would take the floor, I would just like to reiterate a concern I heard yesterday, namely; what is the level of inaccessibility of something that is not tolerable, that cannot be tolerated? I thank you Madam Chair.

**CHAIRPERSON:** Thank you very much.

**HONOURABLE MEMBER:** Thank you Madam Chair.

**CHAIRPERSON:** No, I have got your name here, you will come later. Let us go to Namibia, I had indicated that I will give Namibia.

**MS MARGARET MENSAH-WILLIAMS (NAMIBIA):** Thank you very much Madam Chair and let me also congratulate that for the first time we have a female presiding officer chairing this meeting. So, maybe now, our brothers who have referred yesterday only to 'he', 'he', will now know that there are also she's. I want to also thank my sister from South Africa, do you see women have got emotional intelligence and that shows it by her maturity in politics as an opposition member knowing that it is important for the opposition also to be patriotic. I want to congratulate you my sister.

In Namibia, ruling party, opposition alike are sponsored by government, all parties get funding from government. This also creates the inclusiveness factor that we talk about and also for women we have to participate, you do not need to be economically very, very in order for you to stand. Now, when we talk about inclusiveness and tolerance, I am just wondering, women are seen in Africa also as oppositions and this is due to the fact that our male folk, the majority, I have to say, like now our President steering the IPU is very gender sensitive and he was also saying he is trying more and the IPU in general has got rules and statutes that if a delegation for three consecutive times do not include a woman, then they are penalized by virtue of votes. Now, I have also seen that there are some delegations when it comes to voting, they quickly include women. We should not be used to, we are not tokens. We are human beings and we are intelligent human beings, we can contribute. So, allow women to participate equally. This charter would not have been a problem if it was not done in a boys club. They have put one woman there may be to be a flower but she is a powerful woman, the President of Liberia. But in all, they did not care to include even parliaments or citizens to contribute towards this charter. So, you cannot take ownership of something you are not part of. Therefore, as women in Africa, you should also include us in your decision making positions and I am happy that South Africa has got the issue on first past the post where every third constituency is actually ranked to be headed by a woman and I think that may be I can learn. Recently two weeks ago, we had our electoral college in the ruling party and I think women dropped actually and that is solely because the party instituted a role, that is my analysis that amongst each of the two delegates coming from a region, one should be a woman and men some of them who are not gender sensitive felt that they are victims, so they have got victim votes, there are also victim votes in parties and women actually dropped. The number of women dropped. So that is also a fear I want to tell my sister when it comes to quotas and I want to congratulate Rwanda but I am always asking the question and I am saying this light heatedly, is it really because people in Rwanda believed in women in the first place because now you have shown them that you are very much capable but in the first instance I was asking, are there really just less men because of the war, or are the men really very much compromising on the issue of women's participation? I have seen this in South Africa and Namibia when women have participated in the liberation war. That shows even in Parliament that more women are included but in Africa, I have not heard any member of Parliament or any of our governments talking on the issue for instance of human trafficking. How can we be democratic if our women and our children are sold as entities and we are talking about tolerance, inclusiveness, democracy? What democracy is that, what inclusiveness is that?

Madam Chair, let me conclude by saying that, as women of this world, we cannot sit idle and the men cannot sit idle in parliament when for instance in the Democratic Republic of Congo (DRC), a lot of women and children were raped and the United Nations that is the protecting agency of all citizens increased the number of soldiers to fight and they did not increase the number of soldiers to protect women and children in the DRC. I think it should not be tolerable. We should not tolerate some issues and in some countries it is agreed upon and it is allowed and in other countries it is not and if the world, the United Nations would pass 1325 in the security council and 1820 stating that women should be part and parcel of peace keeping and peace building missions and yet they themselves ignore that, then I think the Africans should say the UN is also undemocratic, it is intolerable and it is not inclusive. Thank you Madam Chair.

**CHAIRPERSON:** Thank you, let us have Honourable Gomina from the CEMAC to be followed by Honourable Degefe from Ethiopia.

**MR GOMINA PAMPALI LAURENT (PRESIDENT OF THE INTER-PARLIAMENTARY UNION-CEMAC):** Thank you Madam Chair. I am Laurent Gomina Pampali, I am President of the Inter-Parliamentary Union of CEMAC.

Madam, there is need to say that the two presentations of this morning, have drawn light on issues for us and are sources of hope for democracy in Africa despite the obstacles and the difficult meanderings.

Let me start with the presentation by Mr Abohibo. We have learnt a lot of from it. First and foremost, the distinction between the presentation has enabled us to come up with the prevention mechanism or the conflict resolution mechanisms before the colonial era, and also the continental contribution, that is to say multi-partisan. I believe this distinction is quite welcome and it has enabled us to have a look at the way to go about it in Africa. Democracy multi-partisan is a foreign import. In this western democracy, as we all know, obviously after centuries of violent seize, however in the final analysis the west has put in place a system where there is a confrontation between ideas. Africa has tried to adopt the same system of democracy. We have seen the conflict between fiscal entities. We talk about the ethnic groups that are hidden behind parties. In most of our countries in between the political bureau, you will find that the party head normally surrounds himself the people from his region, people from his ethnic group, even though States are putting in place legislation to stop this. But in Africa, our democracy is fighting against these entities that have been put in place around our history. Now this is what explains the excesses to date, and I believe that Mr Abohibo has enabled us to have a look at this, even though he did not say so but this is the lesson that we have learned from his presentation.

Congolese intellectual, **Moula Campbell**, I am sure most of you know him, has described the issue by allocating the responsibilities of the post-colonial states because in the post-colonial states, according to him, there is violence because the states have not mastered the system and it is not applying the traditional system, so it is caught between the devil and the deep blue sea, and this explains the excesses that we are experiencing. But thank God they have some exceptions, the State of Botswana is a shining example, I do know that Botswana has local Assemblies, so this is an authentically nationally way of organising politics.

They have had the positive experiences in Rwanda which leads to inclusiveness and the involvement of women in the political process, all the foregoing are reasons for hope for our democracy in Africa.

By way of conclusion Madam, let me conclude by putting a question to the Speaker of the Rwandan Parliament, who believes that all that is done positively in Rwanda today is linked to the political will. Now generally is this shared by everybody, the government, the Parliament the civil society, the traditional societies, or are we just talking about an initiative that has been undertaken at level of the leaders? Does this political will have the future? I thank you for giving me the floor.

**CHAIRPERSON:** Thank you Honourable Oduka, be followed by Ghana.

**MR EDEVE ODUKA (ETHIOPIA):** My name is Edeve Oduka, I am from Ethiopia. I would like to add few points especially on building the responsibilities of the ruling and opposition parties. All parties should act on the basis of the Constitution because the Constitution is the supreme law of the land. We have to respect the Constitution. It is a duty of both parties, not only for the ruling parties. Loyalty is also important for constitution.

Debates should be about political programme, solutions to problems, not about the personalities of the parties or of the individuals. Most of the time we focus on the personalities of an individual, rather than focus on the ideas or the opinions, because both parties should accommodate such changes together. Opposition parties have the duty to be constructive by offering alternative solutions, so that the public has a choice. The ruling parties and the opposition parties have responsibilities to do those changes. Always the people wait for the changes only from the ruling parties instead of the opposition parties. Opposition parties should prepare their own policies and their own choices.

Ruling parties should also listen to the proposals from the opposition parties. Sometimes the ruling party only focuses on their own proposals, sometimes the proposals of the opposition party are better than the proposal of the ruling parties, then the ruling party should give a chance for the opposition parties, and also the opposition party should respect the ruling parties.

The other one is managing diversities, I think it is well addressed by the Deputy Speaker of Rwanda. But I have one question, what are challenges of accommodating minority groups in Parliament, also in politics, because it is very sensitive issues. In my country, Ethiopia, we have around 80 ethnic groups, all are living together. All of them have their own language and culture. In Parliament all ethnic groups speak in their own language. It is a challenge in Parliament because it takes time, but we have to hear their voices. What are the challenges in Rwanda especially in managing and accommodating minority groups in politics and in Parliament? Thank you very much.

**CHAIRPERSON:** Honourable Mohammed-Mubarak Muntaka of Ghana, to be followed by Egypt.

**MR MOHAMMED-MUBARAK MUNTAKA (MP- GHANA):** Thank you very much Madam Chairperson. I am Muntaka Mubarak from Ghana, I am a Member of Parliament. I want to talk about the inclusiveness. Yesterday when Madam Graça Machel was speaking, she made emphasis on the minority groups; women, youth and fiscal challenge, talking about them, being able to represent themselves better. In Ghana we have that versus democracy, we are proud of it. But when looking at our population, which is about 22 million, 51 percent of our population are women, but in Parliament, we have less than 10 percent of women in Parliament. The last election that we held saw the number of women dropping from 25 to 20, clearly showing the challenge that if we as a continent, do not put in mechanism and measures to build up this large chunk of our population, we may have serious challenges in the future.

Madam Chairperson, looking at the Ugandan situation and even Rwanda, I want to say the Ugandan one is looking more democratic for me, where aside the traditional constituencies, there are 80 districts and each district is allowed to elect a woman, and automatically bringing not less than 80 women to the house of legislative or Parliament. If IPU could take this vast project to encourage all African countries or member countries to at least assign the traditional constituencies we have a mechanism of making a threshold or giving some sole initial to women and a fiscal view, I believe it will go a long way to help us. Yes, Rwanda has a very good story, but you see most of their representation is by appointment, and I want us to do more democratic elections, where aside the traditional constituencies, there is another constituency created where people could elect these representatives; youth and fiscal challenge, where they can represent themselves better in the house of representatives.

The other thing that I want to mention Madam Chairperson, even though it was mentioned earlier by a delegate from South Africa, is about 'winner takes it all.' I am proud to say that I belong to the ruling government today, so I will be comfortable speaking about the it today, so that it does not look like because we are in opposition you are always talking about the 'winner takes it all.' I believe Africa cannot, and that is my humble opinion, that we cannot develop with the current system of winner takes it all, because the resources in Africa are not unlimited. They are not abundant, they are very-very challenging, and the best way a government could get to stay in power, is either to perform by putting water, food, jobs to the people or suppress the opposition, and because of the challenge of resources, many African governments have chosen to rather suppress their opposition.

I take this typical example from my country. In 2001 when a new government came they branded all the previous government officials as thieves, by the time they left office last year, they have been able to just get about less than 10 people, who went to Court out of about 90 Ministers who would be prosecuted. Now we have had another government that has just come, it is also calling those who have just left thieves, so that is creating the impression on the minds of our people that politicians are virtually thieves. There is this mistrust, who do they trust, everyone is calling the other thieves.

I believe that the 'winner takes it all system we must look at it critically as an African continent and try to make all parties involved included in the governance system of our individual countries. For me, I do not have the best suggestions, I think it is just a challenge I am bringing up. I would say, should we make opposition chair Select Committees of Parliament, most relevant ones? In my country for example, we have the Public Accounts Committee which is chaired by the opposition then the Subsidiary Legislation is also chaired by the Opposition, but will that be enough? What about the Committee on Health? What about the Committee on Education? What about the Committee on Rural Development? Do those have direct relation with the ordinary person? Why are we not making maybe a lee-way that opposition parties in the Parliament should chair these relevant Committees so that they could truly play the oversight role of Parliament on the government? If you are a part of the ruling government and you go into caucus and you have agreed and you are also the Chairman of these Committees, how do you come on the floor of the House to be seen to be criticising or to be pushing your Minister who in most of the cases in Ghana, at least 50 percent should come from Parliament? It may even be a colleague in the caucus. If we begin looking at the opposition chairing, maybe it could make them part of the governance system. Or better still, should we involve parties based on the percentage that they got during voting in the governance system? I want to just say that if you look at the prime minister system, like the World Bank report showed last year, it shows less operation in the prime minister system operated in Africa. Also, it does not create an environment that is most antagonistic. There is some level of understanding and most of us sitting here from both side of our houses we understand each other. The level of antagonism is managed than where you have a presidential system where the top party hierarchies are outside the Parliament and sometimes do not see eye to eye with

each other. I think that this is just a future decision that we need to be considering. Thank you very much Madam Chairperson.

**CHAIRPERSON:** Honourable Gryss from Egypt to be followed by Congo Brazzaville.

**MS SLADA ILHAMY GRYSS (EGYPT):** Thank you Madam Chair. I would like to congratulate my sister from Rwanda for having given us the exemplary situation, a Parliament which has enshrined gender equality in its Constitution and has taken measures to enforce this equality. However, the case in many of our countries is quite different including my own. We are still suffering from a lot of cultural traditions that have acted as deterrence for many years and still do to the participation of women in political life. While we have made quite a few breakthroughs but in politics we still have a long way to go before we can even arrive at 30 per cent representation. A lot of our men still believe that politics is a man's domain. I am sitting in Parliament and when I go and speak to any of our Members of Parliament about our rights to represent our own views, they say you have all your rights, what do you need to sit in Parliament for. There is still very much an environment which is not at all friendly to the acceptance of women in particular discussions concerning issues that are of direct relevance to their wellbeing.

I would like to point out that it is very important for us to look at that issue from the point of view of where we are vis-à-vis the social indicators because women are still very much disadvantaged. We have not had access to our basic rights, health care, education and even participation in our local societies so that becomes a learning experience and not something that is just thrown on us, we are expected to become Members of Parliament. Personally, I am a Member of Parliament that was appointed by the President to fill in the minority and to fill in position for women because we had only four women that won in the past elections. I am ashamed to say that. This was a regression from a previous period in the 80s where we had a quota system. It seems like we always have to go and reach almost a dead end before the political will arises and says, now we need to have women, here are all those international agreements that we have signed.

Finally, our government or the Executive has introduced a constitutional amendment that would allow a certain number of women to participate in our Parliament. So, we now will have 68 women who will be in a quota, however, still at a disadvantage in my opinion but it is still better than nothing. So, I think we still have quite a long fight and we have a long way to go but the political will is very imperative. The support of civil society, the training of women to be able to prepare themselves for entry into the practice of politics is very important. The support that they should receive, financial support is important. Women are at a disadvantage. Our Parliaments are not friendly to women at all and women cannot go out and talk to the electorates at night as a lot of men can, they do not have the funds. So, we need to make sure that these are there because without them, we will still be where we are. I thank you.

**CHAIRPERSON:** Thank you very much, that is very good news from Egypt. Now, Madam Monali from Congo to be followed by Benin.

**MS MONALI (CONGO):** Thank you Madam Chair. I would first and foremost like to thank the presenters for the pertinence of their discussion. Talking about the sharing of responsibilities, involvement of women in decision making, the Speaker of the Rwandan Parliament has rightly said so. A lot has been done but despite all the initiatives done, participation of women in politics has encountered obstacles. Positive discrimination is one of the means to reverse the trend. The fight of women is arduous and my colleague from Namibia has dealt with this issue at length, the problems that women are experiencing in maintaining their dignity and this starts with the girl child. The fight is difficult but I believe through what we are all doing here, the strengthening of democracies, is only to strengthen democracy that we can overcome. Strengthening of democracy in my opinion need behavioural change. Here I would call upon all women to question ourselves on some behavioural patterns which have to be put in place to instil change. Let me start with the family unit. Is there no discrimination against our female children? We ask them to wash the plates and take care of their brothers. It is the girl child.

In the issue of education, when it comes to education, the boys are allowed to go to university whilst the girls are not. As parents, we are also participating in putting in the minds of our children what we are against and this would run the risk of being perpetuated in our society. I would like to share with you an example from my country, Congo. The loss of our spouses in my country is difficult apart from the fact that one is losing their spouse, the widow has to undergo torture and this is done by women because according

to the tradition, the men do not have to try to get near a widow before the funeral. Also, when you are in decision making organs, decision making bodies, who do we choose, we the women as our men collaborators? Do we give a place of choice to the woman? Well, this is not very sure. Take the case of my country, the Congo, the Parliamentary attaché of the woman Member of Parliament is a man. For women who are Members of Parliament, for example, the Secretary General of the Ministries are all men. So, this is a lot of food for thought.

Madam Chair, we are not asking women to ostracise women, no. What we are asking women is the complimentary and a fair share of responsibilities. The Former Prime Minister of Togo has made a brilliant presentation on the duties allocated to parties, whether you are talking about the ruling party or the opposition parties. We all agree Madam Chair that political parties have an important role to play in the decision making process at political, economic and social levels? My dear sisters, let us go into politics, let us establish political parties.

To the men, I would like to say the ideals that we are defending for our families and countries, our important numbers is forcing us to do so. We have to ensure that this is done in the name of the strengthening of democracy. But it goes without saying that our success has to go to the respect of women by women, the conscience, the belief in women by women and the love for women by women. I thank you Madam Chair.

**CHAIRPERSON:** Thank you very much Honourable Monali. Now we go to Benin, Honourable Nago, to be followed by Honourable Mokolo Wa Mpombo of DRC.

**MR M. C. NAGO (BENIN):** Thank you Madam Chair. Madam Chair, I would like to congratulate the two presenters. I must say that they have shared with us presentations which are a source of information based not only on the conceptual notion but concrete cases. These two presentations, Madam, are a source of inspiration for me. It leaves me to make some comments and observations. This morning, through this presentation we are lucky we have seen two systems of political governance which are basically opposing. In any case, they are different from the system of governance as presented. The first system that has been presented by Mr Agboyibo which in my opinion could be called a majority opposition system, this system is found in a lot of our countries. In any event, in Benin this system is in place.

The second system which in my opinion is a system of consensus and inclusion, this second system is applied in a concrete manner in Rwanda. What I want to say is that none of these two systems is perfect, each of these two systems on the one hand has advantages but on the other hand it also has disadvantages. Take the case of the first system, majority/opposition. This system has the advantage of underlying clarity, also the fact of the political vigilance on the part of the population because this is a system which enables the groups which are in opposition which are at loggerheads. It proposes alternatives from what it put in place. This system is keeping an eye on the shortcomings on the part of the government and these are presented to the people. This is an advantage, it goes without saying. But the other side of the coin, the inconvenience is that this could lead to an impediment of development activities undertaken. If one suffices to underscore the shortcomings, one could be led, as it were, to impede the actions undertaken by the government. If the opposition parties have not been put before their responsibilities, this can impede developments at the level of the country.

With regard to system two, the system in force, in Rwanda, the advantage is that, there is a consensus around positive development activities. However, this also leads to a consensus also around the negative activities. Consensus at the level of positive actors, it is probable that this consensus will be extended to the negative activities because everybody is in the same mood, everybody is working together, so nobody stands to gain to underscore the negative activities of governance. This is one of the shortcomings of this system.

Currently, the shortcomings of the ruling parties are put under the carpet. There is no mention of these shortcomings, so in any event among the two systems, the choice is difficult to make. For my opinion, even though elsewhere I acknowledge to the consensus system an effort of imagination, an effort of creativity, an effort of a protection of the multi groups, women etc, I believe this has to be commended. Whatever the case may be, the choice of a system depends on the socio-cultural context and political context under which this system is called to be implemented.

The choice of a system also depends on the level of political maturity, for some form of political maturity of the people which have to choose its leaders, but also of the fact that the political actors have to be responsible. If the political stakeholders are responsible, if they are mature politically, then we can apply



such and such a system, and this should work for the interest of the population. I also believe that the choice or the smooth functioning of the political system that has been retained has been too soon, depends by and large on the leadership of the political stakeholders especially, he who is called upon to lead the country. It also depends on the political will of all and sundry. Madam Chair, I would just like to underscore that efforts have to be deployed from both sides, but most especially, there is some effort of adaptation to ensure that the choice of the system will enable us to attend development objectives that the people have assigned to themselves. I thank you Madam Chair.

**MADAM CHAIRPERSON:** Honourable Mokolo from Democratic Republic of Congo, to be followed by the second speakers from Namibia and those I think will really speak for about 2 minutes. But, Honourable Mokolo please.

**MR MOKOLO WA MPOMBO EDOUARD (DEMOCRATIC REPUBLIC OF CONGO):** Thank you Madam Chairperson. I would first and foremost like to congratulate Ms Rose Mukantabana, the Speaker of the Chamber of Rwanda, for her presentation on the partnership between men and women in the realm of politics, and the issues of the integration of the minority groups. I believe she has pin pointed the problems encountered by women, problems which have to be taken on board in my country especially with regard to the under representation of women. The problem of violence perpetrated against women in the eastern part of my country, and I believe with the issue of responsibility as well as the issue of under representation, I believe our colleague from Congo Brazzaville Madam Munari, has also underscored certain aspects of the responsibilities of women themselves. More so that we have noted that the women do not vote for women. Madam Chair your microphone, please.

Mr Aboyibo has talked about harmony between the ruling party and the opposition parties. I would like to thank him for his brilliant presentation. However, I would like to underscore the problem here, but before I would like to say that in principle, the ruling and the opposition parties are part and parcel of the political system because in principle, they are part and parcel of democracy. In principle the ruling party as well as the opposition party, all declare that they are there to act for the interest of the population. So in principle, therefore, the interests should not be divergent, the antagonism should not be the order of the day, but should only on contrary be convergent. In reality as has underscored the Speaker of the Benin National Assembly, all depends on the political will of all and sundry. Beyond, it all depends on the political culture, it all depends on the democratic culture in our countries, so it is incumbent on the government, the ruling party to put in place a conducive political environment which will enable freedom of expression, which will enable constructive criticism of the government activities. The exercise by the ruling and the opposition parties of the parliamentary control in Democratic Republic of Congo (DRC) efforts have been deployed in principle for two ends.

First and foremost, the legislation on the financing of political parties you will recall yesterday, the difficulties that we encountered in the implementation of this legislation, given that the political parties have broken up in the DRC. Currently there is an effort to bring together political parties, within frameworks or platforms. Secondly, sorry, we have the legislation on the status of political parties, this leaves the problem because this law, this legislation was enacted nearly two years ago, and the opposition parties have not agreed to appoint a spokesperson who has protocol, status and rule.

I would like to tell Mr Aboyibo that for the parliamentary opposition as he has said there is no problem in that respect, because the parliamentary opposition participate at all levels in terms of parliamentary principle, but the relationships are more complex when talking about the extra parliamentary opposition. For instance, in my country, out of more than 200 political parties, at the senate, barely, 20 political parties. So what about the rest? What are they doing? My concern Madam Chair, given the rule of the opposition as Mr Aboyibo has defined namely, to offer a credible alternative given these circumstances, how would you establish this harmonious relationship between the ruling powers and the extra parliamentary parties. More so that in Africa I do not believe that people leave powers voluntarily to go to the opposition, I believe the reverse is more frequent. I thank you Madam Chair.

**CHAIRPERSON:** Thank you very much, now we have the set of second speakers, and I am appealing that they just take two minutes each. Honourable Eunice Ipinge from Namibia, to be followed by Honourable Osei Kyei-Mensah-Bonsu of Ghana.

**MS EUNICE IIPINGE (NAMIBIA):** Thank you very much Madam Chair. Let me congratulate the presenters and my points are very few according to the time. I just want to bring in a point to say that, it is true politics has been men's domain, but democracy is the rule by the people, and the women are included in the people as well. Politics send us around power, and gender relations are also power relations. As such there is a need for specific measures to bring in the other part, the women who are left out, who have got less power than men. The example in Namibia is that at our local authorities elections, we have quota system and women are 45 percent. Namibia is leading in SADC region at that level, but we do not have quotas at regional and national level. Those are the levels that we have less women. So I would like to appeal to ourselves that we need specific measures to bring in women.

Otherwise this issue of seeing women as second class has been in our sub conscience, and that is why even yesterday and today some presenters are still referring to the parliamentarian as he, he. It is because it is in our sub conscience. Sometimes we do it not knowing what we are doing. So we need instruments to bring women to the fore, so that we will be at par, and that is for the common good of our citizens. Thank you very much Madam Chair.

**CHAIRPERSON:** Thank you very much. Shall we have Honourable Osei Mensah to be followed by Madam Biko of Burkina Faso.

**MR OSEI KYEI-MENSAH-BONSU (MINORITY LEADER-GHANA):** Thank you very much Madam Chair. Let me first of all set the record straight. As given by Lesotho example that the opposition party succeeds in defeating the ruling party in just five years. No thanks to our covert adventurers who posed as a greatest defenders of the constitution, but who all proved to be self seekers Ghana is into its fourth republic, which started in 1992. The elections the opposition parties boycotted. So we bounced back in 1996. The ruling party was defeated in just four years. Perhaps that surpasses the example given by our colleagues from Lesotho. The opposition parties when they won, held power for two consecutive terms, and the defeated party re-granted itself, repositioned and has bounced back to regain power. The critical measure as we all do know as the acid test, is changing different administrations on three different occasions. So Ghana has succeeded in doing it on two occasions. A third time awaits us. Which is why I tell my colleague the majority leader, that they must prepare sooner or later to hand over, and that will complete the circle and Ghana would be judged to have arrived.

That is in the light way but in Ghana we have a unique arrangement, where we have a speaker who is elected by Members of Parliament but who is not a Member of Parliament. So our Speaker is not a Member of Parliament, and the arrangement is done in a manner ...

