SADC

Parliamentary Forum
Forum Parlementaire
Fórum Parlamentar



SADC Parliamentary Forum

STRATEGIC LOBBY FOR THE TRANSFORMATION OF THE SADC PF INTO A SADC REGIONAL PARLIAMENT



YOUR EXCELLENCIES, HEADS OF STATES AND GOVERNMENT

STRATEGIC LOBBY FOR THE TRANSFORMATION OF THE SADC PF INTO A SADC REGIONAL PARLIAMENT

1.0 THE LOBBY

1.1 It will be recalled that, at its inception at the SADC Summit held on 7th September 1997, in Blantyre, Malawi, the objective of establishing the SADC Parliamentary Forum was to ***"constitute a Parliamentary Consultative Assembly, the ultimate goal being the establishment of a Regional Parliamentary Framework for dialogue on issues of regional interest and concern."***[1] Thus, the fundamental objective of the Summit Resolution in establishing the SADC PF was to transform the Forum into a Regional Parliament. The Transformation of SADC Parliamentary Forum into a Regional Parliament resonates concretely with the Malabo Protocol which established the Pan African Parliament whose anchor would lie in establishing Regional Parliaments. The African Union (AU) Member States met in June 2014 in Malabo, Equatorial Guinea, and signed the amended Protocol to the PAP's

[1] SADC, Record of Summit, 9th September 1997, Blantyre, Malawi, p17-18.

Constitutive Act which paved the way for the establishment of a Continental Parliament whose Constitutive Protocol acknowledges that Regional Parliaments are the building blocks of the Continental Parliament. So far, there are (4) Regional Parliaments, namely:-

i. Parliament of the Economic Community of West African States (ECOWAS).

ii. The East African Legislative Assembly (EALA) inaugurated in November 2001.

iii. The Inter-Parliamentary Union of Inter-Governmental Authority on Development Member States (IPU-IGAD) for the Horn of Africa.

iv. The Network of Parliamentarians of the Economic Community of Central African (CEMAC) which was established in 2002.

Consequently, what is principally noted is that SADC is the only Region without a constituted Regional Parliament.

1.2 Pursuant to this envisaged vision, the 38th SADC Summit held in Windhoek, Namibia, on 17th and 18th August 2018, positively considered the transformation of the SADC Parliamentary Forum into a Regional Parliament.

1.3 Of note, was the **overwhelming support** by His Excellency, President Hage Geingob of Namibia who was the 38th Summit host, as he affirmed that the SADC PF be transformed into a Regional Parliament as a **"bridging gap between citizens of Southern Africa and regional integration processes".**

1.4 That Summit's annotated record reads as follows :-

"Decision 21: Transformation of the SADC Parliamentary Forum into a Parliament,

11.4 Summit*: (i) noted the proposal to transform the SADC Parliamentary Forum into a SADC Parliament; (ii) directed the Secretariat to circulate to Member States, the proposal to transform the SADC Parliamentary Forum into a SADC*

Parliament for consultations; (iii) urged Member States to submit to the Secretariat comments on the proposal to transform the SADC Parliamentary Forum into a SADC Parliament by 30 January 2019; and (iv) directed the Secretariat, in collaboration with the SADC Parliamentary Forum Secretariat, to assess the viability of the proposal to transform the SADC Parliamentary Forum into a SADC Parliament taking into consideration comments by Member States and submit a report to Council during its meeting in March 2019."

1.5 Subsequently, and in line with the 38th SADC Summit decision, the SADC Parliamentary Forum's Secretariat and the SADC Secretariat established a Joint Task Force which embarked on fact-finding visits to comply with the SADC Summit's directive to benchmark the envisaged Regional Parliament with other institutions of a similar nature. That task was accomplished.

1.6 At the 39th SADC Summit of Heads of State and Government held at the Julius Nyerere International Convention Centre in Dar es Salaam, Tanzania, on 17th and 18th August 2019, the Summit further directed the SADC Secretariat in collaboration with the SADC Parliamentary Forum Secretariat to develop the model for the proposed SADC Parliament, its mandate, powers and functions as well as a Roadmap towards the Transformation Agenda.

1.7 However, at the 46th SADC PF Plenary Assembly Meeting held in Swakopmund, Namibia, the Plenary Assembly respectfully noted the 39th Summit's view and resolved that the mandate, powers and functions as well as the roadmap for the transformation of the SADC PF would be captured by the proposed Draft Protocol for establishing the SADC Parliament as hereunder tabulated:

THE PROTOCOL ESTABLISHING THE SADC PARLIAMENT

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PREAMBLE

WE, *the Heads of State or Government of:*
The Republic of Angola
The Republic of Botswana
The Democratic Republic of Congo
The Kingdom of Lesotho
The Republic of Malawi
The Republic of Madagascar
The Republic of Mauritius
The Republic of Mozambique
The Republic of Namibia
The Republic of Seychelles
The Republic of South Africa
The Kingdom of Eswatini
The United Republic of Tanzania
The Republic of Zambia
The Republic of Zimbabwe

PURSUANT *to Articles 9 and 16B of the Treaty relating to the establishment of the SADC Parliament;*

DETERMINED *to achieve deeper regional cooperation and integration for the development of our people whilst acknowledging that regional political integration is a lengthy and cumulative process;*

CONSIDERING *Article 21 of the Treaty which provides for areas of cooperation and Article 22 relating to the conclusion of Protocols which may be necessary in agreed areas of cooperation;*

REAFFIRMING *the objectives of the Pan-African Parliament on facilitating cooperation among Regional Economic Communities and their Parliamentary fora and the need to develop linkages so as to reinforce inter-parliamentary integration across Africa;*