**HONOURABLE MEMBER:** She is a she, and she is here.

**MR OSEI MENSAH:** As you realised, I abandoned the sentence. The enterprise is really to encourage impartiality. Of course human as the speakers are, they may not be neutral because they vote for political parties, but of course that brings some element of impartiality in presiding over parliament. So I think it is a very unique arrangement, and our speakers have been striving to bring balance, to bear in the House. So people are encouraged, they do know that the speaker will be very neutral or impartial in administering the affairs of parliament. But once you have this, my colleague has spoken about the need to also accommodate other minority groups. He spoke about us, indeed Madam Chair yesterday spoke about the need to carry on board whilst you are talking about inclusiveness the youth because inclusiveness should not be limited only to political parties or even to gender considerations; the youth, the disabled and so on.

I think that we should also be cautious. I mean those ones; the enterprise and those commendable yes, but we should be cautious whilst we are talking about inclusiveness in order not to overstretch the issues. Otherwise as you do know happening else where in developed countries, if we do not become aware of where to put the breaks, other segments in society may also be craving sooner rather than later to cumber for accommodation in this enterprise of inclusiveness. You do know that in many cases, they offend our cautious sensibilities. So, we should be careful. Of course the enterprise to involve the physically challenged gender which is being construed to meet only women, in most cases, which I disagree with and the youth, another institute; I mean there are noble enterprises which should be encouraged. I should know where to put the graze in order not to confuse the picture of them all. Madam Chair, I thank you.

**CHAIRPERSON:** Can we have Honourable Burkina Faso to be followed by Honourable Richard Mdakane of South Africa. Please observe the two minutes rule.

**MR MARIA GORETTI (BURKINA FASO):** Thank you, Madam Chair. I am Maria Goretti from Burkina Faso. Madam, first and foremost I should like to congratulate the two presenters for their enriching presentations which have enabled us to put ourselves in the right perspective with regards to the debate.

I would first of all want to share with you my contributions with regards to the first presenter Mr Agboyibo's presentation on Political Tolerance. What I want to say, Madam Chair is that today very rarely do we have countries where political divergences are at high ebb. We have to live together. We have to undertake activities to ensure the development of our populations. What I want to say in Burkina Faso Madam, we have understood that following the recommendations of the group of the wise men, parties of the opposition has been put in place; thanks to the enactment of the law in 2002. This legislation in itself is the notable act because it translates the conscientisation that these powers have to respect minorities. So, this legislation was reviewed to ensure that the opposition parties are taken on board. This is to a view to respond to one of the concerns of this present concern that is to say, political intolerance. Now it is incumbent on the opposition parties to organize themselves, and to alert spokesperson so that they will be able to benefit from the advantages that are conferred to this thumb stone legislation.

Now talking about the presentation made by the Speaker of the National Assembly of Rwanda, I would like to commend all the political initiatives that have been undertaken and ensuring bigger participation of women in politics. I would like to state that if in this country the issue of ethnic groups has led to conflicts war; in Burkina Faso we have more than 60 ethnic groups and this is a weakness for us. We have what we call in Burkina Faso jokes cracked between the ethnic groups. Cultural withhold which means that we meant to hoax and sometimes if there are difficulties in resolving the problem, we send representatives of the ethnic group who are to use jokes to resolve this issue. So consequently, there is a synergy symbiosis so what we really see conflicts between ethnic groups. So, the issue of the representation of women in politics has also met roots in my country. During the last session, the gender based quota has been put in place. This enables women to accede to disseminate posts with a view to ensure that they are in the electoral list and also show that they will be well placed. The issue is not putting them as flowers as it were. If the man is at the head of the list, he will be followed by a woman, and vice versa. So, this ensures that women are into Parliament. We also request them to benefit from financing because we have seen that on the ground. The financial means which the women do not have are to their detriment. We also have sensitised women on the cultural problems that they can encounter at the level of their regions; their districts. We have placed particular emphasis on the centre, women have to be schooled and be literate, so that they will be able to understand the appointed societal projects as well as the advantages and disadvantages, so that everybody will be able to act with a concrete backup.

**CHAIRPERSON:** Thank you very much. Now Honourable Mdakane and then finally Honourable Madu. Please observe the two minutes rule.

**MR RICHARD MDAKANE (SOUTH AFRICA):** Thank you very much, Madam Chair. If I may just pose one question to the presenters; the question would be at least for me. What makes it difficult for all of our countries to implement? What I think all of us we agree that we should implement, because as we listen it seems each and every country is so positive about engagement of women, youth, person with disabilities, rural sector of our communities. I think it would be important for the former Prime Minister of Togo, so in his experience as was part of the governing party and also at the Prime Minister; what is it that makes it so difficult to implement all these good ideas because the ideas here are superior ideas? I think if we can try to deal with this matter, because generally we do not differ, we all agree that we should involve the youth and the issue that we are raising.

The point that I also wanted to raise that I think many colleagues have already touched on this matter; to me is one issue that I think we should try to avoid in Africa and is personalisation of politics. I think this point was raised yesterday and also the tendency to demonise oppositions. This is because some of the matters that I think were discussed in future are about demonisation of opposition. If you demonise them today and tomorrow you will have to work with them, and it will be very difficult to do so. The point that I think to me is a very important point is that we should avoid demonisation of opposition.

Another point that I wanted to raise is that; of course opposition should be accorded to appropriate stature within our own Parliament. I think respect for opposition; and respect for the constituencies that they

represent is very important for us to have unity and diversity. This is because our democracies will only be sustainable if we respect unity and diversity because I think that there will be lot of challenges that would face all of us as country. Also the manner of sometimes treating opposition as enemies again is a problem. When they are treated as enemies and when we have to work with them, we would find it very difficult to have that to despair. The challenge to me therefore is really implementation of all these good ideas and also encouraging parties. I think in our own situation, where the President of the country meets with official opposition; the opposition in our Parliament has discussion with them, take them into confidence on matters of national interest, that is important because we should not doubt their commitment to serve our people like us. I think many opposition parties all over are also as committed as we are as governing party to serve the people. Of course sometimes they do not win elections, but it does not mean that they are not committed and genuine in raising matters of our people. Of course they have to present superior alternative policies for them to win hearts and minds of our people and then the people in general; the electorate. If they do not do that, they also fall in the trap of trading insults with the governing party. I think it would make it very difficult sometimes to differentiate some of the issues they are raising. I think that sometimes issues that are raised by opposition in many Parliaments are really correct issues. Sometimes the manner in which they raise them, make it very difficult for governing parties to accept them. I think they must present very superior policies if they want to win the electorate. Therefore there is bigger challenge for the opposition themselves. I think respecting them really should be a centre stone; the cornerstone for our democracy in our own continent. They should never be treated like enemies of the state or enemies of our people. Then if we do that really we make it very difficult bearing in mind that Parliaments are organs of our people. When people see what happens in Parliament, they turn to mimic it and that to copycat it on the local level and other regional structures of organisation or Parliament as a whole and even a country. Therefore when people see conducive environment prevailing in a national Parliament, they turn to cascade that to all levels; all spheres of government. Therefore to me really is very important that national leaders should be able to present this unity and diversity in Parliament. Even if sometimes you do not agree with opposition, but I think we should accord them enough respect for them to participate fully and give them resources when they need them in order to participate fully in decision making structures. I know that democracy is expensive and engaging people particularly people in rural areas and other areas I think is very difficult. I do think that we have to deep in democracy; we have to promote good governance and transparency. Therefore opposition parties should be part and parcel of management of Parliament. I think to me that will be a critical point that you raised.

**CHAIRPERSON:** Honourable Madu and then we shall close with Zimbabwe. We have not entered their voices. Please Honourable Madu observe the two minutes rule. Honourable Madu of Burkina Faso and then Zimbabwe.

**MR MADU (BURKINA FASO):** Thank you Chairperson. We would like to thank the presenters. (We will do so in the corridors). Time is of the essence. I would like to supplement the intervention of my colleague who took the floor on the issue of women. All of us are happy to see the significant favour of women have been put in place especially the increase of the quota from 30 percent to 50 percent for example Rwanda. What we are saying that here there is a problem. The problem that women are encountering today is not only the issue of financial wealth, financial means or human resources. We believe one should go beyond to support women because there is a bit of disparity today because most of the women are still illiterate. They are still living in the rural areas; under given that situation, we believe we have to go to the villages to promote literacy education so that our women would be capable to achieve their roles. Without this, there would still be this discrepancy between the women themselves; intellectual woman on one part and rural woman on the other part.

So this is our view point, this also comes to play when we talk about decisions of political parties' manifestos. Somebody said here that the programmes had to be disseminated, political parties had to have their own programmes. However there is this gap at the level of the rural areas that political parties even if they come up with the programmes their programmes are never read because there is no this issue of reception, because the people do not communicate the plurality. So we could therefore call upon the AU, IPU, to mainstream the issue of literacy education in the programmes so that the African countries would be able to support development, because in Africa to date we do not have the middle class on which development would be based. The elections are what they are. Most of the electors do not know how to write or read and as long as there is this situation, people would be based on ethnic groups, on their

financial wherewithal. And I believe we have to give the elector the opportunity of choosing who he wants, where he wants it and how he feels that should be voted. Thank you Chairperson.

**MS D. SIBANDA (ZIMBABWE):** Thank you Chairperson. I also want to share this with the Honourable Members. My name is Dorcas Sibanda, Member of Parliament from Zimbabwe. I want to contribute on the issue of lack of participation of women in Africa. It is simple, in our culture, our African culture, African women lack confidence. That is our culture and our African culture. When we talk of politics they become scared. We grow up with that, as a girl child you do not participate in most cases because you lack that confidence. Now us, as the young parliamentarians, it is our duty to help the women on the ground gain that confidence so that they will be able to participate in whatever we do in our countries in every decision making we do in our countries. There is this believe that women fight each other. Women, whenever you take a closer look, they fight each other because there is a man there pushing them to fight against each. But if they are taught or if they are given enough information there is nothing like that in women. We do not fight each other unless we are being pushed by men. Therefore it is our duty or our mandate as young women parliamentarians to help our fellow women to desist from the culture of fighting each other and concentrate on building up our nations or helping the fellow men in our countries in all decision making processes. That exposure alone is going to help the women have the confidence, to be part and parcel of the political scenario in our countries. I thank you Chairperson.

**CHAIRPERSON:** Okay, thank you very much. 18 members have contributed. We have also overshot our break by 45 minutes and our third presenter has been here since morning. I do not know whether we allow him to present so that we finish and we forget about the break. Is that okay? Okay, thank you, the responses will come later. Let me invite Honourable Molomo, Department of Political Administrative Studies, the University of Botswana.

**PROF. MPHONG. MOLOMO (UNIVERSITY OF BOTSWANA):** Thank you very much Chairperson. My name is Mpho Molomo from the Department of Political and Administrative Studies, University of Botswana. I will be making a Power Point presentation. I will try to be fast because it appears I do not have much time.

Now my presentation will be in six parts. I will begin with an introduction, provide the contextual framework, talk about Bogosi and democracy, the Kgotla and democracy, ethnicity and democracy and try to come up with some conclusions.

I begin my presentation by taking a statement from **Consi Prah** Ghanaian national who has taught me Sociology at the University. He maintains that, “unless the historical and cultural exigencies in Africa are taken into account, Africa will forever remain a bedrock of instability.” I think I want to use this quotation to set the tone for my presentation and argue that as we develop our institutions, as we develop our democracy, we must at all times pause and ask ourselves who we are and where we come from. We need to take into account our deep sense of cultural belonging and inheritance that makes us a people, that our political institutions must be informed by our tradition. If we do not do that we run the risk of alienating our own selves.

I think it was with this in mind that the founders of the post colonial state of Botswana found it necessary when they created the independence constitution to take into account or to receive the Westminster Parliamentary system but at the same time anchoring it within the framework of our traditional systems of governance. I think that in many ways Botswana’s ability to craft a framework that has elements of parliamentary democracy or that has elements of liberal democracy which is infused with notions of our traditional form of governance, I think this goes a long way to explain our uniqueness. It goes a long way to explain our exceptionality.

I think our system in so doing has attempted to be inclusive, has tried to recognize the diversity that exists amongst ourselves. I think we also need to point out that it is this interface, the interface between the Westminster Parliamentary system and the traditional system that has accorded our system a lot of legitimacy. It has accorded it a lot of respect.

I think when we theorise about our systems we need to be mindful of the fact or at least begin by unpacking the modernisation thesis which in a lot of ways informed the thinking in state building in most of Africa. The dominant paradigm of modernisation are suggested to us as Africans that in order to develop, in order for political development to take place we need to transcend our traditional loyalties and embrace what they call modern values. Modern values which entailed the establishment of Parliaments, entailed the

establishment of electoral systems, elections, and the like. The argument was that the more we get educated, the more we urbanize, the more we industrialise, or the more we move from our traditional capitals, from our villages into towns that would in a way represent elements of modernization. But the point I am trying to drive with this slide is that Africa has been independent for about four to five decades but our essential being of identifying with our local institutions has not, as it were, disappeared.

When we look at most of Africa, when we look at the sources of instability in Africa these sources are not from without but rather they are from within. That the greatest challenge for our stability is not as it were fear of being attacked from outside but rather the processes which occur amongst ourselves, as people want to fight for political space, for inclusion, for recognition within their own politics.

What I want to argue is that much as a liberal democracy has attained a universal acceptance and some scholars see it as the best form of government. We must remind ourselves that Liberal Democracy is essentially a western project that is premised on western cultural and political values.

That as Africans, I need to underline this fact lest I am misunderstood. I am not saying we should throw away Liberal Democracy, but I am saying as we embrace it, we must adapt it to our own conditions that our culture also has space to inform this Liberal Democratic framework. I want to argue that democracy must be seen as a social, political and economic construct that is derived from people's social economic existence. Your democracy should be relevant to people's way of life and at all times I think we need to take on board our traditional structures and institutions to inform our democratic projects.

As I argued earlier, our uniqueness or Botswana's uniqueness in crafting a stable democratic State is essentially based on our ability to create a judicious balance between the Westminster Parliamentary System and the Tswana traditions of Chieftainship, the Kgotla System. Deliberate attempts are to negotiate the ethnic question to ensure that there is a measure of inclusion that there is recognition of diversity amongst our people.

When we talk about the interface between Bogosi which is Chieftainship and democracy, people often dismiss the traditional institution that it cannot aid democracy because it is inherently an undemocratic system because traditional leaders assume office not through a process of elections but are born to those positions. I think when we made those assertions we should be mindful of the fact that elections in themselves, although they are a necessary condition for democracy, they are not in themselves an embodiment of democracy, sometimes elections can legitimise authoritarian rule. I believe that democracy should be a negotiated process that takes into account people's voices. It must be a process that mirrors people's way of life. I want to make a quotation from Francis Nyamnjoh from Cameroon, who argues that "Bogosi is a dynamic institution that is constantly reinventing itself to accommodate and be accommodated by the new exigencies of democratisation." I think this is what we are doing in Botswana, the two institutions are in a constant process of dialogue of trying to expand or deepen democracy.

Of course what I am suggesting is that it is not that all is rosy, there is a tenuous relationship that exists between Dikgosi and politicians, but the exchange that has gone between the two institutions has been a healthy one that tries to promote democracy.

Now in this slide, I am trying to indicate the extent of acceptance of traditional leadership by the people. This slide is derived from the Afro-Barometer Data. The Afro Barometer is a group of academics who study processes of democracy in Africa. We conduct using the same questionnaire studies in at least 18 African Countries. There is the Europe Barometer, Asia Barometer and so forth. We are part of the Botswana's Chapter of the Afro Barometer. Now what this slide suggests is that we asked people and we did studies in 1999, 2003, 2005 and 2008, this slide that I am showing you is based on the 2008 data. We asked using a representative sample, a sample which we can infer on the larger population, we asked people how much do they think that, Members of Parliament and or are traditional leaders listened to what they have to say. When they have an issue that they want addressed who among these two leaders, a Member of Parliament or a traditional leader, who do they think is more responsive or would listen to them more? We have about 35, 5 per cent saying that traditional leaders always listen to them and we have 33, 4 per cent saying they often listen to them. As making this comparison between them and Members of Parliament, the perception of people out there is such that traditional leaders listen more than Members of Parliament. You will pardon me Members of Parliament, this is not meant to hit you on the head, but this is what people are saying.

Now in this slide, we asked people whether they think that the influence of traditional leaders in local governance, whether their influence should be increased, remain the same or decrease somewhat. We have an overwhelming 78, 4 per cent saying that the influence of traditional leaders in matters of governance at the local level should increase.

Now this slide we asked respondents how much they trust institutions such as the Presidency Parliament, the Local Councilors and Traditional Leaders. Now trust is an essential ingredient of representative democracy. How much trust do you have in your leaders to do what is right, how much trust do you have in your leaders to ably represent you. Political trust is said to be the glue that bonds our societies together. Robert Putnam refers to this trust as social capital that bonds people together. Now we see the trust in the President high up there followed by Traditional Leaders over and above Members of Parliament and Councilors.

The other institution of local governance is the Kgotla which I am informed that we will have a chance to visit. This is essentially the village assembly presided over by the Chief and I must say that this institution perhaps represents one of the basis of our democracy. It is a forum for consultation. I there say that it is in the local setting, it is perhaps the only forum which is effective in terms of mobilizing people, where government Ministers can be able to articulate government programmes, engaging public consultation as well as disseminating information. I believe that government has used this forum quite effectively.

Now the next one is the same slide represented differently. Now in this slide, we asked our respondents two statements to say which statement they identify with. The first statement we said that, the Kgotla is too cumbersome and outdated that it is no longer useful as a forum for consultation, that is statement number one, and statement number two said the Kgotla is part of our culture and helps to strengthen our democracy; it should be retained for a public consultation. In the pie chart, the red 89 per cent of the respondents argued that the Kgotla is an important institution which must be retained with only 10 per cent saying it has out lived its usefulness.

One of the important issues in a democracy we think about inclusiveness is the idea that all people feel that they are included in the political system. I think that the ethnic question is an important issue in Africa that must be nurtured because if ethnicity is used to disadvantage other people, then there are problems of political instability. What I want to highlight there is that the Botswana government has tried at times by putting in place Commissions, one of which was chaired by Honourable Balopi to try to get people's sentiments as to how their representation in the House of Chiefs should be like.

I want to end with a quotation from Muller, who argues that ethno-nationalism has played a profound and lasting role than is commonly understood. What is being suggested is that unlike what the modernization theory suggested that I will transcend our core identities, I will transcend our ethnic identities that, these identities are not disappearing, that we must take these identities on board to make sure that our political system is all inclusive.

In conclusion, I am arguing that Botswana's exceptionality is founded on our ability to craft a balance between the Westminster parliamentary system and a traditional system of governance. I thank you for your attention.

**CHAIRPERSON:** Thank you very much Professor for bringing this home to how we have been able to marry the two institutions and survive. Now, I have some requests, Honourable Fitchery from Burundi to be followed by Honourable Pampali of the CEMAC.

**MR FITCHERY (BURUNDI):** Thank you for giving me the floor. Let me start by thanking the speakers this morning for the very rich presentations starting with Hon. Agboyibo and the Speaker of the Chamber of Deputies, Rwanda and then the immediate speaker who has just presented the Botswana experience. Let me now appreciate very sincerely this shared experience of democracy and democracy is quite stable here in Botswana. It is an experience that should be compared with what we have in our respective countries where we have noted that most of the countries in Africa are still trying to find themselves in the democratic field, otherwise, if our countries call themselves democratic countries we have witnessed so much instability in our countries because of the struggle between political forces whether in some regional connotations, ethnic connotations, religious connotations that would not have the gender dimension for such conflicts fortunately but Burundi is not an exception to these instability cases. Now, just before the independence in the 60s, Burundi was pressed into cyclic crisis that befell the country. The longest crisis is the one in 1993 but we have also noted that negotiation is the only way of guaranteeing a sustainable solution because of the will of Burundi that supported the international community. The country managed to turn its page of history, war that lasted for more than ten years from 1993 up to 2008/2009. Now, all the conflicting parties have accepted to build Burundi on the basis of principles of peace. Because of the major will from Burundi partners, you know in conflict cases we need the external forces that is; our friends who intervened to give us advice under Burundi. We would like to express our gratitude towards our friendly

countries, countries of the great lakes region and Africa in general, the international community in general for the infringing support. It is another case of history that should be shared and it is a country that now has its case that has given its hope to everybody because of the consulted efforts in the processes of negotiations. So, I just wanted to appreciate the experience which clearly shows that due to the fact that Africa could not manage to keep the linkages between its culture because of the colonization or other factors, these could be the basis of conflict because there was no traditional leadership in order to solve our differences traditionally and the case of Botswana shows us the importance of culture, the stabilisation of our country. I thank you.

**CHAIRPERSON:** Thank you very much. I also have now Honourable Pampali from the CEMAC to be followed by Honourable Gyabi from Uganda.

**MR GOMINA PAMPALI LAURENT (CEMAC):** Honourable Chairperson, I would like to sincerely thank Professor Molomo. I have two big African intellectuals having two identical phases. Now, in my first intervention on the two first presentations, I gave you the name of an African, Congolese Professor Muller Chembe who is Director of the strategic sector in Nassi in France. In 1998 he presented the same thesis, the same paper and the same times that showed the inefficiency of the application for liberal democracy in Africa because at that time that intellectual who presented this paper to politicians that is the governmental television he was scandalized, there was a scandal. We were asking why, where does he want to lead us because he was talking about African Nations and identifying to ethnic groups that we must take into account. Today, ten years later, Prof. Molomo is coming back with the same terms but this time around he is showing us that these thesis has applied in Botswana and we are very happy with otherwise democracy in Africa could be reinforced and survived because of these experiences. So, these leads me to say that today parliamentarians were called upon to take into account this experience because two African scholars, they are not Europeans, two Africans who are saying the same thing. They are saying it sincerely with the proof, well we should not hesitate to go to the next phase that is to implement this in our different countries, in our laws, in our constitutions. So, taking into account the African realities that he has tackled, made it imperative and I am indeed very happy once again to hear an African scholar to say it here and I thank you Chairperson.

**CHAIRPERSON:** Then after that, Honourable Frema Osei Opare from Ghana.

**MR BUKENI GYABI (UGANDA):** Thank you very much Chairperson. I am Bukeni Gyabi from Uganda, Member of Parliament. I would like to thank the Professor for the presentation and what he has presented is what is actually topical now in Uganda; the problem of inclusiveness as a corner stone of democracy. Before colonialism, this did work very well in Uganda especially where the ethnic groups were united in terms of providing for their people. As colonialism, after independence, after education and enlightenment, we became a republic and traditional leaders were therefore the ethnic leaders became traditional leaders and had nothing to do with the politics and it was accepted as such. The difference between Uganda and Botswana is that while in Botswana, this cuts across the entire country. In Uganda it was different. Therefore, it has been a problem of pitying the big ethnic groups against the minority. The problem of failure to recognize the small ethnic groups and wanting to have the big ethnic group dominating the others and unlike what it is in Botswana, it seems to me the ethnic groups especially in Uganda have not accepted the issue of dynamism and accommodating the small groups and this has led to unnecessary political escalation and it has been taken advantage of by opportunists who are causing havoc to our communities, people who are unemployed, people who are criminals and some people who may be on opposition, who may wish to see things go wrong.

There has been in the last week loss of life, looting, burning of property just because a leader of one ethnic group wanted to go to an area which is being controlled by another ethnic group without recognition, without talking, without discussing and agreeing and this is bringing problems in Uganda. Otherwise, I agree with the Professor that, if there is talking, if there is agreeing, if there is discussing, if there is recognition, there would be no problem and for us in Uganda we have benefited a lot from these ethnic groups that have been a corner stone for democracy because these are the people who were able to mobilize the people of Uganda in groups and provide for their settings that have lead to evolvments we have had in Uganda and I hope the example of Botswana would go a long way in assisting us in Uganda if we can work together and accept on dynamism and also learn from the experiences elsewhere. I thank you Chairperson.



**CHAIRPERSON:** Thank you, Honourable Osei Opere of Ghana to be followed by Benin, Honourable Augustan.

**MS AKOSUA FREMA OSEI OPARE (GHANA):** Thank you Chairperson and I wish to congratulate the last speaker for an interesting paper that he has just presented. The issue of trusts or mistrusts of politicians has also become a focus. Recently when a survey in Ghana indicated that the media was far more trusted than the politician. Again we have seen in the Botswana study that, the parliamentarian is not so trusted as a traditional leader. That, we need to look at why this perception, could it also be that in our quest for multi-party democracy and ensuring that we outwit each other? As opposing parties within a country, we have been less charitable with our opponents and perhaps given an unfair assessment of either past government or current government. The extent that the people are confused and therefore do not trust us at all.

Again I want to look at the issue of strengthening the role of traditional leadership particularly at the decentralized level. While in Ghana for instance we are moving or have tried to decentralize governance, it has still been something that has not advanced enough but if we should look at strengthening the participation of traditional leadership and look out governance issues, the participation of the people would be more, their focus would tend to be more on development rather than on political adventures at the national level and therefore will enhance political discourse and development.

I believe that for instance if you look at Ghana preface now you can see it at the web. You will find that day in and day out every paper is looking at the central political dynamic and what is going on right or wrong rather than on issues of development, and I think it is urging us as much as we would like people to be accountable I think the information that is put out there for the public is more personality focused rather than development focused. So what I am taking from yesterday is the need to relook at our decentralized structure and to begin to focus more on involvement of local actors, particularly traditional leadership in governance, so that our quest for development will be hastened. That the local level will be strengthened rather than the centre which seems to be the case. Thank you very much.

**CHAIRPERSON:** Thank you Honourable Augustin from Benin. To be followed by Honourable Oliphant from South Africa.

**MR AUGUSTIN AHOUANVOEBLA (BENIN):** Thank you Madam Chair. I am a gentleman, I am not a lady, Augustin Ahouanvoebla is my name.

I am from the Opposition, and I am a poor man from the Opposition. Thank you Madam Chair, I wish to especially thank the presenters of this morning. I did not have the opportunity to talk about the first two presentations. Let me make the next three observations on the two presentations. The first view is related to the Benin political case on women voters. Benin is made up of more than 55 women voters but these women do not assume their responsibilities, and I believe that the role of women leaders of the IPU is to see to what extent, they should sensitise the women who rather carry out economic activities, because if you look in Benin 70 per cent of the economic activities are carried out by women, they are the richest in my country. Now let me suggest in this regard that women who have resources who are endowed should create parties, they should be head of parties, it is the only way to assure that women are more represented in the various decision making organs at the political level.

The second observation is the role of Opposition, as we said a while ago we just want to criticise for the secondment, luckily in Benin one morning I could say that the President of the Republic is a thief, I can say that, nobody will do anything against me, because if I have the argument to say that the President is a thief then I will give my message and with no reprisals, and we are lucky in Benin.

Let me hasten to add that the role of opposition in my country is just not limited to criticism, which stands in for the evolution of the policy for development that is undertaken by the Executive. My role is not to make the proposal because the proposals are enshrined in a document as an opposition member to present to the people, my associate to the project, as my friend from Lesotho said the opposition is a government in waiting. Referred element, here I have noted that we have done everything to speak about how to ensure that the women are better mainstreamed in the political system of our various countries and the youth. Who is going to deal with the youth, because when I look around here I can see there are very-very few young people of less than 40, and probably we do not have any but yet in the western countries they are advanced in democracy, they have done everything so that the youth are better represented. So what can this meeting recommend so that the youth is better represented. Well since we do not have MPs of less than 40 years in

our Parliament I think we should ask that the Parliamentary Speakers can recommend that come with the woman and the young person from your parties. So these are the three remarks.

Now commenting very briefly on other issues, Madam Chair, let me sincerely thank Professor Molomo who has just led a very brilliant presentation on Democracy in Botswana. Very quickly let me say that with the order of traditional leaders in Benin I think they are among the people that we classify among the civil society, as such they do not have a pivotal role to play because in actual fact the revolutionary period from 1972 to 1979 in my country witnessed the disappearing of the traditional rulers, and today it is timidly they are now assuming roles in our society. In regions where we had a Kings, we had difficulties in having them participating in the political arena. And the role, and you also covered ethnicity and democracy. Madam Chair in my country it is a very-very stout example, very strongest example, and since independence in 1960, and today that is 49 years I can assure you that the man who controlled the central power for the last 41 years, or from 1960 up to 2009, for more than 41 years, that none came from the minority, why, because when the President of the republic comes from the minority then he knows how to preserve the social equilibrium and he leads the country in national unity. This is what we have witnessed in a country since the national democratic conference for the last 18 years, for 13 years the head of state, the President of the republic, comes from the minority, the ethnic minority. It is only for five years that the majority had power, this is a clear example for vitality, that through democracy and I believe that it should be shared with other countries. Thank you very much.

**CHAIRPERSON:** Maybe just for information, I wanted to inform my friend from Benin that in Uganda we have five representatives of the youth, they are all under 30 but the average age of Parliament is 35, and I have one of them in my delegation, he is here.  
Now I want to hand over to Honourable - South Africa.

**MS OLIPHANT (SOUTH AFRICA):** Thank you Honourable Chairperson. One I want to thank the presenter, and also I just want to contribute on how we have come up with the issue of the traditional leaders. We have done various studies from African countries particularly Ghana and Uganda, and then we came up with the concept of having the national house of traditional leaders and provincial houses of traditional leaders, and also the houses at district level for traditional leaders. But we have also in local government level, traditional leaders have 10 per cent representation from each house at a district level and their role in particular is to advise the government on various issues, and they also participate particularly on the issue of formulation of the legislation, by advising on how those legislations can be implemented. But the only difference at local level in particular is that even if they do have that 10 per cent but they do not vote. And in some instances we have traditional leaders who are members of Parliament, but the unfortunate part of it is that all traditional leaders are paid by government and therefore the traditional leader if he or she wants to be in Parliament then she has to forfeit the position of being a traditional leader for that particular term, and they have the opportunity to designate a person in the office who will be running that particular traditional area up until the term of that particular person has expired. But I must say even if we have those traditional leaders we still have the challenges, particularly when it comes to traditional leaders and Councillors, where you will find that some of the Councillors are not accepted by the traditional leaders in their areas, they will rather prefer to recognise the Member of Parliament rather than to recognise the Councillor. I think those are the challenges that we are still having in our country, and I believe that after this discussion maybe we can learn from it and take it forward. Thank you very much Honourable Chair.

**CHAIRPERSON:** Thank you. I now invite the Attorney General of Botswana Dr Athalia Molokomme, to be followed by Honourable Kiyonga of Uganda.

**DR ATHALIA MOLOKOMME (ATTORNEY GENERAL-BOTSWANA):** I thank you very much Chairperson. I must apologise to our Speaker for not obtaining his permission to speak, but I do not know if you can hear me.

I was just saying that let me start by thanking you for the opportunity Madam Chair to say something, but apologise to my Honourable Speaker that I did not speak through him because this is a gathering of parliamentarians. The Attorney General in Botswana by the way is not a member of Parliament, he used to be before my time. But I thought I would say something Honourable Chairperson by way of comment on two issues, first of all comment briefly on my colleague Professor Molomo's paper which I found very

illuminating, very interesting, like the speakers that spoke before me. To say that I agree with his thesis in terms of we keep being asked when we go to conferences abroad and in the region what accounts for the relative success, the modest success that Botswana has been able to record in the field of democracy. One of the things I think one could add perhaps to Professor Molomo's paper is that we believe that the hybrid that Botswana has adopted, the combination between the traditional and modern that he has described, which has been of course not been entirely successful but relatively so, and I think it is still a working progress, also has to do with Part of the theme of your conference here, which is the issue of tolerance, I think that there has been certainly in the experience of Botswana so far a certain mutual respect and tolerance between the traditional and the modern leaders, and therefore that it has been possible to come up with this hybrid as a result of the consultation that takes place between the two, the traditional and the modern. It remains the challenge, I think there are times when the traditional leadership is very unhappy that the government is taking away or not giving them certain powers. But once again it is a negotiation, it is a contested ground, but once again the respect and tolerance certainly in the job that I do I have seen over the years I think has contributed to that relative success.

I think also another thing Professor Molomo that we can share with our colleagues from other parts of Africa is that we also have a very mixed cultural lifestyle, socio-cultural, it is not really about institutions at the top coming together and working together, I think that the mode of life of most Botswana is not strictly modern, this so called modernisation theory I think falls on its face in a country like Botswana, which seems very modern in terms of the building and all the trappings, the infrastructure that goes with a modern nation state. But I think deep down in the way in which we live and relate to each other as Botswana we are very mixed, we have managed somehow in some cases as a feminist myself I often have a problem with many of the traditional, how do you call them now, all the things that we do on a daily basis like our marriage rituals, the rituals. But once again we find a balance, and I think we are still striving to find that balance, so the whole thing is not orchestrated, it is not imposed it is quite organic. I think it is quite real, it is not easy but I think it is one of the things that we will continue to struggle with in this country, and that will assist us to sustain our democracy.

Secondly Madam Chairperson, if I may just say quickly that I also think that part of the, I do not know whether I should call the secret of our relative success, modest success, had to do with the fact that resource allocation, we have tried as much as possible I think in Botswana to distribute resources in a way that is as fair as you can irrespective for example where you find mineral deposits in this country, all mineral deposits belong to the state under the law. That was the result of a memorandum that was signed by our Chiefs way back just after independence, who agreed that wherever a mineral deposit is found in this country those mineral deposits will belong to the state and will be distributed to everybody in Botswana irrespective of where they come from. I think that also contributes to stability, because ethnic groups or groups that come from areas where there are no natural resources feel also that they are included in the whole consultation and the distribution of the agenda.

I think it will remiss of me if I did not say something about issues of inclusiveness in gender. I must express my slight disappointment with my colleague for not saying anything about the participation of women in political institutions in Botswana. I know he knows a lot about it but I think maybe he did not have a lot of time. But just to say that women in Botswana are very active, especially in political parties they form the backbone of political parties. Whilst I agree with some of what has been said about why women do not participate in political institutions; lack of confidence, lack of resources and so on. Socialisation I think accounts for most of the reasons why. Women in Botswana are very active, of course they sing a lot in the choirs of the political parties, and we always say that we must do less singing and do more campaigning for ourselves and not for men. But I must tell you that I do not care where you come from, whether it is from Africa or Europe, the countries that have really managed to put more women in Parliament are those countries who have taken special measures, positive measures, like quotas, and I think you can cite South Africa, Namibia I know has a quota not at national level of course, South Africa. The political parties that have quotas in Africa have managed to put more women in there and I think there is no running away from the fact that much as women just have the confidence, the socialisation, the money and so on keeps them back, so we have to take special measures to make sure that women get in there. Once they get in I can tell they do a very good job, I have not heard of any country that has regretted putting more women in Parliament. Thank you Madam Chairperson.

**CHAIRPERSON:** Thank you very much Dr Molokomme, it is such a pleasure to see you. It is very refreshing to hear that we have an Attorney General who is a lady. Can we now hear from Honourable Kiyonga of Uganda to be followed by Honourable Ipinge of Namibia, then we shall go to Benin.

**MR KIYONGA FRANCIS (UGANDA):** Thank you very much Madam Chairperson, Honourable Kadaga Rebecca. I am Kiyonga Francis from Uganda.

I wish to thank the last presenter from Botswana University for the presentation on the subject of including traditional chiefs in the governance of our modern states. As earlier mentioned by my colleague, there is a lot which we need to get from Botswana, those of us from Uganda and really understand how the traditional chiefs are being incorporated in the governance of this state.

Before this conference ends, I wish to request the Uganda team to ensure that we get more details on the documentation, the laws and guidelines which have provided this harmonious relationship between the President, Members of Parliament and these other traditional leaders. Professor, you will have to guide us to find where these details are provided. Is it in the Constitution, some laws or guidelines? These we need urgently because what is happening now in Uganda ...(Tape Inaudible)...

**MS EUNICE IPINGE (NAMIBIA):** Thank you very much Madam Chair.

**CHAIRPERSON:** He is still on the floor, something happened to his microphone.

**MR KIYONGA (UGANDA):** What is happening in Uganda, colleagues, is that we provided the traditional leaders who are brought on board but there has been lack of guidelines and regulations to provide the relationships and coordination mechanisms between all these various stakeholders. That is what we need to get from Botswana. Thank you.

**CHAIRPERSON:** Thank you very much. Honourable Eunice, Namibia.

**MS EUNICE IPINGE (NAMIBIA):** Thank you very much Madam Chairperson. My name is Eunice Ipinge. I am a Member of Parliament. Thank you very much and I would like to thank the Professor for presenting this very interesting study. I have a question that sounds technical. At the beginning I wanted to understand who were the respondents? Were they urban based? Were they young people or old people? Why this unique interesting experience? But then, I think Athalia has touched a little bit on it, she made me to understand the environment under which you are operating to have such a very interesting study.

I would still want to know the respondents. Were they urban based? Were they young, old or middle aged? I would also like to know the composition of the respondents and whether they were women or men? That is my question. It sounds technical but I just want to know as to who were the people giving this information.

Coming to Namibian experience, Namibia has got a Council of Traditional Leaders established by the Act of Parliament and they report directly to the Head of State. We also have a similar situation where there is mutual respect and the respect of traditional leaders and tolerance. During weekends you find that a town like Windhoek is empty, people go back to villages.

Another lesson that I learnt from the presentation is that perhaps we need to strengthen parliamentary outreach programmes which is budgeted for by Parliament that Parliamentarians will have time to go to the grassroots and get in touch with people and they strengthen their influence to them. Namibian Parliament has got that outreach programme that is funded by Parliament and we go out to talk to people, listen to their problems and to have time to talk to each other. I do not know because we have not done the study, we do not know whether we are making impact, whether we are making influence or not. I think it is very important for us to have outreach programmes funded by Parliament to allow Parliamentarians to be in touch with the people. Thank you very much Madam Chair.

**MR NAGO (BENIN):** Thank you Madam Chairperson. Madam Chair, I would first and foremost like to congratulate and thank Professor Molomo for his brilliant presentation. This presentation has talked about results conducted in Botswana. This presentation talks about an experience in inclusive governance which is adapted to Botswana by bringing together the important modern system associating this with the local traditional system. This experience is a novelty, it is quite enriching I must say, and in reality it contains a lot of things that other African countries should learn from and it leads us to the debate of this morning, the

presentation of Mr Agboyibo and Mrs Mukantabana. In actual fact, the presentation encapsulates socio-cultural factors. Today I have said that our government should take into account the socio-cultural context and this is a practical lesson for the need to adapt our governance systems to the socio-cultural conditions which are abound in our countries.

In Benin specifically, we do not have such a system in place, but more and more we are witnessing claims on the part of the traditional rulers, the customary leaders for them to be involved in the governance of the country. This call has been made on several occasions, especially during meetings I have had with traditional leaders. The experience that we have had and thanks to Mr Molomo's presentation, has led me to request for some clarifications and questions on some issues. One question is, what are the constitutional missions of the bogosi system as well as the kgotla? The second question is, what are the modalities for the appointment of the traditional rulers or customary rulers and how do you go about the appointment process?

I am saying this because in my country in Benin, today we have a litany, a proliferation of traditional rulers. With one ethnic group we have several traditional leaders who assign themselves that name. So, we have internal conflicts. My question is, what are the modalities of appointment here in Botswana? Question No. 3, what is the real share of the kgotla and bogosi system in the decision making process and the political governance of this country? What is the real contribution of these traditional leaders in the governance? Are we just talking here about ceremonial role? My last question is, how does the opposition see this traditional system, especially the bogosi system? Does the opposition see this as a propaganda tool? You have talked about the kgotla system which is a traditional platform where Government Ministers meet to talk to the people about the government activities. Given at the same time that opposition parties exist here in Botswana, how does the opposition see this system? This also is a cause of concern. I thank you Madam Chairperson.

**CHAIRPERSON:** Honourable Members, Distinguished Speakers, Presiding Officers and participants, ten Members have been able to contribute on this subject but Professor Molomo has been here since morning. We need to release him to do more research and to teach more Botswana. So, I want to invite him to respond to the issues raised on his paper.

**PROF. M. MOLOMO (UNIVERSITY OF BOTSWANA):** Thank you very much Madam Chair. I first of all want to thank my colleague, Athaliah, for illuminating some of the points that I had missed out in my presentation. I thank you very much. You actually brought up some of the issues that I skipped but it is largely because I was rushing through the presentation within record time.

Many of the contributions were more of comments rather than questions but there were others which were more specific. My colleague from Namibia, I believe, talked about the sample, how representative was it, was it young people, women, rural or urban. I must say that it is a technical question but I want to say the methodology that we used was a rigorous methodology that wanted to ensure that all segments of society were involved, age and gender. More specifically I can say, respecting women and men, the protocol suggested that you interview a woman and the next person should be a man. It was a requirement. Also the representation of rural versus urban, there was strict protocol that wanted to ensure that all segments of society were covered. So, in terms of the methodology, I am not a methodologist per se, but somebody who is a methodologist can walk you through the various stages, but a strict protocol was observed.

My colleague from Benin, I believe, the last speaker, raised quite a number of pertinent issues regarding the use; how do chiefs assume office, how is the kgotla used and how is it viewed across the political divide. To begin with, as I said, it is a traditional institution which is hereditary. One is born a chief and you assume the office through a birth right, but there are instances where a chief could be elected into a position but by and large, it is done through consultation. If there is a need for somebody to be elected into that position, there is consultation amongst people. Usually when the position of chief is vacant, people of a particular area would do their consultations and would submit the name to government. Let me say that the negotiation which has taken place between the two institutions has in a way usurped powers from the institution of Bogosi. We have the House of Parliament which has a legislative authority and the House of Chiefs only serves in an advisory capacity, they do not have legislative powers. Also, our chiefs fall under the jurisdiction of the Minister of Local Government and by definition they are civil servants.

The way that the system has evolved is such that despite the pension which is there, there is a sense of accommodation and a sense of a give and take between the central government and the local authority. You also ask the question as to whether they are ceremonial, it is a difficult one. They are symbolic in a sense.

They did not, as it were willed executive powers. In the past, they used to take party matters political. They used to distribute land. They used to control astray cattle and so forth. They no longer have these powers. These powers have been taken by the senior government, but the underlying issue respecting their influence is that the traditional heads of their various districts.

In those areas as the statistics that I showed, they command a lot of respect and are greatly respected by their people. The Kgotla has emerged as an important platform for government. I am struggling in my mind to find an equivalent forum, say if a government minister, wanted to disseminate information in a particular village, as to which forum they could use, other than the Kgotla, of course as politicians, they have what we commonly refer in this country as the Freedom Square of public rallies and they are not as respected institutions as the Kgotla.

Now coming to the point as to whether opposition parties are able to use the Kgotla, this is a contentious issue because the Kgotla is taken as a sacred place, and people are requested to desist from using it as a political forum, or using it as a party platform to attack other people. Now the opposition parties have always complained that now as an institution, it is only government ministers who can use it effectively because they come to the Kgotla to talk about development programme, to talk about this and that. That now with them as opposition, when they come to the Kgotla, they want to critic government programmes and policies and they are not allowed to do that, but I must say that there are some politicians who have used it quite effectively. I remember a certain Member of Parliament from the southern part Leach Tlhomelang, who was in the opposition then, used it effectively to articulate abuse of this. Well, others were more of comments and colleagues asked where they can get the information. The information about these powers can be found in the constitution of Botswana, in the chieftainship at various **acts** that I believe that you said Honourable Balopi at one time was Minister of Local Government, and I believe with his assistance and his staff you can be guided to documents that could be of a benefit to you. Now, other than that I must just say that, I think I achieved what I wanted to achieve. I wanted to raise dialogue amongst ourselves, such that we discuss this issue of chieftainship and accord it the importance that it deserves.

The last point I want to make is that often times, when we talk about Botswana's exceptionality, we have to rewrite our history because we tend to portray Botswana as a homogeneous entity, and to some extent, there is a lot of the ethnic Tswana if I were to put it that way, you know comprise maybe 80 percent of the population, but we need to recognise that there are other ethnic groups who are in existence in the country. In the recent past there has been a lot of dialogue, a lot of discussion centring around the implied hierarchy of traditional leadership that certain Dikgosi from certain groups are accorded a higher status than others. We are as a country, have been discussing that, and at some point, the composition of the House of Chiefs was increased as an attempt to be inclusive, so all is not **rosy** as Dr Athalia Molokomme pointed out the areas of contention, but the bottom line is, I believe that democracy is a negotiated process that takes into account the people's voices. I thank you.

**CHAIRPERSON:** Thank you very much Professor, if you are still free tomorrow you could come back in case there are members who would like to ask other questions. For now colleagues we are straight to the catering department. The presenters of this morning are still with us, they will be able to respond either late today or tomorrow morning. Now I think we really must release the caterers from the tension of keeping our food. So, I am thinking you worked hard, you are entitled to lunch. We shall reconvene at 2:00 p.m. for the presentation from the President of the IPU. Thank you very much.

### **PROCEEDINGS SUSPENDED FOR LUNCH**

**PRESIDENT OF THE IPU (DR THEO - BEN GURIRAB):** At the moment as promised yesterday as aligned for me on this day 15<sup>th</sup> September to launch the study commissioned in a form of a public poll by the IPU, and that is what I am going to do now. Our gracious host Speaker, Madam Speaker, President of the House of Deputies of Rwanda, Secretary General, Speakers, Presidents, Presiding Officers, on the National day of democracy, there is huge popular aspiration across the world for more democracy, as the only system of government that can provide better advancement of people's fundamental rights and freedoms, more equitable distribution of wealth and greater security for themselves and their families. At the same time, many people are not convinced by the way democracy is working in practice.

I would like to invite parliaments everywhere to reflect seriously on the challenges that they face as the central institution of democracy. The day the IPU releases the result of the first ever research, it has commissioned on public views of democracy. The opinion poll conducted by world public opinion.com has

asked people in 24 countries representing 64 percent of the world's population about their perceptions of the key principle of democracy political tolerance. Political tolerance means accepting and respecting the basic rights and civil liberties of persons and groups whose view points differ from one's own. It is the foundation of democratic dialogue and political pluralism. The findings are encouraging but also a source of concern. The research shows that there is wide spread support for democracy but citizens around the world have deep misgivings about the way political life functions in their own countries. On average across the 24 countries, 86 percent of respondent consider that it is important that people should be able to express their political views, even when those views are unpopular. Only 24 percent, however, seeing that they are completely free to express their views without fear of harassment or punishment. There is a wide spread lack of confidence in the independence of Members of Parliament and the ability to speak freely on behalf of their constituents. The poll find that on average, more than 2 out of 3 people said they only sometimes, 37 percent or really 29 percent do legislatures feel free to deviate from the official views of their party. 58 percent believe that opposition parties only sometimes or rarely get a fair chance to express their views and influence government policies.

The Opposition in Parliament is a necessary and indispensable component of democracy. Its primary function is to offer a credible alternative to the majority in power. By overseeing and criticizing the action of the government, the opposition works to ensure transparency, integrity and efficiency in the conduct of public affairs and to prevent abuses by the authorities and individuals.

There are also significant concerns about the extent to which Parliaments are representatives of political and social diversity. Although women make up only 18.3 percent of the world's parliamentarians, 49 percent of respondents considered that women are fairly represented in parliaments. Not surprisingly, women; 45 percent are on average less likely than men; 53 percent to consider that the current situation is fair. There is wide variation in perceptions of how fairly ethnic, religious and national minorities are represented in Parliaments.

In several nations with significant indigenous populations, large majority see these communities as not being fairly represented. These findings hold generally true across all regions, all political systems, all age groups and for both men and women. Parliament as institution and Parliamentarians as individuals must be preoccupied with the gulf that separates public aspirations for democratic governance. And vigorous public debate and the widely held perceptions of political life as a closed space where there is little room for dissent and real consideration of alternative policy options. It can be good for democracy if its key representative institution, Parliament is held in low esteem. It cannot be good for democracy if its key representative institution Parliament is held in low esteem. Some of the factors influencing public levels of confidence in Parliaments are attributable to broader social processes which Parliaments do not directly control, yet there is still much Parliaments can do to improve their public standing. Parliaments can take action to address these issues by putting in place guarantees for the respect of the rights of the opposition and the ability of Parliamentarians to speak freely without fear of harassment or punishment. Fostering political tolerance among citizens and political leaders through more education, improved communication, and most importantly upholding the highest standards of ethics in public life; working with political parties to make Parliaments more representative of the social diversity of the population; monitoring public opinion on a systematic basis to detect areas of public disaffection with political life in order to be able to take rapid remedial action; consolidating constitutional and legislative reform along the above lines.

I therefore urge all Parliaments and their Speakers, Presidents and Presiding Officers to act decisively to enhance political tolerance. By doing so, they strengthen democracy in their country and make sure that the working relationship between government, Parliament and the people that it represents is ever stronger, more transparent and inclusive.

I therefore launch the Public Opinion Poll conducted by the IPU and this has been sent to all the Parliaments and friends of Parliaments all over the world and in particular it is for us gathered here and those other member Parliaments of the IPU that we take this poll to heart and to see how we can improve upon our ways so that democracy truly becomes a government of the people, by the people and for the people. Thank you.

**APPLAUSE...**

**DR GURIRAB:** I am not going to answer the questions but dear colleagues you are free to respond to what I have just put on the table for you. We have experts here who are adamantly involved in this process, but I am glad you will not be surprised that this has happened on my watch. If you find it useful; if it can help; if

it can make our Parliaments better for the responsibility that Constitution has given Parliament, then I shall of course take all the credit on your behalf. Thank you.

**CHAIRPERSON:** So do I assume chairpersonship. We have not completely exhausted the work before we rose for lunch. I should start by giving the floor to the panelists who were still ready to field questions from the floor, so I shall go back there. Who do I give the floor to or you can direct the questions as you please. Thank you.

**MS ROSE MUKANTABANA (SPEAKER OF THE DEPUTY CHAMBER- RWANDA):** Thank you Chairperson holding the floor as well as from the results of the poll, and for the results of the poll carried out by IPU with regard to the political tolerance. As a matter of fact, the questions that were not answered this morning before lunch break somehow related to the results that have just been presented to us. The reason why I want to react to both the questions and the poll results show clearly that the people aspire for more democracy. Have the Parliament or the representatives test that into concrete action, the Parliament rights, basic rights. If we look at the individual as a human being's worth that man having equal rights as is bestowed to them by nature because if I look at the natural rights of the human being, that is, we have to talk about their nature and their past that is everybody should exercise their rights or enjoy their rights. But it so happened that it would be impossible for everybody to exercise their own rights because the nature of things is that you know the strongest is always the best and I believe we have already gone over that step or stage; that is why we have put into place systems of representation or indirect democracy through representatives who were elected or designated as such by the people themselves. These delegations should necessarily lead to the elected or designated people, or elected people represent those who have designated or elected them. They feel that they are not sufficiently represented. They feel they have the right to tell those who represent them that they are not implementing the social contract between the people and their representatives. I think this is what is translated in the poll results through the IPU study. But the public opinion vis-à-vis the representatives this morning we talked about the ruling parties and we also talked about opposition parties. And I would like some of the interventions that were made this morning according to which every country, every community has the freedom to choose what is best for them. This is to say once a particular group of people have decided to act through their elected representatives; and the representatives should be accountable to their electorate. What is of concern to the population is that at times the elected people use the power for their own interests.

There are even some people who identify themselves with the institution, the representative. As a result the electorates do not feel at ease with them. We somehow agree with what the respondent said in the poll and once the delegates do not put in the forefront the interest of the people then it can lead to situations where they will be criticized as we have seen in the poll.

Now let me turn to the freedom of expressing one's opinion in parliament. It will say that parliamentarians at times are not free, this is what the public opinion says. But when I do my own personal analysis at times it is true and at times it is quite exaggerated because there is no communication, there is the lack for information, real information on what the representatives of the people, the parliamentarians, do.

Now turning to the information; at times the public opinion does not interpret correctly the missions of the institutions. That is why I would like to echo one intervention which was made this morning that we need sensitisation programmes for the public with regard to parliamentary programmes. I know that in many countries parliamentary sessions are public and the population, the people, come to attend the parliamentary sessions to see how the members of parliament, express themselves freely. In my country it is even translated in the bye laws of the parliament. Even in the constitution the Mps have the immunity whenever they express themselves, so they should not be taken to court for the ideas they express in parliament. They cannot be taken to court through what they have said in parliament or through the vote when they do vote in parliament. So as a result this is encapsulated in a text and in practice we have Mps who ask pertinent questions to ministers who come to represent the government whenever we control the action of the government even if they are from the same party. So this does not pose any problem at all. At times this is due to the fact that information is not well circulated with regard to what is happening in parliament, and that is all. In order to feel the gap we need the public sensitization, education on how parliament functions or works and we also have to improve the image of the parliament, the image the population has on parliament. Also when I look at one other aspect there are problems stemming from the electoral campaign because in the campaigns we promise and you know that it is not easy to carry out, to implement such promises. I do not know since the parliamentary institution is the same the world over there are tasks that



have to be carried by the executive and the tasks that involve the parliament. So development projects according to my humble self must be carried out by the executive and the role of parliament is to control how the development programmes are executed, how the national budget is executed. But when you are in your campaign you say that a member of parliament is going to build roads, that they are going to build schools and whilst they are elected this is not done well they say this representative did not respond to our aspirations. So we must look at the promises we make in electoral campaigns and in mission assigned to the parliament.

Another comment is on the representation of specific groups; particularly women, the youth and the minority groups. I think this is in line with what was said this morning. The representation yes, the inclusiveness we talked about since this very morning there are always some prerequisites. You can have conducive conditions but the prerequisite are not met then you will not be in a position to implement such, but if you put conditions for somebody to be elected as a member of parliament and if they must be literate that they can read and write and then there is majority that is illiterate, well there is a majority amongst women, amongst minority groups that do not know how to read and write. Well it is very clear that once they do not fulfill this condition they will not be elected. So the prerequisite condition in preparing these groups, in sensitising the groups, because the role for representatives is this role of this elected position, not designated position.

Let me now take this opportunity to correct some misunderstanding in my presentation. Women in parliament in Rwanda are not designated they are elected, they are elected, and there is criteria, clear criteria that is set for one to be elected. That is why I am saying the prerequisite should be respected so that one could accede to the position. So there are principles of representation and inclusiveness but we need measures to accompany these issues that could be translated in concrete terms.

Another comment on the electoral system that makes it possible to have the inclusiveness. Any given country as we say this morning the system is freely chosen by every community and in fact subsequently we know that members of the communities are not at the same level of education economic development. I think the electoral system should also take cognizance of these aspects and set mechanisms that will take those groups on board. If those mechanisms are not put into place then there will not be members of those bodies, particularly the parliament.

In a nutshell Mr Chairman the political systems, the systems of representation we must have in our minds that it is the people, it is a given country, that chooses the system that is better suited to the economic socio-cultural context. Even in the historical context because at times you could introduce a system in a context in a given system that seems to work because you have not taken on board all those criteria. Once the system is chosen well everybody should agree to put it into place, to put it into implementation without necessarily referring to the classical principles of the ruling party, opposition party, but we should objectively see the vision, the mission accepted by the people by adopting different given systems.

Let me finally inform you, while Chairman of the IPU exhorted all the Speakers of the parliament or the Mps to look for ways and means of answering this, as an information today in Rwanda we have organized a day for reflection of exchanging of ideas that will be held on the 22<sup>nd</sup> September, it is going to be next Tuesday. We will bring together all partners, all political stakeholders to reflect on the theme of democracy and political tolerance. Let me promise you that recommendations that will be made during that day will be in line with what we have discussed today because I will also go home with different ideas that would enrich the debate that we are going to have with my compatriots in Rwanda. I thank you Sir.

**CHAIRPERSON:** I should have been a bit clearer after my presentation, we have three panelists, one has just spoken, the speaker from Rwanda. With three panelists I will give the floor to Speaker of Botswana and last to the Speaker of Benin. They will act as catalyst to respond to presentation that I have made and then the floor will be open.

**MR BALOPI (SPEAKER - BOTSWANA):** Thank you very much Mr President, I will be very brief. I will be very brief for a number of reasons but I would like to take two at least for now. First I would be brief because the issue of democracy is an issue that has been debated for years and for generations now, either at national forums, regional forums or international forums. We have almost come to a stage where we, I mean the entire world population, of having to appreciate what democracy is all about. If there is still anybody who is aspiring to be a politician at this day and age who does not seem to know what democracy is all about I am afraid that person should try another profession. Democracy as we all know is a prerequisite of all the tenets that are required to ensure human rights, justice and the rule of law, to ensure

development, prosperity and harmony in any society, for democracy simply reflects the will of the people. I do not think there is any further definition that one can look for, the will of the people. For as long as we continue to deny the people the right of choice, the right of decision making, their determination about their welfare and their future and the destiny of their own future generations we cannot claim to be democratic. I do not think Mr President at this day and age there will be any head of state or head of government in any part of the world who claim that he does not know what democracy stands for. The research that you have just read for us, the statement you have made indicates very clearly that more than 50 per cent of the world population wants to be ruled or governed democratically. It also indicates at paragraph 3 and I would like to quote Mr President that, which says, *“The research shows that there is a wide spread support for democracy. 60 per cent of the people interviewed they want democracy, freedom, and yet, the paragraph continues to say, but citizens around the world have deep misgivings about the way political life functions in their own country”* The way political life functions, that is a departure on what people are aspiring for. People are aspiring for democracy, for freedom, for protection of their rights but our political life as we practice it we have departed from the will of the people. So certainly we cannot continue to do things against the will of the people and hope we will get away with it forever.

Yesterday at his opening speech, His Excellency, the President of the Republic of Botswana, made a reference to a point which I think we need to note and I am it is contained in His Speech as well where he said, “no single individual had the monopoly of wisdom, why would do you want to rule people in perpetuity even against I would desire apply all apparatus of terror, intimidation, denial, suppression and you claim that you are Democratic”, how can you? Where is your conscience when that happens? You cannot claim to be democratic when you are going against the current. You are taking people into directions they do not want to go into. The answer is simple; we have departed from the original. Areas like origins such as Sothern African Region that I know best, countries that waged arms against oppression, went into liberation wars, fought and lost their valuable loved ones. They did so because they wanted freedom. That was the spirit behind the liberation struggle and freedom from oppression.

We cannot expect that having paid such a price, people should still continue to be oppressed. Do we still want to go for another liberation struggle, Mr President? I know you are one of the guerrillas; you still want to go back into the bush, certainly not. You have played your part; you have liberated your people. So your people should benefit from that scarifies that they put to fight against oppression. It is really sad, I must say this as an African myself, and say this to my fellow African brothers and sisters that we should be witnessing instances, some of which are even worse than the oppression that we went through during the colonial time. This is perpetuated by us upon our own people under the name and the guise of Democracy; we cannot get away with it just like that. The reason is simply that we have taken away or drifted from the desires of the people. We are now zeroing on our own desires, self centred interests. It is for this reason why I would not want to see the opposition, if I am in power, because they are threatening myself centred interests. I would not want to hear a voice that says “but Mr President, why not do it this way?” It threatens my security of tenure, hence the issues that we were discussing since yesterday about political tolerance, opposition parties, who should be opposing who. As citizens of Botswana there should be no opposition, just to give an example, if anything there should be variance of ideas because we cannot be thinking the same. Even in our individual families, I differ, argue, sometimes even bitterly with my own wife, we disagree but ultimately we have to agree because the objective remains the same, to maintain our family. Why should I call her a member of the opposition when she disagrees with me? Why should she call me opposition when I disagree with her? We differ because we are individuals; we are gifted in different ways by God. We perceive things differently and we have different objectives sometimes in life, but we should not call each other opposition, opposing who? We all have the same interest like somebody was saying; every political party in Botswana is made up of Batswana, the ultimate objective is to see this country develop. We might differ in approaches, we might differ in policy initiatives, we might differ in the way we distribute national resources, but that is what life is all about. I remember one time the former Ambassador to the United Nations came to Botswana to open the Anglican Church. He made an illustration of how God created the beauty of this universe that we live in, that the reason why our women folks love flowers is because they like a combination of colours. Each colour means so much to the other. Like in our own creation, we should be looking at each other as a variance of creation but not as too distinct opposing factors. So, I am saying, these issues had been talked about, we will continue to talk about. Even the call that you are making to us Mr President that we should engage our Parliaments, we will talk about these issues. For as long as were pretend that we do not know what Democracy is all about, we will continue having workshops like this now and for ever more.

Greed has taken over. Self centeredness I have said had taken over. Hence we talk of issues of corruption, why should we be corrupt, why should I be corrupt if I am a Speaker of Parliament in Botswana and the Clerk of the National Assembly in Botswana is an Accounting Officer. If I have to undertake an official trip to the United Kingdom, for instance or Uganda where I have just come from where Madam Kadaga gave me this lovely hand back which I am peeping with a lot of pride. When I come back from a trip like that, I have to account to the Clerk of the National Assembly for every little thebe that I have used on that official trip. Why should I want to take public funds and go and use them for my personal interest. If I want to do business, why do I not venture like anybody else? Why exploit the resources of the State? The reason why there is so much civil unrest in our Continent is because we have now taken politics as an economic venture. Some of us make a living out of it, hence you would even kill or even hate to retain a position. One can kill his own brother or sister because you know once you are in, you have your fingers on the apparatus, and then you will be able to enhance your economic interest. I think these are facts which we should not hide away. I do not think there is anyone of us here who does not know what Democracy is all about and we should not try to pretend. We are scared of the unknown, that is why we would not want to be opposed. That is why some of us would not even want to leave power because you do not know what is going to happen to you; you become a victim of your own creation, a victim of your circumstances. So colleagues let us continue to engage on these issues, but for as long as we are not true to our selves, we will keep on singing a song whose end will never come. Let us change our minds, let us have changed mindset, let us call a spade a spade not a digging spoon because it was never intended to be a digging spoon, it is a spade. I thank you Mr President.

**MR CHAIRMAN:** Thank you very much, dear colleague from Benin you have the floor.

**MR ....(BENIN):** Mr Chairman of the IPU, thank you for giving me the floor. Like my colleague from Botswana, I would be very brief, but by and large, when a Parliamentarian says that he will be short it means he would actually do the opposite, so I am careful when I say I will be very brief Mr Chairman.

The statement by the President Gurirab with regard to the poll on Democracy and especially on the Principles of Democracy versus Political tolerance, I believe we are talking about an outcome of a State by State basis for implementation of Democracy in the world, particularly in our countries as was underlined by the President Gurirab. This survey poll has come out with encouraging results on the one hand but has also come out with results which are causes of concern for the implementation or advancement of Democracy especially in our nascent Democracies in Africa. We have noted to the result of these poll that democracy is being adhered to by the public opinion in the various countries in the whole world. In actual sector, such results in agreement with what all of us perceive in their own countries and this translate in my opinion the aspirations of the citizens for Democratic Governance and also the plural is the expression of the diverse opinions by the citizens. Apart from this general embracement of Democracy, the fact remains that by and large the citizens are not satisfied with the manner in which elections are conducted especially when we talk about Representative Democracy which is the choice at the level of most of our countries. Through this statement, I have taken note there is lack of confidence of our Parliamentarians. This should be a cause for concern for all of us the Members of Parliament. Lack of confidence under this has been dealt with at length yesterday, the population is of the view that we are influenced to a large extent by the parties and even by the Government.

Doubt has also casted over the possibilities that the opposition parties have in each of our countries to amply play their constitutional role as opposition parties to ensure transparency, integrity etcetera in the running is a state affairs. This also is reflected in the poll results. There is lack of representation. This is a big debate with regard to the social diversity in our Members of Parliament with regard to women, ethnic minorities and with regard to specific social groups.

By and large has been underscored eloquently by President Gurirab. The image, the trademark of Members of Parliament is tarnished and here we are dealing with a serious problem. This means that at the level of our respective parliaments, we have to make efforts to improve this trademark which leaves a lot to be desired, this trademark at the level of the populations with a view to improve the appreciation of the citizens of the population on the work effected at the level of the parliament on the capacity of the parliament. Lot of efforts have to be done by the MPs themselves to improve the level or the degree of confidence of the population of our electors, of our mandates with regards to the parliaments. This is a crucial issue that has been put across because rightly so because parliament remains the key institute or the central institution of democracy. This is an issue which is of more concern. That is democracy itself. For

those of us who are living in recent democracies because we have a lot of work to do especially fundamental tasks to be accomplished as a fundamental duty to ensure that parliament tradition is enshrined in our institutional arrangements. I normally say that if a question was put across to the population with a view to knowing and asking them whether they, the population would like us to delete as it were or get rid of the government, I am sure 99.9 per cent would say yes, it is necessary because it is the government that builds the roads, bridges because this is a tradition that exists in these structures which is enshrined in confidence. But however, if the question is put across to the population to knowing whether the parliamentarians are useful, are you agreeing for the MP positions to be suppressed or to be gotten rid of? I am sure the bulk of the populations would say that the parliamentarians are not useful and that their dispose should be suppressed. This is reality. If the fact that the population are not satisfied, not only with our mandates, with the terms of reference but there is another concrete reality that also says that the parliamentary traditions are not well enshrined at the level of the populations. We have not clearly shown the crucial role of the MPs, we have not shown them that these are the institutions that cannot be done without and this is a task that we have to accomplish and we cannot accomplish this task by undertaking negative activities or behaving negatively. This action can only be achieved by putting in place concrete activities which defend the interest of the people, the populations who then would say, well then, we cannot do without the parliament. So, we have a crucial role to play. The parliaments should be responsible at that level and they should indicate everyday that this representative, democracy is, maybe the best system and that given that the MPs represent the population, we have to remain loyal to their concerns, their interest and that at any time, whatever party we are talking about at the level of the parliament, we have to be answerable to the population who have voted us to accomplish this mission. So, I believe the crucial lesson that we can learn from this pool is that this survey is that we, the MPs, we the parliamentarian's commissions have a lot to do, a lot remains to be done, we have a lot of challenges to overcome, namely to improve the trademark, the image of our Parliament, we have to ensure that the parliamentary tradition be enshrined in the lives of people we have to ensure. Since the governments are seen as necessary, we also have to ensure in the eyes of the population that parliaments are also important, they play a crucial role. Thank you.

**CHAIRPERSON:** The floor is now open. Congo, Brazzaville.

**CONGO:** Thank you Mr Chairman for giving me the floor. I have tried to be an observer all along but you know, we are getting to a conclusion and the summary given by the President himself is quite a lock in because he has preempted what I was going to say. All I want to say Mr Chairman is that we have to have a dynamic appraisal of democracy. Democracy should not be seen as an end in itself Mr Chairman. I believe the end rather would be the significant improvement of the well being of the population at large and that in reality democracy is just a way and means of attaining this objective and if we approach the dynamism of democracy, we would understand Mr Chairman that our countries have just acceded to democracy and that this process could not in any case be performing as it would be seen today in Europe. Even though at this level 50 years ago, it should be stated that some big countries, important countries in Europe do not even allocate the right of vote to win. Since this morning we are discussing about the representation of woman and we have even gone to the extent of contesting the dynamism of African democracy and the pretext is that women are under- represented. However, I believe more and more, women are taking their rightful place in the scheme of things because democracy is a process which is linked to the forces in the system, the stakeholders, the beneficiaries because one to make a mistaken, when you come to a country, let me take an example; a component of democracy such as the freedom of expression, the freedom of opinion as expressed by one of the speakers here, the previous Prime Minister of Togo, liberty, freedom of opinion and expression compose an important component of democracy. However, when you get to a country and you note that there is only one daily newspaper published, you will be tempted to say that there is no pluralism and consequently no exercise of democracy in a given country. In that country well, you would have been perfectly right if you think that way. However, elsewhere, you can also come to another country where there are 10/20 daily newspapers being published with divergent opinions. Here also, if you come up with analysis, you will talk about dynamism of democracy that it exists in this country but if you go further, if you scratch below the skin, if you see that at the end of the day, the access to this newspapers is only restrictive to 5/10 per cent of the population, then a crucial question comes to play. Would in that case democracy be a matter of the people and if democracy in such a case is a matter of the people, now, can this democracy be expressed to the publication of these newspapers? Then if just 10

per cent has been wiped, 90 per cent are not taken into account and in the same vein including the experience that we all have and which we can use as a model. If you note that access to democracy is admitted, are open only to 10 or 20 per cent of the population, whereas 80 per cent of the population are completely in the margins, in the fringes of decision making, then there is a question one has to ask oneself in terms of the effectiveness, the efficacy, the quality of democracy. So, for my country which have just acceded to democracy, for countries like mine we have to take into account all this process which is a dynamic process which has to be improved. This morning we talked about women who are only represented but the survey, the pool, well, I do not know if I have heard the President correctly, it would appear that the general opinion is satisfied with the representation of women. So, there is a problem here Mr Chairman. A question relating to the understanding of an issue, of an appreciation as it were of democracy; take democracy as a process whilst developing democracy, linking democracy to the improvement of development conditions, improvement of the access conditions or opening up of democracy to the highest number of people which we hope would lead to an experience which puts the majority of people because unfortunately this was a debate today, unfortunately the only experience that has succeeded in liberal democracy which one could call the dictatorship of the majority over the minority to date Mr Chairman there is no method or any model which has seen success all over the world apart from the possibility that it is the majority which are on courts which takes into account the interests of the higher number of people rather than the minority. Experiences with regard to the minority groups could also be used as an element, a fact to justify dynamic or effective democracy whilst here. We are being sent back to the story of democracy which was the preserve of the rich. Whilst the bulk of the people are just remaining in the daydreams let us work together Mr Chairman to improve the development of socials, but let us make sure that all these would support political liberty, it would support the freedom of opinion of expression and we have to ensure that the great number of people would benefit. So, let us not be pessimistic. Africa is going forward, we have had some good experiences, and we have our own specifics, our own originalities. However, it is true that democracy would always be the issue of bigger numbers and that democracy would only be a means as long as there is lack of food, lack of water as long as long as there is lack of capacity of people to say what they really believe about their life, then democracy would be a process, a permanent search, a permanent quest and basically we have to put in the right perspective our opinion so that we see democracy as a permanent quest which needs to be improved to resolve the final question, the finality that is also the improvement of the social well being and that is the last word Mr Chairman. I thank you.

**CHAIRPERSON:** we are under pressure on time. I beg you Honourable Colleagues, we have an invitation to see democracy in action at Kgotla. We hope that before that we would be able to accord the Deputy Prime Minister of Zimbabwe to address us. So, I would insist that we be briefed, two minutes is more than enough.

**UGANDA:** Thank you very much Honourable Chair. I must declare that I am disturbed by the outcome of this survey. Thirty years after the **sido** fifteen years after Beijing this fight of the African Charter on Human and People Rights.

If the US 61 per cent are saying that the women are well presented when there are only 16.8 in the lower house and 15 per cent in the upper house it is a shame. If you go to Britain 55 per cent are saying women are well presented when they have only 19 in either house it is sickening. Egypt 54 per cent, Egypt? When there is only 1 per cent in the lower house. Of course I am happy now that they say they are going to improve, but it is embarrassing that 54 per cent says that women are well presented there. Turkey, maybe it is only Turkey which is nearer the mark, 37 per cent say women are well represented and they only have 9.1. India, the giant, 57 per cent are saying that women are well represented, they have only 10 per cent in the lower house, 9 per cent in the upper house. Maybe China is almost near the mark, 80 per cent say women are represented, they have 21 per cent.

Nigeria is a shame, 56 per cent say women are represented, they have 7 per cent in the lower house, 8.6 in the upper house. Really I do not know what else to say Mr Chairman. I think I am disappointed, maybe there is something we are not doing right, I do not know, I really do not know. Thank you.

**CHAIRPERSON:** When it comes to numbers and figures this question of yours goes below zero. I have two names from Ghana so I think I will leave it to you to decide who takes the floor. Ghana.

**GHANA:** Thank you Mr Chairman. Just a few observations which in my view we should remind ourselves of regarding where we are as a parliament, that parliament is regarded or seen to have really low esteem within the populace. I think we should not lose sight of the historical antecedents of our assemblies, how they evolved in the struggle for independence. Many assemblies, fashioned by colonial administrators were seen rather as impediments to the independent struggle. That is the first thing.

After independence the gradual drift towards authoritarianism, parliaments were willing to, if you like rubberstamps in the hands of the strong leaders who emerged. One party administration emerged, they institutionalised misrule by these dictators in Africa. Post independence countries, even military adventurers used parliaments to deify themselves, what do we expect the people to say of our parliaments? Military adventurers have abolished the only vehicle of the people's representation that is parliament, sometimes using parliaments themselves, draconian laws to climb down on descent have often come from parliaments, dominated by Presidents who allege that they have won 95 per cent of popular vote. Yet when space is granted for real alternative parties to emerge, the ruling parties struggle to hang on to power, or even lose in spite of the power; power in quote, of incumbency. So clearly parliament is misleading the people. Members of parliament are often heard or seen to be leading the course to demonise and blusterise colleague members of parliament who must have lost power, that plummets the esteem of MPs, and indeed of parliament, we should not lose sight of these.

Mr Chairman, composition of parliament. We have since yesterday spoken about inclusiveness, we are talking about making space for women, even youth, disabled and segments of society should be seen to be represented in parliament. That is as well, but have we paused to think about the capability, the competence of the people, who pupil our parliament. Really sometimes when you visit some parliaments and you listen to the quality of the debate you are not impressed at all, and parliament is just ridiculed as if it is not a serious institution. So above everything else I think we should be concerned about competence and the capability of the people who go there in order to enrich debate and indeed contribute to fashioning real national developmental agenda. Mr Chairman, I thank you.

**CHAIRPERSON:** Ghana again.

**GHANA:** Thank you very much Mr Chairman. I just want to continue where my colleague has just left. In Africa we have to be very clear on our mind where we are coming from, with military dictatorship there is almost the resemblance of the Executive arm. Even if the court is a martial one there is some resemblance of the Judiciary but what is always missing for a very long period of time has been the parliament. Having had new parliaments I would say most of them, very young, the situation is such that if you look at our constitutions, the way they have been crafted it is such that the Executives or those in various countries in Africa, the constitutions themselves put some kind of limitations as to what the extent to which members of parliament can go.

If I take a typical example like my country Ghana, where I keep saying that we are very proud of the democracy that we have, in the sub-region we can boast that we are among the best. Even then if I sit here to tell you that Parliament, who is supposed to be the holder of the purse, none of the two highly entitled members of parliament can boast of an office and staff. When we have been practising the, we were the fourth republican parliament, this is the 17<sup>th</sup> year, none has staff to work with. Now you have a constitution that says that you control the purse but when the purse comes you can only cut budgets but you cannot add, that means you cannot realign the resources in the pocket of the government, as and when they come. We should ask ourselves how many of our parliaments in Africa display voting boards, where each and every member of parliament could be associated with something that is very unique or he could be identified with something. You cannot, almost most of our time is just lumped up, so what our people there see is that look these are people who just go and sit, laugh and then do trivial things. Why, because the media also is not helping the African parliaments. Most African parliaments do not have their own radio stations or television stations. So if we rely on the private media houses to tell us what is happening in the house, they go out and they only display when we disagree, telling the people that this is the kind of thing that we do.

In Ghana there is this popular saying that oh, parliamentarians the only time they agree is when they are to get vehicles for themselves, any other time they disagree. When in actual sense we set our tune, 86 per cent of the times we have agreed to push the agenda of the country forward.

So with all these kinds of complications I believe as parliamentarians, we need to begin assessing ourselves, especially those of us who are on the majority side, because when government business comes and all of us just begin to just tow the line of the party, when sometimes our own institution is under threat.

Like in the case of Ghana's parliament, they do not have an office, a budget comes, you do not even stop the budget and push it out so that they will make the necessary provisions to provide you with an office, then you are ridiculing yourself. Unfortunately if you look at even in some countries, members of parliament are perceived as development agents, when in others they are law makers. In Ghana when you go back to your constituency and then you are talking about oh, we made this law they just say, look we are talking about water, we are talking about jobs, we are talking about employment and look at what you are talking about. When in actual sense the laws of our country do not make a member of parliament a development agent.

I think these are challenges that we need to begin to look at, other than that the services that we have chopped in Africa may begin to drill because when people lose confidence in us they lose confidence in parliament, then they will be gradually losing confidence in democracy. Thank you very much Mr Chairman.

**MR CHAIRMAN:** Thank you very much indeed. Burundi will be the last speaker and we will take on the next panel, Burundi!

**BURUNDI:** Well I in turn will try to be very brief. I just want to comment on the perception of opposition parties. We know that parties go into the opposition because they have not won the elections, and sometimes it is difficult for them to accept the results of the elections and sometimes they find it difficult to be patient until the next elections. In Africa, the problem is that these opposition parties sometimes they behave in an aggressive manner and they sometimes resort to violence which puts them in a difficult position.

Power sharing, which could be seen as a transitional system towards a system more stable, sometimes there are misunderstandings, incoherences which have to be managed because we all want to go towards stability. That is what I want to say with regard to the power sharing arrangements.

Now I have talked about the case of Burundi, power sharing between the majority and minority parties and to a certain extent the minorities. Namely all the political parties which have attained at least 5 per cent of the voting, these parties can be a member of the government if they want. Currently in Burundi we have three parties forming the government, however this is an inclusive system in my opinion and which is totally distant from what is seen as a coalition of political parties. This power sharing arrangement I mean, because sometimes we have a problem of the identity of this minority parties which are in power under which sometimes also behave as opposition parties between the government. This situation which is not comfortable at all, but this situation enabled us to go towards a certain modicum of stability.

In Burundi whilst the Constitution formally prohibits the party to act as an opposition party but sometimes we see the behaviour of the opposition parties in Parliament when statements are pronounced, so I wanted to share this opinion with the other parliamentarians. I want to say also that the power sharing system between the majority party and the minority party is not always an easy matter. It needs a high level of tolerance and understanding because there are inherent contradictions especially when the party in power sometimes behaves as an opposition party. I thank you.

**CHAIRPERSON:** I thank you very much for this panel, may I once again thank the panellist and the participants for a fruitful discussion. Those matters that would be stood over this afternoon, we will have some room for creativity tomorrow before we rise, or we will attend to all those for now. Thank you very much.

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**CHAIRPERSON:** Honourable Members, we are going to start now. We are going to allow the Deputy Prime Minister to address us and then after finishing, then we will adjourn the House. The deliberations will be done tomorrow morning. I will therefore call upon the Honourable Deputy Prime Minister to address us.

**MS THOKOZANI KHUPE (DEPUTY PRIME MINISTER - ZIMBABWE):** The Honourable Chairperson of this session, the President of IPU Dr Theo-Ben Gurirab, the Secretary General Mr Anders B. Johnsson, Speaker of the National Assembly of Botswana Honourable Patrick K. Balopi, Honourable Speakers of Parliament, Honourable Members of Parliament, ladies and gentlemen, all protocol observed, good afternoon to you all.

I would like to take this opportunity to thank the organisers for inviting me to be a part of this gathering. It is always an honour for me to be asked to share my views and ideas with fellow leaders on issues that specifically affect my country and Africa in general.

It is also my pleasure and honour to represent the Government of the Republic of Zimbabwe which is currently battling to rehabilitate the damaged economy, restore the democratic values and principles enshrined in the Global Political Agreement signed on the 15<sup>th</sup> of September 2008. This conference is timely and relevant for us in Zimbabwe because as most of you would know, we are currently going through a transitional arrangement whose key focus is to build democratic institutions that should lead to a new socio-political era where the norms and values of political inclusion and political tolerance shall be enjoyed by a all our people.

Honourable Chairperson, I must state from the onset that I am very passionate about the principles of political inclusion and political tolerance especially in as far as they affect women across the continent. It would be a betrayal of the trust given to me by millions of women in my country if I would stand here and not raise upfront their concerns and their worries, their fears and their hopes. Our contemporary history has shown that where political exclusion occurs women are the most affected, scientific research has also revealed that where political intolerance occurs women suffer most. In this regard, any panacea to political exclusion and intolerance should factor in the challenges of those who bear the brunt. It is unfortunate, Honourable Chairperson, that the inclusive governments we have witnessed so far are only inclusive in as far as political parties are concerned and not in terms of gender equity.

Honourable Chairperson, allow me to state upfront that inclusive governments in Africa are becoming 'fashionable' as signified by the twin cases of Zimbabwe and Kenya in our contemporary history. Inclusive governments are now seen as conflict resolution mechanism used in settling electoral disputes.

While a temporal cessation of hostility can be achieved through this 'government by compromise approach' it is doubtful whether the whole arrangement is a solution to the challenges of political intolerance that is besetting a number of our countries in the sub-region. It is even doubtful whether the conditions that create them are in fact inavoidable.

The phenomenal growth of the inclusive governments over the past two years in Africa is a worrying development. There is nothing wrong with inclusive governments per se but there is everything wrong if these governments are formed in order to keep incumbents in some form of power even after elections have determined otherwise.

Honourable Chairperson, in the context of our continent, inclusive governments are transitional arrangements that are formed mostly as a political compromise by former warring parties who realise that they cannot continue escalating the conflict as a result of a mutually hurting stalemate. It is however unfortunate that inclusive governments are a result of failure of power transfer. Incumbent governments refuse to accept electoral defeat thereby creating political crisis which result in power deals. Some of our leaders in Africa have deliberately been keen to subvert the electoral will of the people by creating chaos in their countries knowing fully well that regional bodies will recommend inclusive governments that leave their positions intact. This unfortunate development in our continent should be frowned at. It should be given no room to flourish. It is no solution to political exclusion nor is a solution to political intolerance. Honourable Chairperson, I am not against political accommodation, I am not against coalition, I am not against governments of national unity and not against a positive sum approach; But (it is a big but) I am apposed to the subversion of the will of the people, I am opposed to the violation of the national constitutions in order to maintain power by all means necessary.

It is indeed my well considered view that the best solution to both political exclusion and intolerance is the building of genuine democracies based on the total respect of the will of the people which is expressed through the results of a free and fair elections. I also believe that a credible national leadership which respects the cannons of the constitution is able to prepare for an election, manage an election, run an election, participate in an election, and respect the results of an election and hand over power if defeated. The Zimbabwean inclusive government to which I belong is nothing more than a transitional arrangement that should enable Zimbabweans to choose a government of their choice in the shortest possible time. Only the respect for the will of the people can be a solution to political exclusion and intolerance.

The Zimbabwean inclusive government which I can speak authoritatively of, came into existence out of serious humanitarian and political crisis. Its birth certificate is a Global Political Agreement which was a result of protracted negotiations that took more than a year to conclude. Although all the parties to the agreement agreed to all the provisions of the deal through affixing signatures to it, it also has its own challenges.



Allow me once again Honourable Chairperson to state the fact that most of the inclusive governments are always faced with serious challenges in implementation. These challenges are serious and they are many. They range from a simple lack of respect of the principle and values of the Global Political Agreement to the need to protect political turfs by continually excluding other players in the agreement the right to have unbiased media coverage among many other issues.

The current inclusive government is not the first one in Zimbabwe; at independence our country had a type of inclusive government that included parties from the major parties. This government did not last that long as there were soon accusations and counter accusations of plots to kill each other. There will always be challenges with inclusive governments; political parties and their leaders are creatures of power and until one party is clearly in power, there will always be tussle for power.

However, I wish to assure all of us here and the rest of the world community, that even though these challenges will not be easily resolved, they shall be surely be solved. I believe most of us in the inclusive government are committed to making sure that all the clauses of the agreement are adhered to. If faced with challenges, we will not hesitate to turn to our neighbours and African friends for assistance.

In my understanding that SADC remains a guarantor to the Zimbabwean inclusive government and as a result it should monitor its implementation. Although the parties to the agreement agreed to form a joint monitoring and implementation committee to effectively allow Zimbabwean parties to implement the agreement, it does not mean that SADC should walk away; its job is not yet done. SADC should remain committed to democratic principles as we have witnessed first hand the tragic consequences when these principles are ignored.

I believe the time for SADC to speak on behalf, democratic principles is now. Whilst the principle of non interference in the affairs of other countries remains important, I think that the principle and the practice of SADC should be that no leader should be accepted into the regional body unless he/she has been democratically elected. Our approach to the regional affairs should be guided by the same principles that we use in our countries. Consultations, persuasions and the importance of democratic elections in electing a country's leadership must apply if we are to avoid an inconvenient inclusive government.

The nascent inclusive government of Zimbabwe is currently implementing its democratic reforms, economic stabilisation, national healing and constitutional reforms. Once these are achieved, Zimbabwe shall surely transform itself into a democracy that will be the envy of many in the region. I am confident that our government shall overcome all the hurdles that it is currently facing. With a people drawn constitution and the leadership that is democratically elected, I have no doubt in my mind that political tolerance and political inclusion shall be guaranteed.

In conclusion, Honourable Chairperson, I would like to state categorically clear that the inclusive government is not an undesirable arrangement for some political situations but it is certainly a questionable solution to political exclusion and political intolerance. I wish to appeal to both the regional and international community to help us in our endeavour to transform Zimbabwe into a democratic and prosperous nation.

May the Lord bless you. I thank you.

**(APPLAUSE)...**

**CHAIRPERSON:** Thank you very much Deputy Prime Minister. Honourable Members, as we have agreed and indicated that the deliberations will be held tomorrow, I believe that those who will be participating will consider on what we have deliberated upon, including the address by the President of Botswana and also Mrs Graça Machel and then what the Deputy Prime Minister has just said. Allow me then to give this opportunity to the Secretariat to make announcements.

**SECRETARIAT:** Madam Chair, thank you very much for giving us this opportunity. Tomorrow we have foreseen a session in the morning from 9.00 to 12.30 where would be discussing lessons learnt and challenges to be met. We have intended that session to be a free session where you would have participants making comments and proposals on how we move forward with democracy and gender in Africa, so that this can inform further action by the Inter Parliamentary Union and other partners. We still intend to go ahead with that session, but given the fact that we have unfinished business today, we will have to carry over some of the things that we have not been able to do here today. I would like to remind you that we had a long session just before lunch. We all agree that session was not concluded, the session regarding inclusiveness and political parties, roles and responsibilities of the opposition and the governing parties. So,

there were lots of participants who were going to take the floor but who did not have the opportunity to do so. We have an agreement with the other organisers that tomorrow morning we can give everybody an opportunity to come back to the issues that have not been adequately addressed today. We have also discussed with Her Excellency the Deputy Prime Minister, who has most gracefully accepted to field questions on our presentations tomorrow instead of this afternoon. So, this allows us enough time this afternoon to take care of the other arrangements that have been made by our Botswana host, that is the visit to a traditional assembly which is, I understand, not very far from Gaborone, a few kilometres from here. So if we make an early start I think that our host will be most grateful. I have been told that transport is available outside the conference centre and that the buses will be leaving as soon as we leave this room. The buses will take us to the traditional assembly in the village, and then, it is foreseen that we will spend about a couple of hours there, and I am told that from there, participants will move directly to the venue of the reception that is being hosted by His Honour, the Vice President of the Republic. So you will not have time regretfully, to go back to your hotels before going straight to the venue of the reception. This is the announcement that the host have asked me to make, and I hope that what I have just said is not very inconvenient to you. So, Mr Speaker, we move from here to the village, and then from the village to the reception venue. Thank you very much Chairperson.

**ADJOURNMENT**  
Wednesday 16<sup>th</sup> September, 2009

**INTER-PARLIAMENTARY UNION CONFERENCE**  
**ON DEMOCRACY IN AFRICA**  
**PLENARY SESSION IV: DRIVING THE DEMOCRACY AGENDA**  
**\* \* THE FIRST PART OF THIS REPORT WAS NOT RECORDED \* \***

**HONOURABLE ... (GHANA):** ... we want to look at the lessons learnt and challenges to be made, the role of Parliament in promoting the democratic agenda, especially through the African Charter on Democracy which we talked about the other day. We shall be considering the spirit of partnerships and the way forward. Just to remind you, we have discussed the African Charter, we have discussed issues of freedom of speech and democracy, starting with discipline, control and representation. We have discussed issues for marginalisation and inclusiveness of women, the youth and other minorities, the rights, duties and responsibilities of the majority and the minority parties. We have discussed the political co-existence of political and traditional institutions, we have had the IPU survey on the world public opinion on political tolerance.

Also we should remind you about the President's address here and useful pillars for Democracy, Development, Dignity and Discipline. I would also want to remind you about Mrs Graça Machel. She appealed to all of us to do what is right for those we govern and to make use of our privileged positions, to use our voices and influence to do what is right for our people. Yesterday of course we received presentation by the Deputy Prime Minister Odoro Onakopo here and we were not able to discuss it, so she is back here. If you do have any questions you would be able to talk to her about them.

We shall also be distributing a draft solution which we would want you to study during the course of this morning, and if we work fast enough we shall liberate you at 1.00 o'clock and you will not have to come back in the afternoon. Thank you.

Now I would really start with the members who have indicated willingness to speak yesterday, Honourable Wambugu of Kenya.

**HONOURABLE WAMBUGU MUCHIRI (KENYA):** Thank you Madam Chair. My name is Clement Wambugu from Kenya. I would just speak briefly. I would touch on the issue of power sharing especially related to Kenya, where we were among the first people who got into this type of argument. I will also touch on other various issues on the role of opposition inclusiveness and also integration of minorities.

Madam Chair, power sharing is generally used to describe a system of governance, in which all major political parties or major segments of society are provided a sizeable share of power, or claiming to take in a ruling coalition. The need or justification for power sharing can be viewed in different perspectives and what informs their formations and practices are different terms. The key manifestations considered the formation of great coalitions, governance which ensures all political parties share public service or diplomatic appointments.

The protection of minorities from marginalised groups marks the centralisation of fiscal and political power and decision making by compromising consensus.

Power sharing is gradually involving practice of political accommodation that goes on even in coalitions of alliances within ruling parties, especially after long drawn political or religious upheavals. Power sharing is ideally very difficult to achieve and usually delicate to sustain, but they are formed to secure some balance or interest within the partnering states or parties. The phenomena of power sharing is gradually taking route in the influx of African situation and the perspective is quite a convulsion of effort just like globalisation has done. There has been considerable fragmentation of the actions to the power sharing phenomena, where all our tradition and strong political blocks have become split. This has created openings for new parties which are not strong enough to attain political trend.

Our question this morning is, for selection power sharing arrangements are panacea to political intolerance and of caution in Africa and beyond. Power sharing is assured in a popular sense, in the popular sense is actually not linked to Kenya or Africa or even advanced democracies. The concept of power sharing has been used in many contexts as a response to ethnically conflicts and political differences of our resource allocation and use as a means of setting up a governing by coalition in a context where no political party has won a political majority, or in post conflicts, in situations where political actors who represent the vast background seek to control state power. Power sharing arrangement are also seen as a mode of vehicle to create broad based governing coalitions, all the societies in ethnic groups in a political system that provide inference to legitimate representatives from minority groups. Power sharing is also described as a strategy for resolving disputes over who should have the more powerful position in the social hierarchy. But it should also imply a joint exercise of power and responsibility where such an agreement is reached.

Madam Chair, while we get to the Kenya situation, where the application of power sharing agreement met until the creation of a broad based coalition or significant group in a political system, in the case of Kenya, it was not a power sharing or a negotiation between ethnic groups but among the elite minority. The majority or minority groups that we have qualified for consideration under this concept or is not part of the deal that was signed in Nairobi nor were they represented in anyway, instead we saw some form of representation based on political parties where the minorities or even the constituencies were not considered or even requested to participate. And I do believe that in case of any change of government the members of various constituencies or the minorities should be requested to participate and given give the type of government that they require, and that is why we are talking of freedom of expression, for people to say what they require.

Let me say, Madam Chair, it was quite imperative after the results of our 2007 Presidential Poll to restore normality and nurture and consolidate the winning confidence of the people in the democratic responsible and accountable governance of Kenya. In the same vein, it was also necessary to have tranquillity and promote peace and national cohesion in whole of Kenya. This was after the type of chaos that we experienced. But let me say, the type of violence that you might have seen in Kenya, these have been their aim and from before, from back as 1992, 1997, 2002, because of ethnic conflicts.

Madam Chair, the Kenya's framework for post-election stability, the way out of, as it was judged at that particular time, was to share power until elections were held under a new constitution, hence the famous deal negotiated by Kofi Annan, the former Secretary General of United Nations, and signed by President Kibaki and Raila Odinga. These are signed so far but has not been without a few tensions. This agreement known as a National Code and Reconciliation Act created the post of Executive Prime Minister for Odinga, was especially stipulated in the Kenya Constitution. The agreement was anchored on the following agenda. It was for an immediate action to stop violence and to stop fundamental rights and liberties. It was also to have immediate measures to address the humanitarian crisis, promote national conciliation and healing, and also to look for ways of how to overcome the political crisis which were coming out because of the power sharing and coalition governments. The other agenda was to sort out the issues of the long standing issues and look for solutions especially when it came to institutionary reforms. We have already created our interim independent electoral commission body, which is already running some of the election processes that are going on in the country. Also form the boundaries within commission, we were also having reforms within the police force and also looking into the land reform policies.

Madam Chair, we have also had some bill of challenges. Initially, we have had the lack of appreciation in the importance of public and national interest. We have had the wrong perception that power sharing is an option and subordination of opponents and in their position of the need to preserve the autonomy of all parties in power sharing the inference of mischief make our tune from the kitchen cabinet and eventually seek to violate the power arrangement systems. We have had the issue of parties for political convenience

that violates the spirit of power sharing and often stretches absurdities which are manifested in the obscured and provocative interpretation of the letter of the provisions of power sharing in the negotiation of the spirit. The need to maintain a sustained continuous confrontations, that are formal and informal, on all matters of import in the power sharing paradigm. Formulating and rolling out of new ward system is to meet the exigencies and exigencies of actually the power sharing among coalitions.

We have also had challenges because creating or being able to accommodate the other members who came into the power sharing agreement, this forces the government to have a bloated Cabinet from the 24 ministries that we had to almost over 40 ministries, and that has created a very serious high budgetary constraint to be able to cater for the extra members.

Madam Chair, in conclusion, it is noteworthy to observe and appreciate that Kenyan Parliament has played a most critical role in recognising the power sharing agreement and in fact continues to do so. Power sharing deals must be backed by law and should not rest on good faith alone. Legal backing is also necessary because such arrangements usually involve a change in the constitution status quo. Power sharing deals need to spell as clear as possible the allocation of functions, responsibilities and powers between the parties. Political intolerance and as caution is a product of exclusive systems of government and political power here normally hold partial and not holistic views. The situation normally established by sectional system, that is discriminatory by ... and limited in a position of the longer problem of humanity.

Madam Chair, in conclusion, it is not right for us to go into power sharing and especially if it is for the need of keeping the people in power, also if it is for the need of getting the people who have been the losers in elections to get them on board to share with the other people who have already succeeded or who have been able to win the elections, this case was witnessed in Kenya where all that was forgathered in advance by their opposition which was trying to use the media by inciting the people to believe that they had already won the elections in advance and in case there was the losing side that says that elections must have been stolen by others and they must have been included in that system.

Madam Speaker, Madam Chair, without those few words, let me say thank you.

**CHAIRPERSON:** Okay, I allowed you because Kenya and Zimbabwe are unique on this issue of power sharing, but for the others, it will be five minutes. I will now invite Honourable Elitgani of Sudan, to be followed by Honourable Moyo, the Speaker of Zimbabwe.

**MR ELITGANI SERAG (SUDAN):** Thank you Madam Speaker. About the situation of Sudan, there was an agreement in 2005 between two parties, the National Congress, the Government of Sudan and SPLA so the two partnered. The government of Sudan now after an agreement of 2005 which was held in Nifasha in Kenya. In Sudan, there are now about 18 parties in Parliament. They are all given the same chance to speak and to express. In Parliament now we have 18 parties but the government is between two parties only, the National Congress and the SPLA. They ruled Sudan after the agreement as I said. In Sudan, there are about 50 parties out of Parliament. They are all waiting for elections which will be held in 2010. There are still problems after the agreement in Nifasha. When the war is stopped in the south, there appeared another problem, a question of Darfur which has been there for six years. Now we face this problem, it is a complicated problem, but we hope that we shall find solution to it before the end of this year.

In Sudan there is a referendum which will be held at the end of 2011. This referendum will be between the southern people, it will be in two items, either separation or unity. The danger is that if they choose the separation, this may be about 90 per cent. We will accept the separation as we see. So it will be dangerous to this problem. I want to make the IPU aware of this referendum but we will accept the will of the people at the end and it will be a democratic decision. So, we will accept if they choose separation. Then there may be two countries, South Sudan or Southern Sudan and North Sudan.

About women, we passed the law that give women 25 per cent. Now, in our Parliament, there are about 90 women out of 450 but we will give them 25 per cent in the next election. So, the election will be in April 2010. Thank you Madam Chair.

**CHAIRPERSON:** Thank you very much Mr Elitgany. I do hope that you will step up the 25 per cent to 30 per cent because 30 per cent is the minimum, other countries are moving to 50 per cent. Now, I will call upon the Speaker of Zimbabwe to be followed by FEMNET.

**MR LOVEMORE MOYO (SPEAKER-ZIMBABWE):** Thank you Madam Chair. I note with great appreciation the valuable contributions made by various Speakers on various topics. Notable topics that are of interest to me is the Political Tolerance and Power Sharing and also Political Parties Control.

Let me take this opportunity Madam Chair to thank our Deputy Prime Minister for her thought provoking statement she made yesterday on power sharing arrangements. My view is that power sharing arrangements represent failed democratic processes where leaders get into power by means of dialogue and compromise instead of being given mandate by the electorate. It is worrying, Madam Chair, to hear that in some instances these power sharing arrangements were by a means by cohesion or forcing the warring parties to share power even if they were reluctant to do so.

I think, Madam Chair, it is important to note that Africa cannot afford to continue advocating for a bad system that encourages defiance in most cases by those who will have lost elections. So, we need to strongly condemn that process though others argue that it is the best way out of the crisis that a country will have been confronting. Of course, there are positive aspects of power sharing, in particular, when you look at the Zimbabwe scenario. At least in our country we have relative peace where political parties are now free to go about with their business. Of course, you cannot have absolute peace, there are still some instances where again those elements that created confrontations are still evident.

I want to look at the power sharing in the context of the role of Parliament in that arrangement. My view is that Parliaments in those countries are heavily compromised. You find that Parliaments have to adjust in order to suit the compromised business of the inclusive government. Also, in most instances you find that the debate in the House is seriously curtailed because Members of Parliament are asked to tow the line in order to support the activities and programmes of the inclusive government. Again, Parliament find itself failing to perform its constitutional mandate with regard to its role, performing the oversight role over government because of the fear of destabilising the inclusive government. In my view, these things really expose Parliament to the extent that Parliament at the end of the day can be viewed as just a rubber-stamping institution, which is a sad development in Africa, a sad development for any democratic discourse. So, I think the conference should find ways of probably debating this issue further in order to really understand the impact that these power sharing arrangements has in our Parliaments.

In Zimbabwe, the advantage that I was referring to is that the power sharing arrangement is used probably to create an enabling environment that will facilitate the democratisation of our country. We have already begun with the constitution making process which Parliament is mandated to spearhead. We feel that the conclusion of that process will enable us to have institutions that comply with the democratic requirements. We hope to be able to deal with the laws that have caused some conflict between political parties and also we hope that we will be able to level the playing field in order for us to have elections that may be qualified as free and fair and uncontested.

I do not want to labour this point, but let me emphasise that I think it is high time as African countries to be true and honest to ourselves as we deal with these issues. The day before yesterday I was excited to hear the Head of State His Excellency Lt Gen Ian Khama talking about those leaders who overstay in power. I think it is also important to note that also as Parliamentarians, we should start viewing his statement seriously. Just aside, yesterday I was shocked when my Honourable Deputy Speaker proudly said that he has been in Parliament for 45 years. I think to me these are the indications of lack of democracy, these are indications of an ailing democracy because where democracy is flourishing you cannot have somebody being popular for 45 years, it is impossible to be popular for 45 years. So I think these are the issues that we should take home and start debating whether staying longer in power, does it mean that you are the most popular leader or the systems are not allowing other people to come in and also serve the nation. I thank you Madam Chair.

**CHAIRPERSON:** Thank you, Speaker Moyo. Honourable Members I think this is the first time we have really had the definite challenges of a Speaker in the power sharing arrangement. I am sure that is what Speaker Malinde also goes through. What you have said is important. Let us have Femnet to be followed by Djibouti, five minutes please.

**MS LIKIMANI NAISOLA (FEMNET):** Thank you Madam Chair. This is the first time FEMNET is speaking so I would like to extend my appreciation to IPU, for inviting us here to represent civil society as well as the really warm appreciation to the people and Parliament of Botswana for a very warm reception and hospitality. FEMNET is the African Women's Development and Communication Network, and it is a regional membership based NGO with members in most countries in Africa. It was set up over 20 years ago

to share experiences, information and strategies among African Women's NGO's, in order to strengthen our capacity to participate effectively in the development of our continent.

Within the context Madam Chair of this conference, and its theme of democracy and political tolerance, FEMNET has taken the lead in Africa to democratise and popularise the international day of democracy among women NGO's. By using this commemoration to intensify the mobilisation efforts of civil society, particularly women leaders and organisations, to celebrate the progress made in democracy building in their respective countries, as well as highlight those critical areas that require more deliberate action, if democracy is to take root in each African country. Such as the need for the universal ratification of the AU protocol on the Rights of Women in Africa, and the African Charter on Democracy, Elections and Governance. Madam Chair I would like to applaud the presentation made by Honourable Deputy Prime Minister of Zimbabwe yesterday, on post election power sharing arrangements. Africa has made great strides in the march towards free and fair societies over the last 10 to 20 years. However, we are seeing a threat to this progress and with it a reversal of gains such as the recent forceful change of governments we are seeing in some countries. As well as this growing trend where incumbent presidents seek constitutional reforms to renew the provisions on presidential time limits. Also in the recent adoption of draconian laws in some countries and the interpretation, which are intended to curtail the activities of civil society and the media. As well as finally this new emerging form of quote unquote African democracy where coalition governments appear to be the only way albeit temporarily to solve the problem of election violence, electoral rigging, intimidation and failure to concede to the result of the elections.

The experiences in Kenya, and I am Kenyan, in 2007/2008, after the disputed presidential elections threw the country into complete chaos, and this is a clear indication that much more needs to be done to nurture democracy as a culture, as a way of life in African countries. As many of us have alluded to during this conference, there is a winner takes all mentality in African politics today, which is at the root of some of these challenges in our march towards democracy.

As the African saying goes, 'when two elephants fight, it is the grass that suffers.' Who is the grass in this instant? In Kenya it was the thousands of women and girls who suffered sexual violence during the post election conflict, as their bodies were used as battle fields between ethnic groups who were fighting to take it all in the elections. It was over 350 000 internally displaced people, mostly women and children who remained languishing in IDP camps as the political wrangling continued and as a negotiating over powers of the coalition government took precedence over their rights. As in many conflicts and post conflict situations in Africa, it is the women who were left to pick up the pieces of the society, while still being excluded from the peace building efforts particularly at the community level. They suffered from increased vulnerability to HIV infection due to the sexual violence. They had no access to antiretroviral drugs while they were in the IDP camps. As they strived to rebuild their lives and those of their families and their communities, they were met with high inflation rate, increased unemployment that drove them further into poverty.

These Madam Chair is the cost of compromising the standards of democracy, and the cost of allowing a gradual evolution of the culture of democracy and peace in our countries. Therefore, the promotion of democracy in Africa and not the water down version that we are seeing in this current iteration of coalition governments has never been more urgent. All Africans must be allowed to fully exercise their rights. Their rights to influence the way the government is selected. We must promote the respect for human rights and the rule of law, irrespective of the challenges that lead us ...(interruptions)... during elections and especially in post conflict situations.

We must underscore the need for states and government to create and maintain an enabling environment, that promotes tolerance and respect for diversity and morality. Madam Chair in conclusion it is a sad state of affairs that only two countries have ratified the African Charter on Democracy, which enshrines these very principles and that to this day, 25 countries are yet to ratify the protocol to the African Charter on Human and People's Rights on the rights of women in Africa. We must move beyond mere lip service in our commitment to democracy, equality, development and peace in Africa. Thank you Madam Chair.

**CHAIRPERSON:** Thank you very much Femnet. Let me now invite Honourable Omar Abdi Said of Djibouti to be followed by Honourable Stevens of South Africa.

**MR OMAR ABDI SAID (DJIBOUTI): (French)**... mechanism on this same individual. This same person has remained in power. At that time right now rather we have experiences of the new model which

is dubbed power sharing. This is another way in my opinion, for those who have remained in power for 30/40 years, it is a means of them to arbitrate their stay in power. When elections are organised and when they lose, they send the army, they send civilian policemen to create conflicts. At that time, then we talk about power sharing. So Madam, what is the exact definition of election? In my opinion this is losing its substance. Sadly with regard to the African Charter, our colleague has just underscored that since 2007 only two countries have ratified this instrument.

What is the approach of the African Union (AU), because since 30<sup>th</sup> January 2007, when the Heads of States met in Addis Ababa, only two countries signed, so for this Charter to be implemented, 15 countries have to sign this Charter. Madam, in my opinion the democracy that we are looking for, even sometimes at the summit of the heads of state and the parliamentarians that we are, it must be stated that we are very fragile, and I must say that the executive does not give us the instrument to accomplish our task. So given the circumstances, I do not know how we are going to operate. We have to ensure that democracy should be installed in all our countries. I thank you Madam Chair.

**CHAIRPERSON:** Thank you very much Djibouti. Actually the point you raised on how these arguments are discussed was also raised by Ghana, I must confess that it is when I was invited to this meeting and looked at the topic, that is when I downloaded this text of the Charter. I have never seen it. No one in my country really knows about it. So there is a problem. Now Honourable Stevens of South Africa to be followed by Honourable Harelimina of the East African Legislative Assembly.

**MR STEVENS (SOUTH AFRICA):** Thank you Madam Chair. I shall be very brief and direct. I believe some of these issues just want us to be direct to come to solve them. You see the problem with us Africans, is that when we discuss these topical issues that are very, very sensitive, we always shy away from the real facts and real issues, maybe it is because of the syndrome of the brotherhood and sisterhood. I think if we have to go directly towards what is happening in Zimbabwe in particular, I think we hold a very particular interest, not because they are our nearest neighbour, but because of what is the snowball effect of what is happening in Zimbabwe to the whole of Africa. If you look at the issue of Zimbabwe, to me it says, we have failed at regional level. SADC clearly did not do its mandate. How can we allow a situation where for 10 years, human rights abuses have been happening, rule of law has not been adhered to, and all these declarations and charters have been signed, but nothing is happening.

Surely there is lack of leadership from the SADC level. Only one country, that is Botswana, has been the one that has denounced what is happening in Zimbabwe, and all the rest did not do anything. Now the blame goes to the region at a collective level, but also individually to individual countries that are forming the regional bloc of SADC. To date and to add insult to injury is the role of the AU. What is the role of the AU in some of these issues? It is a continental body that should be having a lot of teeth to make sure that democracy and peace are restored in most of these countries. Now the challenge that we have, is that most of these bodies are just becoming ceremonial talk shops, and declaration talk shops, and there is no action that is happening. How is it possible that we have this beautiful charter and only two countries have only ratified it? Maybe it is because we are afraid that if we ratify it we will be shooting ourselves in the foot. So it is those pertinent issues that we have to look at colleagues, when we go back to our Parliaments. Frankly speaking, I do not think that as a collective body, as the Parliamentarians, there is anything that we can do. When it comes to the issues of Zimbabwe, because this is a high political issue and it needs Heads of State and Heads of Government to solve. I think individually, when we go back to our Parliaments, we should be able to say, when these charters, resolutions are drafted, what is the impact of these resolutions in solving the crises in Africa and what impact are they having? What actions can be taken from these papers that we sign? If there is no action that can be taken against any other country, then I think we are just wasting time. This is because year in and year out, we will attend conferences, sign the charters, sign declarations and resolutions, but discourage of African undemocratic ways will continue. So why do we have to always come into forums and discuss these common issues? All we need to do is to make sure that discourage does not persist in Africa because this is a cancer for Africa.

In legal terms you are setting precedence because if you have done it somewhere else, why can it not be done somewhere else? The conditions will be the circumstances might be different, but the bottom line is the principle will remain. So, I am saying that even when you look at Zimbabwe, it was the failure to recognize the role of opposition and it was a failure to recognize the impact of political intolerance. It was a failure to recognize the ways of doing things democratically. It was a failure for regional leadership level to intervene when the symptoms were there. So, we have to make sure that we walk the talk as Africans. We

can no longer talk; I think we have talked many years. Now it is time for us to make sure that we take actions. Let us make sure that the bodies that we belong to have teeth to act against our brothers and sisters who are doing wrong to the country. I thank you.

**CHAIRPERSON:** Thank you, Honourable Stevens; now Honourable Abdukarim to be followed by Honourable Kabonesa of Uganda.

**MR ABDUKARIM (TANZANIA):** Thank you, Madam Chair. About the post election power sharing, I think we should not encourage that thing to happen again in Africa, because it is another way of hijacking power between the two rivals; I do not know how to call them, Presidents or what, because initially there is one who is incumbent and another one who was trying to get to power. This is because there was electoral rigging, so they agreed to share that power. So, there is a kind of hijacking power from the people. I think it is better for us not to encourage that one at all. This is because the results of the countries which have experienced this kind of; I do not know what to call it, this kind of power sharing; there is chaotic governance in all of these countries. There is no political stability at all. I think it is another kind of legalising and encouraging people to rig elections, because the incumbent or the other one who has won elections once they accept to do this, another country will do that again because they will think that it is a good example to follow. So, I think here we can advise our African Union forces which I think are being trade now to make some interventions where need be. If someone has won the elections and another one wants to steal it from him, then these forces can intervene and state the winner.

About the Botswana experience which we heard yesterday even witnessed when we went to the village parliament and the good experience we can learn from the people of Botswana and maybe some African countries like Rwanda, at least give us a lesson that our traditions are not strange to our people, that is where they accept us, I mean they are traditionally smaller than even, I do not know how to call it, it is a classic parliament or the western kind of parliament. What the Professor yesterday told us here which he believes is true, is that the people here trust these village parliaments more than they trust this Parliament which we use today. So, if our traditions are more acceptable to our people, I do not know why we should avoid them and go far from them? I wonder sometimes when we look at ourselves, we are no more Africans, we are not even westerners, we are just in between there. Let us do whatever we do, the democracy is good and we love it very much, but let us build in our traditions.

Madam Chair, we have a good experience in Rwanda. Everyone knows that the genocide took place in 1994 and it costs the people of Rwanda more than one million and we have this classic way of judiciary. They sat down and say we cannot finish these cases of which involve more than one million without getting something better for us. That is where they decided to use their traditional way of courts which is called 'Gachacha'. It has only been two or three years to resolve their problem. They made the cases, the people were punished and at the same time there is a reconciliation process which is taking place. So, I think with our traditions we can do better things. Let us go back there. I fear someone invades us in this room, we will see whether we are Africans or not, even the way we are putting on our clothes. It is only two people, one from Ghana and another one, I do not know from where, from West Africa who were even looking better than all of us here. So Madam Chair, I beg that we go back to our traditions, respect them and build on the democracy we want. Thank you Madam Chair.

**CHAIRPERSON:** Thank you. Honourable Kabonesa from Uganda to be followed by Honourable Kaura from Namibia.

**MS KABONESA (UGANDA):** Thank you so much, Madam Chair. I am Kabonesa Juliet, Member of Parliament from Uganda. I want to thank the people of Botswana for the warm welcome accorded to us. Thank you very much.

I would like to thank the different speakers, more especially the Deputy Prime Minister of Zimbabwe. You for sure inspire us and you make us proud.

Madam Chair, I will briefly comment about the issue of power sharing. I think this conference Madam Chair, must come out clearly on the issue of power sharing. It should not be for the need to keep people who have lost an election but provide an environment that enables the expression of all sorts of opinions in political life.

Since yesterday and today, I have listened carefully and it is true that most colleagues in this conference who will argue with me, it is the colleagues on the opposition side that provide the platform of checks and



balance to control government activities. I will therefore like the Deputy Prime Minister of Zimbabwe to comment on the case of Zimbabwe what happens where all the parties have been compromised. I thank you.

**CHAIRPERSON:** Thank you. Honourable Kaura of Namibia to be followed by Honourable Bagbin of Ghana.

**MR KAURA (NAMIBIA):** Thank you very much, Honourable Chair. It is on an issue of power sharing and I remember one of the first speakers from Gambia, Honourable Julia Joiner saying that power sharing diminishes democracy and also followed by Honourable Machel when she stated that power sharing is undermining the people's sovereignty. Now those two questions continue to bother me for quite sometime. I am remembering a few incidences for example where Elgo and President Bush during the last election there was a problem in counting the results in Miami and it took three weeks before the election results were announced in one of the revered democracies of this world, now so maybe people to be in that heat on the continent of Africa is not unusual. Therefore if there is no outright winner to share power is not common. So, we have examples in Europe which is considered normative in countries like Germany where they work on the basis of coalitions or in Italy or in Israel. Now when it comes to the continent of Africa it is diminishing democracy when Europe is accepted as normal. So, these are the questions that are running through my mind why power sharing especially when it is going to lead to the avoidance of bloodshed is considered undemocratic or diminishing democracy. These are the questions that are running through my mind.

The other thing is that the peer review mechanism in Africa does not seem to work perfectly well because there is a fraternity of Heads of State and they greet each other with kid gloves especially when the incumbent is in power and he is the Head of State and there is a conflict between him and the incoming political party. So, in view of the fact that there is a conflict between Heads of State and they treat each other with kid gloves, what do you do? If a political party which is beaten by opposition is on the verge of coming into power and bloodshed is imminent, what do you do? It is the only alternative; that is to share power for the time being as Honourable Moyo, the Speaker of Zimbabwe said, power sharing would lead to democratisation in Zimbabwe. If that is the case why not; if it is going to lead democratisation in Zimbabwe? Why is it said that it is going to diminish democracy? On the other hand I also want to say that staying in power for a long time does not mean that you cease to be popular because Edward Kennedy died just a couple of days ago and he was in power for 49 years. So our colleague from Lesotho having been in power for 45 years it is thought undemocratic; I do not think so. So, I still want us to look at that and interrogate this issue of power sharing. It is not unusual, it is normative in other countries in Europe and I think it is now a norm in Africa and I think it must be looked at critically but also assisted to bring inclusiveness in our systems. Thank you very much.

**CHAIRPERSON:** Thank you, Honourable Kaura. Honourable Bagbin of Uganda to be followed by Honourable Fihla of South Africa.

**MR ALBAN KINGSFORD BAGBIN (UGANDA):** Thank you very much, Madam Chair. Madam Chair, permit me to take this opportunity on behalf of the rights Honourable Speaker of the Parliament of Ghana and our delegation to express our sincerest gratitude to our brothers and sisters from Botswana for the hospitality and warmth of their reception and hosting of this conference. I have always held Botswana in high esteem, they make us very proud. When you look at the anti-corruption list of the world, and in fact I followed the foot steps of their former President, Sir Ketumile Masire, who was very good and high in the anti-corruption global crusade, but they proved beyond doubt that their hospitality knows no bounds and we are extremely grateful.

Chairperson, I want to preamble my submission by giving an indication of who I am. I was a member of a ruling party for eight good years. I was in Parliament, went into opposition for eight good years. I was a leader of the opposition. I am now back to power and this is my first year and I am the Leader of the House. I can share a lot of experience with my colleagues and I completely disagree with the gentleman who talked about the length of stay of a Member of Parliament as an indication of the weakness of Democracy in that country. He is completely wrong. The Executive Arm is different from the Parliamentary Arm, the same for the Judiciary. In the Parliamentary Arm you do not exercise executive power. You are not a threat to any person, and therefore, it is seen in many countries as a profession and the experience is the best teacher.

That is how you learn. That is how you inculcate culture. So it is not true that if you stay in Parliament for 65 or 100 years it is a sign of a weakness of Democracy in the country, that we should move away from. In fact there are many states in America that decided to give term limits to Members of Parliament. They are reconsidering that decision because of very good reasons and it is important, there is a book written on it and my colleagues might have access to that book, read it to see what is happening in America. They are talking about coming back to the realities of Parliamentary practice.

Let me share a bit of experience on the role of opposition. My senior, the former Prime Minister of Togo did a very good job, but it is important for me to emphasise two issues:

1. The ruling party most a times represents the voice of their members, and therefore you have the voice of the opposing party members usually subsumed and marginalised. It is a duty of the opposition, particularly the Members of Parliament in the opposition to act as the voice of the voiceless. It is very important because that gives hope and advent to the feelings of the other opposition members who do not, on many occasions, accept what he ruling party is doing in the country.

2. The second issue is that the opposition partners the ruling party in governance and therefore they should be seen as a partner in governance. That is why it is true that the opposition is as important as the government of the day, and they must be given fair and equitable treatment.

Coming to the harmonious relationship between opposition and ruling parties. It is important that we put in place, not just the issue of principles and doctrines, but mechanism that can eliminate the fear of members of the opposition. In Ghana one of the ways in which we did that is to make sure that the opposition members partner the ruling party in the determination of the business of the House. Apart from the fact that the Members of the opposition are members of the business committee day in and day out, the two leaders that is the opposition leader and the majority leader meet the Speaker to discuss the agenda, the Order Paper of every day, and in that discussion decide on likely issues of disagreement. Before you get to the floor you have some faint idea of the areas that you are going to have heated debates, and therefore you put your strategies in place. In doing that at least, the opposition is aware that business is not conducted behind them. It is also not conducted in secrecy, and that they are recognized as partners in Parliament. I think it has worked very well for us in Ghana, and I think it is important that we recommend it to other Parliaments. I was in Zimbabwe in 2003 and I made a statement which in fact ignited some revulsion from my friends in government. I did say and I want to repeat it here, "there is nobody that can prevent change. If you delay change, it will come but in a very forceful manner that is likely to be destructive". I made that statement in 2003, I am somebody who comes from the National Democratic Congress and we had partnership and relationship with ZANU PF, but I was very clear and candid in my opinion. That was not accepted by my colleagues, now we have seen the experience. It is important for us to accept, there is only one day's change that you can have development, and advancement and the change as clearly stated by the President of Botswana cannot be from one person. Nobody is the ultimate pinnacle of wisdom in the country and I think that we should all try to embark this culture. Thank you very much for the opportunity Chairperson.

**CHAIRPERSON:** Thank you Honourable Bagbin. Honourable Benson Finlar, to be followed by Honourable Margaret Mensah-Williams.

**MR BENSON FINLAR (SOUTH AFRICA):** Thank you Chairperson. Firstly I just want to start off by saying that when we speak of democracy, I think we need to follow the building blocks towards a true democracy, that becomes very critical. Now in South Africa, we had a situation where when we were fighting, there were wars of resistance by various tribes fighting as different tribes against the colonisers and were defeated. Then on the creation of the liberation movement in South Africa, we felt that it becomes important that we unite tribes in order to have the strength of fighting against the enemy; that is the colonisers. I think that is one step that many of the African States are missing, where they fight as tribes instead of bringing together all the tribes in fighting a common enemy. Now, after developing that trend, we went further in South Africa in saying that let us create a charter, we call it, "the Freedom Charter." This Freedom Charter we said first, that we must create a non-racial government, non-sexist government at democratic government. That was the programme that we work on. That means therefore that firstly we felt that the colonization in South Africa was far different from the other countries. It was colonization of a special type because the colonisers decided to stay in the country, that is Whites. So they were part of the society of South Africa. Therefore, we felt then that there is a need that in creating a strong liberation movement we need to include all the racial groups in South Africa to fight against colonialism and we succeeded in that.

At the end of the day we felt that now that we have brought together all these racial groups, still when we got our freedom, the first government was a government of national unity, together with the enemies that were fighting against us. That was the process that we went through, and after that we went further in saying that there must be power sharing and also that even the opposition parties must be part of the government. Many of the leaders of the opposition parties we brought them in as Cabinet Ministers in our government because we felt that what we are fighting for was for all the people of South Africa, not for the African National Congress (ANC). I think that is the point now that many of the African States are missing, in that when they create their liberation movements they create it around one tribe, instead of bringing them together in fighting a common enemy. That has resulted as a result that at the end of the day, when now you are governing, there is an opposition, you weaken democracy because you are not united as tribes, you have got not one united race that is fighting, bringing changes in the country. I think that is the problem that we face in many of these countries. Now the resultant effect of that is that when now you are ruling you have that fear of the enemy. You regard now the opposition as your enemies instead of putting them together so that they are part of the transference and the changes that you want to bring about in your country. Today in South Africa, we have a very strong government, our President is able to go and bring together the leadership of all these parties and discuss about the future of South Africa. That is what is happening there, so that there is no fear of that the opposition parties are going to be our enemy, threaten and overthrow us. We feel that also they are patriotic, in fact the weaker in opposition parties they make the government very weak. The opposition parties should be strong enough so that the ruling party must be on its toes in bringing about change. Once they are not doing that, then it means there will be laxity and people will suffer on the ground. I think that will build the points that I wanted to bring. Thank you Chairperson.

**CHAIRPERSON:** Thank you very much, now Honourable Mensah of Namibia to be followed by Honourable Safari of Rwanda.

**MS HON. MARGARET MENSAH- WILLIAMS (NAMIBIA):** Thank you very much Chairperson. As Africans we should be congruent in our actions and in what we say. We should not be selective in the way in which we approach issues. They say if you want to hit a dog you will find a stick. So if we want to hit a specific country we will find a stick to do so, but tomorrow when it comes to our countries, we would like the yard stick to be different. So I think as Members of Parliament specifically, we have to be very consistent in the way in which we do things. In some cases we say that there comes a fear in Africa where individual or political parties stay in undemocratic behaviour in order for them to stay in power. Just few minutes ago I was laughing when you could hear everybody when it comes to Parliament you say we should stay in Parliament irrespective of the term. Now why should we want only Heads of State to move, if we do not move, how will we have some new blood? How would we have women and youth also entering Parliament. If those who are there die in power just the way some Heads of State die in power. So I just want us to be very much congruent in what we are saying. The power sharing arrangement that we are talking about is just like my brother from South Africa was saying, we should not be tribalistic in the way in which we do things, we should do things as one community. In Africa we are one community, my brother from Uganda only recognizes men who wear African attires. He failed to see the many women throughout this conference wearing African attires. We should do things consistently. I am just trying, my brother with all due respect, to show out how we are different in the way in which we do things. We should be consistent. We have highlighted the issue of Kenya and Zimbabwe, yes how many African countries are there? How many African countries are there that today we have only two signatures to the African charter? It is not only Zimbabwe and Kenya who refused, how many have refused? How many have not ratified? What are the reasons for not ratifying? That is the issue, you see if I put this thing up, if I show it this side they say, "The lens that you use and the angle from where you look determine your perspective", so if I show it to these people on this side they will say it is a three, if I show it to people on this side they will say it is a W, if I show it to people on this side they will say it is M, because the angle that I am showing them this paper differs and therefore the perspective will differ.

I want us as Africans to find an African solution to African problems not a European solution to African problems. As was said by my senior colleague who is from the official opposition, he had said it so clearly, when it comes to Europe we accept it as if that is culture and the norm. In Africa the yardstick is good governance, democracy. What really is this democracy, who determines what it is? What is inclusiveness? What is collective bargaining? When in some cases people decide the trade arrangement somewhere else, is

that democracy? The people who shout loudest about democracy are the ones who fail to implement democracy in their own countries.

You know if I can give you an example of Zimbabwe in 2002, 2003, I observed elections there as a member of the Commonwealth observer mission. When I entered the soil of Zimbabwe the British in that Commonwealth mission told us not to exchange our foreign currency in Zimbabwe banks, I refused. They had somebody there who could on a black market exchange the money for us in a room and I as a member of parliament said no the principle to me is you are crippling the economy of Zimbabwe. But my other African brothers and sisters agreed to go and exchange the money not in the banks, not where the tax can go back to the government of Zimbabwe. What they have said when we started in that observer mission is the report that they ended with. I refused to sign that report because I have integrity as a person. I said yes ZANU-PF did commit offences, I said yes MDC also did commit offence. It is not how much money you steal that makes you corrupt, corruption is corruption. Whether you do little bit of violence or lots of violence, violence is violence. That is my principle, and I said if one is the angel then all are angels, if one is the devil then all are devils. I was victimized by the Commonwealth, I was never taken into any observer mission again because I distanced myself but I stood my ground. Nelson Mandela said that “the apartheid regime has brought forth courageous women and men who do not fear.” Now even the bible tells me that God has given the spirit of power and not of fear and that is what I want us as Africans to do.

As members of parliament let us start today by getting up as leaders in Africa, let us break free of the bondage of what other people want us to do and how they want us to do that. When the DRC was in crisis, South Africa, Zimbabwe and Namibia supported the DRC and we were slammed by other African countries, but we said we are doing it in the interest of Africa.

Namibia got its freedom because of the support of African countries. If it was not for the *ubuntu* in Africa we could not be free. We were assisted by friendly countries like China and Cuba and so on but none of the western countries have supported Namibia for the freedom, it was Africans. So, why can we not find solutions for African problems on the African soil? South Africa, Namibia, Ghana and others had smooth transition of power, BBC and CNN did not broadcast that every day. I watched them when it was Ghana, it was just a flash and it was over and we as Africans follow suit we just want to highlight the bad. We do not want to perpetuate what is good. I listened throughout the two days, this is the third, we do not want to perpetuate what is good and for us also to bring out the good and to exchange best practices. I thought Madam Chairperson when we came here it is for us to say yes all of the past is not bad and let us take from the past what is good and let us move forward, but let us exchange best practices. Even as members of parliament how many of us have visited those countries we speak about, Kenya and Zimbabwe? Did we go and give support to our colleagues there in the government? How do we speak of things that we have not witnessed and experienced? We have just watched on CNN and BBC. Let us go and ask.

When I went to Zimbabwe I saw courageous people, I saw people who have the will and the determination to overcome. I saw people where I could come back with roses, litchis and vegetables, planted by people of Zimbabwe courageously throughout the heartaches and difficult times. They have overcome because they are standing together. When the west moved out they could stand together and talk to each other as Zimbabweans irrespective that there are still problems. But we also cannot allow that for a person on top, you want to punish that person but that person is not punished it is the people on the ground, so where does our support lie.

Cuba is still under the rough oppression, I call it, with those sanctions by America but the Cubans survived because the Cubans are united. In Africa we say united we stand divided we fall.

I want to conclude Madam Chairperson, I was writing something because I do not want to get emotional but you see we know that the Zimbabwe issue was born out of the crucibility of the Chimorenga Wage by Africans of the Zimbabwe. But the Diaspora of Africa should scream loud and clear that we no longer would allow people to oppress the people in the country, the citizens, but that we as Africans we will also not destroy countries where there are problems by us perpetuating hatred and only etching for those. But we as Africans will be conscious in our history and without fear or favour say that Zimbabwe is for the Zimbabweans and let ... before the English people. I thank you.

**CHAIRPERSON:** Thank you very much Honourable Minister. I hope the parliaments that do not have women now know why the women should be there. Let me invite Honourable Begumisa of Rwanda to be followed by Honourable Akena of Uganda.

**MR SAFARI THEONEST BEGUMISA (RWANDA):** Thank you Madam Chair once again for allowing me the chance to talk about this power sharing. Madam Chair I want to categorically state that power sharing after elections is never a good thing for the electorates. Ladies and gentlemen hear me on this one, power sharing that is enshrined in the constitution, is acceptable by the society who are the electorates. This is what should be supported. I think Madam Chair yesterday you heard Madam Speaker of Parliament of Rwanda, Chamber of Deputies, elaborating on some provisions of our constitution in Rwanda, where she said the speaker of parliament according to that constitution can never come from the same party with the president of the republic. Given the good political will that we find in Rwanda today even the prime minister is not coming from the same party as the president. This has influenced our society throughout all levels, people who got positions, how people share power in Rwanda and they are basing on this. I am saying this because even if one listens carefully, listen to the people originally the people in our societies all of them seem to support the idea of sharing. It is up to us to know how to include it and to respect the people and all these are included in our constitutions. I am saying power sharing that is enshrined in the constitution is the one that is accepted and should be supported. If I can just cite some examples, one example from Rwanda, because this is why you might have heard about the forum for political parties, which is also provided by the constitution. This is why this has managed to succeed.

Contrary to what was anticipated by many in the Diaspora. This has worked because it was the will of the people and these political parties forum when they are there as the opposition, the ruling party, what they talk is development. Those who are not satisfied with what is being done keep on reminding the ruling party and other parties that look this provision is not being respected we have to change, let us work together and change this. I am saying that power sharing after elections, that is why we get problems, sincerely we should encourage it but it has to be provided by the constitution. Right from the beginning before people write their constitutions we should see this other than focusing on the idea of the winner should take it all even the so called advanced democracies. You have seen that they are picking from the opposition and there is a kind of sharing that is taking place. So, I would recommend that this conference carefully encourage portion that is enshrined in the constitution other than doing it after the chaos has started. Thank you Madam Chair.

**CHAIRPERSON:** Thank you very much, Honourable Akena of Uganda to be followed by Honourable Ndakane of South Africa.

**MR AKENA JAMES (UGANDA):** I am sorry Madam Chair I am having some technical difficulties. I would first like to appreciate what we have been discussing from all the members but more especially I wish to appreciate and acknowledge the passion which has come through from the ladies. I was deeply encouraged and motivated when Madam Graça Machel raised some serious matters. In this context, I had been contemplating and thinking that part of our solution can be looking at it on a larger scale rather than individual or country level. In the context of power sharing, do we have mechanisms which can prevent us from reaching a level where we are forced into a power sharing arrangement or are they mitigating circumstances which we can address before we reach the point where we are forced into power sharing agreement? In this context I have been thinking about looking at the possibilities of a regional electoral commission because in the circumstances, we have had situations where the results are disputed. It is unquestionable that one can come to a situation where the election is extremely close but where there is an element of doubt and where somebody can use that element of doubt to manipulate the situation, it is something I really feel that we must try to look at in order to address and come to a point where the integrity of the commission is going to be above board, it would be above manipulation by the State parties. It will also provide an opportunity where the competition can be seen and respected by all parties that this has to be resolved coming out of the elections.

Often, our elections can be seen as a process designed to legitimize and maintain the existing power relations. If we do not have a system which gives us the credibility, we will run into difficulty but also if we pull our resources and to borrow from the Speaker from Zimbabwe, find an African solution to our African problem, use our human managerial resources, our experiences in order to be able to find a better way of handling these elections such that the credibility is above board. I had an opportunity to go to Kenya at the hit of the electoral violence. What was surprising about the team which went, it was a money forum which is the Great Lake Forum for Peace, a completely Africa initiative, but the majority of the people who went to try and help in Kenya, came from countries which had gone through difficult backgrounds. Our team leader was from Rwanda, Honourable Abdul Karim. I was there in a situation where in my constituency I

still had IDPs, we had members from the DRC, members from Burundi and it was an attempt to try and bring our experiences to share with the Kenyans and to try and find a workable solution. I, myself had been a refugee in Kenya earlier and it was a complete reversal of situation to find ourselves there and also to find ourselves in the difficulties which we were experiencing. When elections go wrong in one country, we are all affected. In the case of East Africa when the problem was in Kenya, within two days we had no fuel in Uganda, Rwanda, East India, Sudan, we were all in the same problem. So, we need to take a look at this rather trying to address it on a larger scale where we can pull our resources and try and draw on the best practices.

In the case of women representation, I do not know whether we should try and look at Rwanda as an example to try and bring greater representation, look at the Ugandan model. But if we had an institution which can look at these best practices and find ways of integrating them within our political system such that there is great representation. But here, I also feel that the challenge would really fall to the political parties in that we need to really define where we stand for under those issues. We really need to be able to stand up and really be determined. If we look at the issue of mainstreaming women or dealing with the issues of women, even if we get the women there and we still have high cases of maternal mortality, we have cases of infant mortality, it is clear that we have failed and those are the issues where I think the parties really have to take the fore ground. The parties have to define themselves and really meet those challenges if they are to remain relevant but also we need to look at how best we can bring in all the various best practices, so that we can find a way forward. I thank you Madam Chair.

**CHAIRPERSON:** Thank you very much Honourable Akena, now Honourable Richard Mdakane of South Africa to be followed by Honourable Reginald Diegaardt of Namibia.

**MR RICHARD MDAKANE (SOUTH AFRICA):** Thank you very much Madam Chair. I think my neighbour from Uganda has touched on a point that I wanted to touch on. I would just add on the two points. My understanding really of this power sharing is that it is a transitional arrangement to level the playing field in our two sister countries. My understanding is that no African leadership really appreciates these matters but they are imposed on them to take some of these decisions because I think if they did not take some of those decisions, surely the killing of our innocent people was going to continue. To me I think it is really a dichotomy situation. What do the leadership do to address the killing of innocent people. I think the imperfect arrangement of power sharing really is about that, they are trying to stop the massacres and slaughtering of innocent people who happen anyway to be women and children, largely it happens to be women and children. I think they have a leadership in African continent faced with this dilemma and therefore because there are protocols, there are declarations, all of us who have accepted them generally speaking, therefore I think there is an understanding that peaceful change of government should be encouraged but sometimes it does not happen, we are facing a situation in Madagascar right now, what do we do? Then to me, it is a much more difficult thing really to address and I hope the researchers in Africa will find a better solution for this problem because not really, that people wanted this power sharing arrangement but they are forced upon by the circumstances that prevail in this sister country. Therefore, what else can we do if women and children are slaughtered? There is no other way that we can do as African leaders accept to try to force the parties to come to some arrangements and of course I do not think all of us we do not accept it, we think it is wrong to have power sharing, as long as also not to accept the will of our people, but it does happen in our continent. In fact it is almost I think the point that was raised by Honourable Graça Machel that, it is almost like we are reversing the gains over the last 50 years where again coup d'état and rejecting the majority decision or the will of the people and force the circumstances to our people that is unbearable. I think to me is a point that, I think the political leadership of our continent should readily resolve because if it is not going to be resolved I think it is going to be causing more harm because all governing parties in future will simply know the will of the people and then want to be part and parcel of power sharing arrangement. I think in general we can also undermine democratic values in our continent also, undermining all declaration that has been signed by many political leadership. Then to me, I think we should try our level best to ensure that we should do that and try to arrest the situation because I think it can cause more harm to the African continent, also undermines completely the values of our people but I think to me the two sister countries, the really question is, what is it now that they are doing to level the playing field when time comes for democratic elections and then all of them are ready to contest those election but also are trying to respect the will of the people without circumventing democratic values and principles. To me I think this interim arrangement really or this transitional arrangement should be giving

effect to our political leadership in our sister countries because no one really outside this countries will resolve their problems. Even if we can play and do everything but we would not resolve their problem unless the people of the two sister countries sit down and resolve their problem, of course I guess that the African countries should put pressure to that but we cannot resolve their problem. It is an issue that has to be resolved by those two countries and other countries, that are not democratic and in my view, that is what we should be trying to do. I think parliament should play a very critical role on this matter because the role of parliament in bringing about peaceful resolution of our problem also should be an issue that Parliament should be addressing in all that area. I think that our own experience has been elaborated, it is written about. The leadership of Zimbabwe and that of Kenya should try to level the playing field and then whatever time when there are democratic elections, all people must accept the result of these elections. That to me really is a situation that is very difficult. I do not think anyone of us here can be very happy with that arrangement at all but it is a necessary imperfect arrangement to save life. Thank you.

**CHAIRPERSON:** Thank you. Honourable Reginald from Namibia then we end with Honourable Muntaka of Ghana.

**MR REGINALD DIEGAARDT (NAMIBIA):** Thank you Honourable Chair. My brief intervention is on the issue of political tolerance. Honourable Chair, my humble submission is that political tolerance cut straight to the heart of leadership. Let me motivate my statement by relating to the Namibian situation very briefly. Namibia attained its independent in 1990 and at that stage we were a deeply divided nation because we had just emerged from a protected war of liberation, stretching over a period of three decades but our visionary leaders like the founding father of the Namibian nation Dr. Sam Nujoma, Dr. Theo-Ben Gurirab, Mr Katuutire Kaura and others adopted a policy of national reconciliation and started leading by example. It has been preached and practiced day in and day out. Today, we are a nation at peace with herself. Yes, we still have some minor incidences of intolerance especially during election time but we should remember that we come from a violent history because the system that was designed executed and maintained by our colonizers, the system of apartheid was violent by nature. Political tolerance is something we should work for, that is what I am trying to illustrate and leaders should lead by example. It is something we should work for on a daily basis, it is not something that will roll in on the wills of inevitability. It should be a concerted effort, a focused effort, it is a huge challenge but I still think it is possible. Thank you very much Madam Chair.

**CHAIRPERSON:** Thank you very much, now Honourable Muntaka of Ghana and then Honourable Nombuyiselo of South Africa.

**MR MOHAMMED-MUBARAK MUNTAKA (GHANA):** Thank you Madam Chair. Let me say throughout the meeting, one very critical aspect seem to be missing. I am happy my colleague from Uganda briefly mentioned it and I think it is the point that we need to begin to emphasise, that is the Electoral Commission because they serve as the referees. In football or in any other game, if there will be conflict, it is because the mediator's role has not been defined satisfactorily. I am beginning to think, like my colleague in Uganda that we need to begin having regionalized, as much as possible pulling resources together to have our electoral commissions working together. Ghana, we keep saying, we are very proud and I will tell you briefly why we would be able to change power from one to another for a number of times. Madam Chairperson, we have a Constitution that has protected our electoral commission such that there are seven member commissions. None of them can be changed until the person retires. The Constitution gives in this power. There are protected, now we protect our minister. During elections, these electoral commissions, if I am not mistaken, are as important as the President of the country and this gives us some level of impartiality because he/she knows that whatever action he takes, nobody can dismiss or change or antagonize such a person and you have a system where we have an inter party advisory commission. These years it is not constitutional but it is our own internal arrangement that before we go into an election the parties sit with the electoral commission; we look at the modalities, we look at the issues, everybody brings out what are the challenges that he or she sees. These things are addressed before we go into an election. If you look at our election system it is virtually on whoever plans to rig, really has a daunting task, because the system is such that we have close to 21,000 polling stations across our country yet each and everyone of the polling station has a party representative, has an electoral commission, has a security person there and it goes to the district, it goes to the region, it goes to the national. With this kind

of electoral system yes it is not perfect, it gives a lot of confidence because you in your polling station whilst the results are being collected at a district you hear your polling station mentioning the numbers, the figures mentioned, and it is these numbers and figures that are collected into the regional and then the national. So at least you have some sense of having to hear that your polling station results are what is reflected at the national level. So it gives some confidence in the citizenry, so if you do not win you know that it is because you have not won, if you won it becomes too difficult for a ruling government to lose and say that even though I have lost I am still going to go on. We can say in Africa, in all the countries that we are having these challenges, I am here to be shown one country where the electoral commission says the ruling government has lost, but the ruling government yes have lost but I am going to swear myself into continuing. It is because the electoral commission's results would say that the ruling government has won, that is why they quickly go in and swear themselves, so I think the issue of the referee, which is the electoral commission, should be looked at. I think that Africa we are continent with scarce resources, if we can pull our resources together, for example if you take the difference between our capital, Accra, across even Togo to Benin it is shorter to travel from Accra across Togo than to travel from Accra, to say the northern part of our country, say Boko, or Boga. We have transparent ballot boxes, we go into elections every four years, why cannot we begin to assist each other during elections, with even the electoral materials? I believe that if we pull our resources together it is going to in the long run cost us less as individual countries to conduct elections. Yes our constitutional provisions may be different, they may be some differences, but I think by and large if we pull our heads together we could fasten a way of supporting each other, that will make elections in our individual countries very transparent that our citizenry can have confidence in and also cost-effective. Thank you very much Madam Chairperson.

**CHAIRPERSON:** Thank you very much. Now Honourable Nombuyiselo, may I also invite Honourable Agboyibo to return to the podium and Honourable Mukantabana, in case you want to make some positive remarks to the debate. Now Honourable Nombuyiselo.

**HONOURABLE NOMBUYISELO:** Thank you Chairperson for giving me this opportunity to contribute on this third day of conference. Let me first thank IPU for inviting us to this conference and also Botswana for hosting us. I think what we need to do by now, having said it is our third day, and having listened to all experiences and frustrations of other countries it is for now to try and help those with problems, those who need, rather than pointing fingers at them though we cannot solve their problems, but we can just listen and not criticise and try.

I agree with one speaker who said we shy from speaking the truth on what is happening in our countries, we all know, that is why I am saying let us try and help where we can. We can also take an example from Rwanda, the progress they have made in a shorter space of time. Let us learn from those who have done something and try to improve our own selves because that is why we are here for, to listen and to go and contribute. Let us unite and build. One speaker said if we are not united there is nothing, and I agree because that is why there are only two countries that have agreed to the Charter because we are not united, and we cannot build if we are not united. As parliamentarians of course that is why we were elected to go and help the people, take their voices to Parliament and bring back the reports to the people so that they should be on the know, not to represent ourselves. There is nothing that we can do there. Somebody yesterday said if we do not listen to the voices of people then truly we represent ourselves, you listen and you sit down. Let us try and do the job that we agreed to do, listen and contribute. Thank you very much Chair.

**CHAIRPERSON:** Okay, our colleagues that conclude the responses for submissions. I will start with Honourable Khupe, but before I ask her to come on board I have my own two questions. I want to understand, and after listening to your Speaker who appeared to be really frustrated, where is the population in this whole arrangement? Secondly I would like to know does this arrangement come here to the local government, is this power sharing, from top to bottom?

Then for the Botswana I want to know who funds the Kgotla, I want to know who did the infrastructure. We sat in a beautiful building yesterday I do not know pays for it, I want to understand about the budget of the Kgotla. Honourable Khupe, you can respond now.

**MS THOKOZANI KHUPE (ZIMBABWE):** Thank you very much Madam Chairperson. First of all let me take this opportunity to thank the government of the Republic of Botswana, and more importantly His



Excellency Lt. Gen. Seretse Khama Ian Khama for standing with the people of Zimbabwe during our negotiation. Let me also take this opportunity to thank you all for your contributions, I noted all your concerns and it is important that all your concerns are going to assist us in moving our country forward, so all the concerns have been noted.

I also noted that it is clear that power sharing arrangements are not a very good idea and therefore they must never be encouraged, they must be flawed totally because they are putting democracy under siege. At the end of the day it becomes pointless for us to have elections in our countries because once elections are held and if anyone loses the elections they start trying foul and they ask to be included in these arrangements, this puts democracy under siege. And it is also important that the will of the people must be respected, because during elections people speak and they speak loudest, and therefore their voices must be heard and it is important as a leadership that we respect the will of the people. If a person wins elections that person must be allowed to run that country because the people would have given that person the mandate to run that country and therefore it is important that democracy be respected at the same time.

It is also important that leaders learn to concede to defeat once they are defeated because that is the only way we can move our countries forward, and that is the only way we can avoid these power sharing arrangements.

Responding to the question asked by my sister over there, I would like to state categorically that the arrangement that we are in at the present moment is not a perfect arrangement but that was the only option that we had at that time because we did not want Zimbabwe to turn into a chaotic nation as some of you would know that it was about to turn into a chaotic nation; there was no food, no jobs, schools had closed, hospitals had closed and something had to be done to try and alleviate that particular situation. Therefore we decided to form this government because we wanted to basically fight issues, we wanted to make sure that we restore people's freedoms, we also wanted to make sure that we restore food security, we also wanted to make sure that we restore basic services- our hospitals, our schools and others. We also wanted to make sure that we restore economic stability and finally we wanted to make sure that we restore Zimbabwe back into the family of nations. Some of the things that I have already mentioned are already happening, for instance people's freedoms, we are already engaged in a lot of legislative reforms, the media commission is going to be put in a few days to come, the Zimbabwe Electoral Commission, we are also opening up our airways, the constitutional making process is in motion as I am talking right now. These are some of the issues which will ensure people's freedom. You know that there is food on the table in Zimbabwe, some of you would know that six months before this inclusive government there was no food in our shelves but at the moment you can just walk in to any shop you would find food, but what we do not have is enough money to buy that food. But let me say that some of these things are being dealt with.

Also as I said earlier on that this arrangement is not a perfect arrangement, what we must also understand is that political change is a traumatic experience. We are looking at two people or two political parties who have been fighting for the past 10 years, who have been calling each other enemies, but when they wake up in the morning they find themselves in one room running the same government. For other people it becomes very difficult to come to terms with the reality and therefore it becomes very-very difficult to run that government. What I can say is that we have our own teething problems as the government but we are trying to manage those problems. These transitional governments that are in Zimbabwe if output is going to be a people driven constitution, as I said earlier on that the Constitutional making progress is in motion, so the people of Zimbabwe have been given an opportunity to write their own constitution, and that Constitution is going to lead to free and fair elections where the people of Zimbabwe will be given an opportunity to choose a leadership of their own choice under a free, fair and safe environment, and that particular election is going to usher in a democratically elected government, and that government is also going to deliver real change to the people in form of dignity, in form of security, in form of democracy and freedom, in form of prosperity and in form of hope. The Honourable Chairperson asked whether when we were involved in those negotiations the people were involved, yes the people were involved. We consulted our people, for instance my own political party consulted the National Executive, we consulted the National Council, in turn they consulted the generality of the people, whatever we did we were moving with the people. We were going to them, telling them about our problems, the problems that we were facing during the negotiations, and they were telling us what to do next. Therefore the people were involved.

Coming to the local government to say does this thing permeate to the local government, the truth of the matter is that the inclusive government is of a top level, it is not there at lower levels. Again we were involved in a national healing process, where we are trying to heal the nation, and we are busy right now

making sure that we bring people together because a nation which is not healed cannot prosper, but a nation which is healed can prosper. This is what we are basically doing as a government.

In conclusion I would like to say that power sharing arrangements are not a perfect arrangement and they are not a good idea because they put democracy under siege, we want to see democracy flourishing in Africa and therefore it is up to us as Africans to make sure that we put in place democratic institutions to allow our people to be able to say their voices and that their voices are heard at the end of the day. I thank you.

**CHAIRPERSON:** Thank you very much Honourable Khupe for explaining the realities of the situation on the ground, and I think this house really prays with you and you have our support to have a quick solution to the problems of Zimbabwe because they are our people. Let me invite Honourable Mukantabana. Please you have seven minutes only, after that we shall be Honourable Agboyibo.

**MS ROSE MUKANTABANA (RWANDA):** Thank you Madam Chairperson for giving me the floor once again with a view to conclude on the discussions that we have had till today.

Madam Chair, in such conferences, we come to learn, that is the truth, given that various countries are represented and they share different experiences in such fora. The good lessons are welcome, the bad experiences are also enriching and welcome. This is the first lesson that one can learn from such discussions.

With regard to power sharing, we have witnessed two case points which in some respects differ, that is to say, if you have power sharing after elections and share power as enshrined in the constitution, it goes without saying that the best case scenario is the one provided for in the constitution. That political parties should commit themselves in the elections while they know that there is this possibility of power sharing because this has been enshrined in the constitution. This in my opinion is the best of the two. However, power sharing as a knee jerk reaction can happen. This has happened in some countries, we know. As we have seen, this is not what we would hope and we do not hope that this will happen in other countries, but in some cases it arrives with a view to resolving a specific situation. It should be a short mechanism.

I would also like to comment on what was said about opposition parties and parties in power. Also one has to look at things in their right perspectives, opposition parties and ruling parties. We have to look at things not from the traditional view point but we have to take into account the specific context. If one has chosen for a power sharing arrangement and that political parties would participate in this power, they should also be prepared to share the responsibilities. They should not just oppose the power sharing arrangement for the sake of it. Rather, they should express themselves freely by having a vision enshrined in the interests of the people for whom we are talking about. When we talk about the interests of the people, the people are unique, in a country we only have one people. Now, if we take into account as a pillar the interest of these very people that we are going to serve, we would see that the different opinions in the final analysis would converge and I believe things will go better given the circumstances.

Questions were put across specifically for the case of Rwanda following the presentation I made. However, I would also like to thank the participants who have appreciated the Rwandan model which could be used or emulated in other countries. I would like to tell you that at the Parliament of Rwanda, we are open to share this experience to all who may so desire to share this experience to the letter. Here I would like to make a clarification because I was made to understand that there has been a misunderstanding with regard to the manner in which elections are organized in Rwanda. Actually, we have two types of elections, one is general direct elections based on the list of political parties and then we have indirect elections where women's groups for example, are taken into account as well as other groups. The parties submit their list and then we elect individuals from this list. Now, with regard to specific groups, women's groups, groups of the youth, groups of disabled persons, these are electoral courts. There is indirect election, they are not specifically appointed in Parliament, they are elected through these indirect elections.

A specific question was also put across, namely, whether the representation which has significantly increased in Rwanda is because the women are more than men. Well, I would say that this is not the main reason even though women in Rwanda account to 52 per cent of the population. The main reason is that the country has committed itself to ensure that there is equality between men and women as one of the pillars for economic development. Now, it is also the commitment of women in line with the tradition because women were traditionally in the house and not in the political arena. So, it is a mixture of this political will which has led to the reality namely that women are more now in the decision making process.

There was a question on whether the political will has been generalised in the country and whether the leadership is unique. I would say that the political will of women is across the board, it is general. It is the population who has opted for this instrument through the adoption of the 2003 Constitution in line with the main principles that I have enumerated yesterday and which are included in the documents. So, consequently, there is this general will expressed through a referendum. But even in daily life we can see that the Rwandan people adhere to this principle. However, at the top of the hierarchy it should be stated that there is a good leadership and I believe that everybody is aware of all that the President of the Republic of Rwanda His Excellency President Paul Kagame has done. The President believes that the inclusion and the inclusivity of the Rwandan people is important without exception because the President has taken part in the liberation of Rwanda. He was the Head of the Rwandan Patriotic Front (RPF) which freed the country and which stopped the genocide. So, Paul Kagame is aware of the consequences of intolerance, and this is why as a leader at the top rank of the ladder he has inculcated this policy of tolerance and inclusiveness. The population also is part and parcel of this process.

A light question was put across to me with regard to the challenges of integration. We were asked whether we do not have problems in incorporating all these groups in Parliament and in the decision making process in relation to the culture. Let me answer by saying that our cultures in Rwanda are not different. There is no difference in culture, it is one people, same tradition, same language. So, we do not have problems relating to culture or languages because we are one and the same person, we share the one same culture and the one same language which is called Kenya/Rwanda. I thank you Madam Chair.

**CHAIRPERSON:** Thank you very much Honourable Speaker. Now I invite Honourable Agboyibo, you have seven minutes Sir.

**MR AGBOYIBO YAWOVI (TOGO):** Madam Chair, I thank you. Most of the interventions or reactions to my presentation are rather comments. I would be very brief, Madam Chair.

By way of introduction I would say a few words with regard to power sharing. In actual fact, as many participants have said here, we have two types of power sharing. On the one hand there is power sharing which is freely accepted as it is and sometimes it is even enshrined in the constitution. Namely, it is the people by taking into account their story, it is the people who have included in the constitution that the power sharing could be a solution to be envisaged. According to the constitutions that I read, we have seen that in some constitutions the very criteria of power sharing are stipulated clearly. It is the case, for example, of Burundi. I have also noted the same in the Constitution of Rwanda. This means that when the people, because of their interest indicate that there is a possibility of power sharing, it is those who are against this people's will who would have problems. If not, on the part of those who have committed themselves to political parties it is a choice among others because none of these constitutions, I have referred to have imposed power sharing. It is a constitutional opening up and it is incumbent on each party in accordance to its own idea of politics and its own constitution of the common good. If this party wants to benefit from this opening, it is up to the party to know whether they want to benefit from this or to be on the opposition party. So, it is incumbent upon us to choose.

Apart from this fourth category of power sharing, there is the other category which is a post electoral arrangement. This is the dangerous system and I have rightly noted here that most of the participants have expressed reservations about this type. I believe they are right because as soon as elections are conducted, in most cases those who come from other foreign organizations to support this power sharing, they operate in a political logic. It is a tug of war, as it were, and in most cases we have seen that some of them who come, some of them are close to the ruling powers. So, despite all the efforts, they take into account this power sharing to the benefit of the ruling power. So, in the long term, this system rather than increasing democracy, it is impeding democracy. So, there is need to condemn this.

Concluding on this particular aspect of my intervention, I would like to say that the best is power sharing provided for by the people within the constitution if not as an exceptional measure. There is need for the coalition to be accepted as such and neither should it be forced down the throats of the people.

Now, this being said, to come back again to the question put across yesterday, I would say that the very notion of opposition is a notion that you cannot put aside. It is all part and parcel of democracy. Yesterday we talked about inclusiveness. One might be tempted to think that here we are talking about an option between democracy based on the majority principle requiring the participation under the majority in government or the inclusiveness which will require the presence of all in the government which would mean the inclusion of the opposition also. From what I have understood especially through the responses

given that this is not the meaning of inclusiveness. For consistent democracy, the existence of the majority, the existence of the minority cannot be pushed under the carpet. That been said, it is within the majority democracy option. It is within this instrument that inclusiveness can function, that is we can see on a certain number of issues that if we are under apply the principle of majority in a mechanic manner, we will create problems. So, this is where inclusiveness can be brought to play. Under whether we are talking about inclusiveness for disabled people, for women, and for people who do not have any voice. The principle of inclusiveness in that case would be good, and this is good, but to put inclusiveness against the principle of the majority, this would be regrettable.

By way of conclusion, let me say this Madam Chair. In the theory of the separation of power according to Modescu we expected a lot from the Parliamentarians. In the mind of Modescu the parliament would be an unbalanced instrument of the executive, but if he comes back today, Modescu he would see that most of the parliaments are accompanying the executive. In the final analysis, it is not the parliament which is the check and balance instrument. The checks and balance are structural, is the opposition now. It is the competence of the opposition which makes that a country could qualify as a democracy or not. If we ensure that the opposition, great opposition does not have validity, none there would be no democracy. So, I accept that the parliament has a role to play, but within the parliament, it is the presence of the opposition which gives a country the image, the stigma that it deserves within the framework of the international community. This is why I firmly believe that the efforts to be made especially in the continent, we have to continue to intensify our efforts to ensure that the opposition had institutional means, material wherewithal to enable it to affirm itself. Also to act as a check and balance and without these things we cannot talk about democracy. Thank you, Madam Chair for giving me the floor.

**CHAIRPERSON:** Thank you very much sir. I do not know whether the delegation of Botswana will answer our colleagues now or later.

**MR PATRICK BALOPI (BOTSWANA):** Thank you. It is either I was overwhelmed by the performances last night or I have been talking too much since the beginning of this conference, that I have since lost my voice. So, I hope colleagues will bear with me when they hear at the end of the conference my voice sounds different from that voice you heard at the beginning of the conference, I still remain the same. The question was about what are the functions on a day to day basis of our Kgotla setups, is that right?

**CHAIRPERSON:** The funding. Who funds the Kgotla?

**MR PATRICK BALOPI:** Ooh! There was an issue about the funding and there was an issue about the function.

**CHAIRPERSON:** Funding and the infrastructure. Who built the two places we saw yesterday?

**MR PATRICK BALOPI:** Maybe let me touch up from the functions themselves, because both the Chief and the presenter Professor Molomo did not touch on those. The functions of our chiefs are so many and so numerous and they preoccupy them throughout their performances. Amongst them of course is the trial of tribal or civil cases which would otherwise have gone to the Magistrate. Some of them according to the powers that they are given by law and by the constitution, some of these cases are tried by chiefs. They are actually currently statistically trying almost like between 75 and 80 percent of civil cases that would otherwise been referred to the magistrates. Therefore they have a very important judicial role that they are functioning and of course they try this cases based on the precise of the constitution, and also based on our legal and judicial systems. Fines are determined according to law, they do not just impose a fine because hates your face, they are guided by law, and of course some of the trials are reviewed from time to time to make sure that our chiefs do not step out of the parameters of judicial structures. So, that is one of the functions that they are doing. Of course they are involved with the village development programmes as the chief was saying yesterday, and many other things of course that one could numerate if time permitted.

On the issue of the budget, like you heard yesterday from Learned Attorney General, Botswana's resources including financial resources are administered at the central point, under the same national treasury, under the auspices of the Minister of Finance and Development Planning. At every budget session, ministries are allocated funds, including the Ministry of Local Government, which has a portfolio responsibility among

others of looking after the functions of the traditional structures; that is tribal administration as we call it. So, every tribal district in the country as we have a number of them would be allocated so much according to their needs, and also according to the affordability of the budget. They will have to administer those funds through the normal accounting systems that are pre prescribed by government, because they are also held accountable, that is why we have the Public Accounts Committee of Parliament, which checks all government departments as whether indeed they disperse those funds in terms of what Parliament had approved. So, they get their funding from the national treasury through the Ministry of Local Government and they have to account for those funds.

The fines which they impose upon individuals even at Kgotla level are not kept by themselves, they go to the national treasury, because all the resources of the states are controlled and they have to be accounted for by the ministry responsible for finance and development planning. Thank you very much.

**CHAIRPERSON:** I think what you mean is just to say thank you to everybody for the presentations, thank you for the responses, thank you for the contributions. Let me now hand over to the Secretariat for administrative arrangement;

**MR MADANGA (SECRETARIAT):** Thank you Madam Chair. Madam Chair, distinguished delegates, I think that we have come to the end of this morning session. As the Chair intimated at the beginning of the session, the proposal has been made to wrap up our proceedings before lunch today, so that you may have time to visit Gaborone as the host has indicated since the beginning of the meeting. I just wanted to clarify how we are going to do this. We have circulated I believe a draft outcome document in English and French called the Gaborone Declaration. I believe you have all received copies of the declaration. It is of course a draft, it is meant to capture the sense of the discussions that have taken place since the beginning of this conference, As we have seen interpreted it at our own level at the secretariat, we are hopeful that it reflects the discussions that we have had, the declaration has been circulated to you so that you can take a look at it, and if there are any things that you think should be corrected or added, you can indicate that.

Secondly, we have circulated I think evaluation forms, when we do this type of events, we always want to know what participants think, what they have learnt from the exercise and what they think we should be doing to improve upon delivery because if we do not continuously assess ourselves, we will sleep into complacency and we will not be meeting the real needs of our clients. So, we have circulated those forms to you. We do not particularly want you to tell us that we have been doing a very good job, but we want you to have a critical look at how this event has been delivered, the issues that have been selected for discussion, how this issues have been tackled, what you think are the impact of the discussions, what issues we should be looking at in the future in order to drive the democracy agenda. So, I will encourage you please to take some moments to fill those forms for us, which we will take back to Geneva to analyse and improve upon our service at you. We are going to go into the final plenary session. I think that maybe for practical reasons if the Chair allows me, maybe we could take a five minutes break. I understand that there is tea and coffee outside. We have to be nice to our host and drink the coffee and tea. So I would suggest that we just adjourn for 5 to 10 minutes so you can stretch your legs and then we will come back here for the final plenary and then after proceed to lunch and then you are free men and women. Thank you very much Madam Chair.

Could the conference staff encourage the delegates to come back so that we can commence with the closing session. Some delegates are still finishing their coffee/tea/soft drinks. Could you diplomatically encourage them to come back?

As the Secretary informed us before we recess to prepare for the final session, we have distributed a copy of the Gaborone Declaration and suggested if there are some important issues that have not been included in the Declaration to give indication. It is in two languages, English and French, not so much technicalities of languages and so on or the sequences of paragraphs but substance that the Declaration truly reflects what we came for and what we agreed upon as a way forward. So I am asking the delegates to, if there are any responses to the Declaration to indicate. We had actually started the meeting and we will proceed thereafter. Any request for Namibia?

**CHAIRPERSON:** Please could you kindly tell the Chairperson that the Interpreters do not have the document.

**NAMIBIA:** The delegation appreciates the Draft Declaration in general but we have a few points we would like to raise. In Paragraph Two, the last second line is saying, “impart information and ideas through any media and regardless” that ‘and’ should be deleted just to read, “media regardless of frontiers”.

And the third Paragraph it deals with challenges to democracy. I appreciated the comments yesterday particularly when it comes to the way our malice in Africa are treated when it comes to political and influential positions in government, that they are mostly excluded and yesterday it was also mentioned that in addition to that comes the trafficking; there comes the violence against them. So I would like to add to the list of challenges of democracies; the exclusion of women from political and influential positions.

In Paragraph Four, the last sentence there indicates about the timing...

**HONOURABLE MEMBER:** Chairperson, we have the draft in two languages, I do not know whether the paragraphs necessarily correspond in both languages.

**NAMIBIA:** I am now with the English one that is why I am saying the third paragraph is dealing with challenges to democracies and it starts with, “Democracy has made considerable progress worldwide.” But then it starts giving some challenges. I am saying one important challenge not mentioned is the exclusion of women from political and influential positions in governments. And also in the same paragraph in the English part is the third line, “Unconstitutional changes of government”. I would suggest that if we recognize that we also have governments that are doing well, we should say, “Unconstitutional changes of some governments” not make it read as if it is all governments.

And then I went to Paragraph Four starting with, “Other challenges to democracy include the poor conduct of elections”. At the end of it is indicating a time limit or is indicating that they should be for a short time of period. That is, this power sharing governments should be for a short period of time. The question is, what would be considered as short period of time; is it one year, three years, ten years? I thank you.

**UGANDA:** Chairperson, we propose that Paragraph Four where we are talking about the challenges to democracy that has to do with election; it is our view that where we end up, if you permit me Chairperson I read, “Other challenges include poor conduct of elections and the increasing trend for both governing and opposition parties to refuse the outcome of these elections”. We reaffirm that free and fair elections in which all those eligible can participate in a spirit of open competition are crucial to the development of democracy.” We propose that this should be added, “In this respect, the rule a mandate of electoral commissions in Africa should be reconsidered; just to capture the rule of the electoral commission, since this seems to be referees. It is our proposal that, that sentence should be added. Thank you very much, Chairperson.

**BENIN:** Thank you, Chairperson. I would on behalf of the Benin delegation congratulate the laudable initiative to draw such a declaration. I believe that at the end of this conference, it is indeed useful that we are able to agree on a minimum of issues because we were able to say, here, unless we regard to the problems that democracies encountering in our countries, but we have also talked about the various solutions to this problem. So in principle; we completely adhere to the drafting of such a declaration.

Now with regard to the contents, I must also say that me and my delegation we have read the French version which was delivered to us. By and large with regards to the merits, the substantive issues, we are satisfied, Chairperson. We, the Benin delegation, nevertheless, we have some observations dealing with the formulation that we shall submit to you; the improvement that we have noted. So we would submit these to you so that these would be taken into account in the drafting of the final version. I thank you, Chairperson.

**(INAUDIBLE):** African Legislative Assembly, thank you, Honourable President. We have a few comments to make; one on Paragraph Three in the English draft. We are talking about the challenges, but there is one important challenge which you have forgotten, that is exporting by force democracies to poor countries. These big countries and strong ones sometimes want us to do what they want regardless of our cultures, regardless of our traditions, regardless of whatever we have. So it is good also to mention it is a challenge to have sometimes these powerful countries which want to export to our countries their democracies regardless of our cultures.

In Paragraph Four, where we are talking about the challenges of democracy in Africa, sometimes these military coups; what we do so far is to condemn them; is to sometimes suspend them from attending meetings in AU and regional parliaments and so on and so forth. And for me this one is not enough because

what happens again is that they stay in power and they rig the following elections like we saw in Mauritania and we were about to see in Guinea Conakry and elsewhere. So for me as I said before, let us use the AU forces or maybe regional forces like ECOMOG to restore peace and at the same time to reinstate the winner of the elections.

And thirdly Mr President, on Page Three, English Version Paragraph Two, we are talking about the opposition that they should never be demonized or characterized as an enemy. As far as I concur with that, we should also ask the opposition not to demonize the ruling party too. Thank you, Mr President.

**DEMOCRATIC REPUBLIC OF CONGO:** Thank you Mr Chairman, by and large the Democratic Republic of Congo adheres to this declaration. However, with regard to the presentation, I believe we should adopt an affirmative language which gives teeth to the declaration. If you look at the first paragraphs, paragraphs three and four do not adopt the same form as before because number one we are saying “we participants reinstate our commitment, we reaffirm, we resolve, we express but in paragraph we talk directly about democracy. Now what do we want to affirm and commit ourselves to, paragraph four the same things. So we should start with the same formula ‘we’ etcetera.

Paragraph three we have to affirm rather than saying similarly we want to make sure. We should use the affirmative action “we”. Thank you Chairperson.

**UGANDA:** Honourable Chairperson, I have a few problems with this text. The first one we have been here lamenting about the inability of Parliament to influence the outcome of these treaties, nothing has been said about when the Executive should come to us to discuss these matters. Many colleagues here have said they have no idea about this agreement, but nothing has been said about it. Are we satisfied to continue being a rubberstamp without understanding or having an input in this? I will leave that to you.

Secondly Honourable Chairperson, I am really disappointed that again, we as a group in this text are falling into the same trap that our leaders have fallen in. We are focusing on the political, we are not building with the gavant. Mrs Machel spoke here at length about the MDGs, I spoke about them myself, we have talked about water, sanitation, employment, health, housing, there is absolutely nothing here. For whom are we organizing these politics? Honourable Chairperson, I am really disappointed and for me if the issue of socio-economic governance is not addressed in this draft, I am not going to take it home because this is not the way we should work and we should be mindful of the people we govern.

There was also the issue raised by my delegation on the possibility of Regional Electoral Commissions, it was also supported by Ghana, we would like to see that also developed and talked about. So for me if you can address those three, I will be happy, otherwise I think I will feel that I have done nothing in this meeting. Thank you very much Chairperson.

**CHAIRPERSON:** Thank you very much that is why are engaging this exercise, I do not see any disagreement in ensuring that the strong points that you have stressed are reflected in the document. That is the whole exercise that we are involved in. If you could just keep on pointing out those things that must be reflected in the declaration, they will be incorporated, any other contribution?

**DEMOCRATIC REPUBLIC OF CONGO:** Thank you very much Chairperson. Chairperson there is an important amendment which might change the content. It is interesting because the delegate from Uganda believes that one has to talk about economic governance that this idea should be clarified and adopted because we have not had any substantive discussion. The mention has been made of the limitations of the document on democracy which does not talk about the issues of economic governance. If there is a substantive change, this has to be done at the plenary it should not be adopted after. If any amendment has to be accepted by everybody, so I believe this is the way we should walk the talk. If there is an issue on the substantive manner, we should adopt this in plenary so that everybody would be committed to it. Thank you Chairperson.

**CHAIRPERSON:** The Chairperson does not see any problem; the issues raised all of them have been found and not to be reflected in the draft tags, do not constitute any areas of disagreement. The contributions indicated that it is important that as parliamentarians and parliaments these are issues very much in our domain and we must incorporate them. So, I do not see that it necessarily means that we should go and redraft the declaration and bring it back again. If the issues are agreed upon, we will make

sure they are reflected in such a way that they would enjoy a consensus. It is now a disagreement on the issues of substance.

**BENIN:** Chairperson, I believe that we have to agree and to enable us to agree, we have to start with objective elements. The Gaborone Declaration which is a subject of discussion should necessarily reflect the conclusions; arrive at our discussions in line with what has brought all of us together here. I have noted that the conference that is being held in Gaborone is centred on the theme of Democracy and Political Tolerance. I believe our declaration should be based by and large on factors relating to this theme, it is a simple aspect Chairperson. Now, if there are other issues which were dealt with during the discussions and which would strengthen the conclusions on the main theme, then this could be included without at the same time watering down the main contents. Yes, I agree with amendments but for God's sake let us be careful not to water down the document. This is why we are here, we have been discussing for three days because the parliamentarians are here to discuss everything. The parliamentarians take care of everything because the interests of the people are varied and diverse but we cannot talk about everything. In all the documents we talked about what brought us today here and which was the subject of consensus during the period on our review. So I believe we have to be calm, and I believe we arrive at the consensus if we start the objectives elements. I thank you Chairperson.

**CHAIRPERSON:** I thank you very much Benin for the constructive observation. With that we will ensure that we stick to the theme of the conference, but indeed these are open ended questions and they overlap and we will do justice to that. I will ensure that we would be faithful to all the views expressed and do the right thing. So on that basis then the document is accepted by the House. Thank you.

**DR THEO-BEN GURIRAB (PRESIDENT OF IPU):** Honourable Speaker, Patrick Balopi, former Prime Minister of Togo Mr Yawovi Agboyibo, even the Prime Minister of Zimbabwe Mrs Thokozani Khupe, Speakers and presiding officers, Members of Parliament, invited guests, ladies and gentlemen, sisters and brothers, we have gathered here on the occasion of the International Day of Democracy to discuss an issue of true importance, Democracy in Africa. I am sure that you will agree with me that we have had three days of lively debate on the different aspects of Democracy and Political Tolerance. I have listened closely to your discussions and I have been encouraged to hear your constructive and thoughtful contributions to the debate. It is clear that we understand the situation very well. We have many solutions in our hands already, what we need now is the political will to put these solutions into practice. I hope that you will allow me to put my conclusions to you in the form of challenges. Are we any longer compelled to accept unconstitutional changes of government on the African continent or is it time to state clearly that we reject the coup d'état and capture power by a single person that distort democratic process. What can we do in our parliaments to move towards the ratification and enter into force of the African Charter on Democracy, Elections and Governance for the benefit of all Africans? What more can we do within our political parties to bring about internal democracy so that each member can speak freely and contribute to the position that the party adopts? Can we all now agree that the opposition is an essential component of democracy? If so can we make space for the opposition to play its role fully and in a constructive manner for the good of the people? Finally, are we as parliamentarians and political leaders doing enough to reduce the gap between citizens and their representatives? Are we ourselves upholding the highest standards on ethics that we expect from others? These are not lighthearted questions to return to in a year's time at some other conference. These are real issues against which our citizens or our voters, will hold us to account. I urge you all to go home and to seek practical solutions with your fellow parliamentarians to these challenging issues that we have critically discussed here in Botswana.

In conclusion I would like to extend my deep gratitude to the Government and the people of the Republic of Botswana for exceptional hospitality during our stay. My profound thanks go in particular to the President of the Republic of Botswana Lieutenant General Seretse Khama Ian Khama, who raised the bar higher for our conference with his frank views on the need to defend democratic principles and to reject all forms of undemocratic behavior. I particularly want to thank my colleague and friend the Honourable Patrick Balopi, the Speaker of the National Assembly of Botswana, for his leadership and the warm welcome that he has extended to us. Congratulations to the staff, the media, for their heroic efforts to ensure the smooth running of this conference. I include among them the protocol, the security officers, drivers and all those who had made our stay pleasant and fruitful, you are all true professionals. I would also like to thank Ms Graça Machel for her eloquent contribution and suggestions. To our resource persons



thank you very much for the insightful information and experiences you have shared with us. Panelists facilitated, dynamic in the reaction and sharing of useful experiences. I thank one and all. To my fellow parliamentarians, thank you for demonstrating through your presence and your words your commitment to the core values and principles of democracy, yet we know that the road to democracy is long, perhaps even more so on the African continent, than elsewhere and that there is much work ahead of us. We take along the precious virtues of Kgotla. Let us now return home to take up the challenge. Our work continues. I thank you very much.

**CHAIRMAN:** I now give the floor to our gracious host Speaker of Parliament.

**MR BALOPI (SPEAKER, BOTSWANA):** Our President, I thought my voice would have improved by now but it sounds like it is clenching from bad to worse. However, and all protocol observed by the way, if there is any sad time in one's life as we are all aware, especially we Africans, is the moment where you have to say to your friends, "bye, bye". It is a sad time, because that is the time that you begin to realize the value of friendship, the value of brotherhood and sisterhood. But they have it in English that, "that which has a beginning must of necessity have an end". We begun together on Monday, it is like our agenda has come to an end today about lunch time, well programmed agenda which leads us straight into lunch, what more can we ask for?

Colleagues in my opening brief remarks and also in the opening speech by His Excellency the President of the Republic of Botswana and also in the speech that we were entertained to yesterday afternoon by one of our chiefs, and in the speech that his Honour the Vice President delivered to us last night, we all said one thing, "that for us this has been a great honour, the honour of having to host the continent of Africa, the honour of having to host our colleagues as you came in and as you will be going out". You have indeed made us proud as a country. Can you just imagine that it will remain permanently recorded in the records of the IPU that there is something called the Gaborone Declaration - - the Gaborone Declaration. A lot of people even our future generations are going to want to know what this Gaborone is all about and of course they will get to know that it is a capital of a small country with a population less than that of its cattle population, called Botswana in Southern Africa. To us is a great honour indeed and we will always remember this, we will always thank you for your coming. If we were to assume that we gathered here as investors, shareholders in a company, I am sure we will be wanting to know from our accountants at the end of our business as to what has been the rate of return, is it not? We flew in here at a cost, we stayed in Gaborone at a cost, Botswana hosted at a cost, IPU invested in this operation. The issue now is what has been our rate of return, how much have we got now that we are coming to a stage where we are sharing dividends. Have we lost in this investment or have we gained in this investment?

Our president has just read to us the declaration which we have all unanimously agreed upon. He has read to us a set of challenges which we are going to take back home with us. The issue now is when we meet next year about the same time, wherever the conference is going to be held are we going to be able to say we came to Gaborone, we talked, biblically they say, "we came and we sow and then we conquered". Are we going to be able to say that? Or like the Vice President was saying yesterday, will this be business as usual or will this be a talk shop where we come together at our countries' expense, to spend hours seated discussing, sharing this valuable information, from there everything is kept under the carpet and we wait until next year when we have to meet again. I am convinced myself that the mood I have censored from this workshop or conference is not of people who have come to put such valuable investment into waste but of people who meaningfully want to come from here, go back home, I know it is not easy to influence change overnight, but at least like a seed you only have to plant one seed and that seed will multiply into a crop which you will harvest and feed the many people. So let us go back home colleagues with that understanding. Then otherwise Gaborone declaration will be a declaration like all other declaration that have been made but were not put into use.

Our president has extended thanks and appreciation to a number of bodies and people who helped to put this conference together. I would like to reiterate that we indeed also appreciate the contribution of each and every member both of the IPU staff, and staff of parliament of Botswana and all the public officers, police, everybody who really came in to make this a success. It has been a joint effort. We have all made our contribution and we should all share the glory of that success. It is not just the success of an individual. I would like to take this opportunity also to thank our cooperating partners like I mentioned in my remarks the Fredric Ebert Foundation who also as a none governmental body saw the value of a debate such as we

have been engaged in and made their contribution to the success of this conference, we will always count on their support as indeed ours is a noble course.

Lastly, some of you made requests such as, we should make available to you, copies of our legal processes that have to do with how we administer tribal structures or tribal leadership in Botswana. Copies have been made and I think they will be give to each delegation. We cannot give every member a copy perhaps but we will try to ensure that every delegation has a copy because we have nothing to hide. If there is anything that you can learn from Botswana, so be it and we will be proud in the same way, as we would like to learn from yourselves as colleagues. So copies will be made available. Unfortunately it is only recently that Botswana has established a French school here to teach Batswana a bit of French. So, most of the copies if not all of them will be in a language that colleagues from the French speaking countries may not find comfortable to use, that is English but we hope you will be able to translate that when you get back home. Finally and very finally, I want to use French and say to you all '*bon voyage*', '*hambani kahle*,' '*tsamayang sentle*'. How do I say it in Afrikaan's Margaret?

**MS MARGARET:** '*Dot siens*'.

**MR BALOPI:** '*Dot siens*' Colleagues, we have come to the end of our conference, very fruitful conference indeed. Let us go and have our lunch, let us go and say good bye to each other. I may not be able to see each and everyone of you before you leave tomorrow but I can assure you, my officials, my staff who have been looking after you would continue to do that until you are all taken care of up to the time of departure. Thank you so much and safe landing. I appreciate.

**(APPLAUSE)...**

**CHAIRPERSON:** I thank the Speaker, thank you very much indeed and I now declare the conference officially closed. See you all in Geneva next month.

#### **ADJOURNMENT**