AWARE *that the integration of Member States into a viable regional community requires the will of Member States to take all necessary measures to attain such objective;*

CONSCIOUS *of Articles 4 and 5 of the Treaty relating to the Principles, Objectives and the SADC Common Agenda which can effectively be operationalised if there are increased linkages between SADC policy organs and a SADC Parliament through greater coordination and enhanced empowerment of the Standing Committees of a SADC Parliament;*

CONVINCED *that the SADC Parliament as a forum for dialogue, consultation and consensus for representatives of the people of the Region in view of effectively promoting regional integration, advancing human rights,*

mainstreaming gender equality and enhancing democratic affairs within Member States;

DESIROUS *of ensuring good governance and advancing the Rule of Law, democratic principles and constitutionalism in the Region;*

RECOGNISING *the Sovereignty of Member States to govern themselves autonomously and the constitutional jurisdictions of National Parliaments to legislate; and*

MINDFUL *of the need to transform the SADC-PF into a more structured parliamentary institution in order to deepen inter-parliamentary integration in the SADC region;*

HEREBY AGREE *as follows:*

CHAPTER ONE

INTERPRETATION

ARTICLE 1: DEFINITIONS

In this Protocol, unless the context otherwise requires:

"Chairperson" means a Chairperson of an organ of the SADC Parliament, as the case may be in a given context. Chairperson includes a Vice Chairperson when the latter is acting in place of the former;
"Clerk, Secretary, or Secretary General of a National Parliament" means the Accounting Officer of a Member Parliament;
"Committee of Clerks of Member Parliaments" means an organ of the SADC Parliament that shall comprise of Clerks, Secretaries or Secretaries General of Member Parliaments, or their delegated representatives, in accordance with Article 17;
"Constitution" means the Constitution of the SADC Parliamentary Forum, existing before its transformation into a SADC Parliament by the SADC Summit of Heads of State and Government;
"Executive Committee" means the Executive Committee of the SADC Parliament established in terms of Article 10 of the Protocol;
"Forum" means the SADC Parliamentary Forum, existing before its transformation into a SADC Parliament by the SADC Summit of Heads of State and Government;
"Headquarters Agreement" means the Agreement between the Forum and the Government of the Republic of Namibia regarding the hosting of the Headquarters of the SADC Parliamentary Forum in Windhoek, Namibia;
"Host Speaker" means the Speaker of the Member Parliament hosting the headquarters of the SADC Parliament;
"Host Clerk/Secretary/Secretary General" means Clerk, Secretary, or Secretary General of the Member Parliament hosting the headquarters of the SADC Parliament;
"Member Parliament" means –

a) a National Parliament registered as a Member of the SADC Parliament; or

b) a National Parliament registered as a Member of the SADC Parliamentary Forum, which on the establishment of the SADC Parliament by this Protocol, has become a Member of the SADC Parliament;

"Member State" means a Member State of SADC;
"Officials" means staff employed by the SADC Parliament, or staff employed by the SADC Parliamentary Forum, which on the establishment of the SADC Parliament by this Protocol, have become staff of the SADC Parliament;
"Order Paper" means the official agenda of the Plenary Assembly;
"PAP" means the Pan African Parliament;

"**Parliamentary Business Sub-Committee**" means a Sub-Committee of the Executive Committee which is responsible for managing the conduct of Parliamentary business of the Plenary Assembly;
"Plenary Assembly" means the Plenary Assembly of the SADC Parliament established pursuant to Article 10 of this Protocol;
"President" –

a) means –

   i. the President of the SADC Parliament elected in terms of Article 11(2) of this Protocol; or

   ii. the President of the SADC Parliamentary Forum elected in accordance with the Constitution of the Forum, who, on establishment of the SADC Parliament by this Protocol, has become the President of the SADC Parliament;

b) includes a Vice-President when the latter is acting in the place of the former;

"Presiding Officer" means a Presiding Officer of a Member Parliament and includes a Deputy Presiding Officer;
"Protocol" means this Protocol establishing the SADC Parliament;
"Proxy" means a Presiding Officer or a Member of Parliament who is duly designated in place of a Representative and who shall be accorded the full rights of a Representative;
"Regional Parliamentary Model Laws Oversight Committee" means an organ of the SADC Parliamentary Forum that shall comprise of Chairpersons of Standing Committees and the Chairperson of the Regional Women's Parliamentary Caucus, with the mandate which includes the monitoring and evaluation of progress made by Member States in domesticating SADC Model Laws and implementing related laws and policies, in accordance with Article 16;
"**Regional Women's Parliamentary Caucus**" means an organ of the SADC Parliament that shall comprise Chairpersons of National Women Parliamentary Caucuses and all female Representatives of the SADC Parliament;
"Representative" means a member of a National Parliament designated to the SADC Parliament in terms of Article 7 of this Protocol;
"Retire by Rotation" means the process through which representation and membership in respect of Presiding Officers and ordinary members in the Executive Committee and Chairperson and Vice chairperson of Standing Committees shall rotate among Member Parliaments;
"Rules of Procedure" means the Rules of Procedure determined by the Plenary Assembly of the SADC Parliamentary Forum, which, on the establishment of the SADC Parliament by this Protocol, have for all intents and purposes become the Rules of Procedure of the SADC Parliament, with such modifications and adaptations as may be necessary with regards to the appellation of SADC Parliament instead of the SADC Parliamentary Forum;
"SADC" means the Southern African Development Community;

"**SADC Parliament**" or "**SADC PARL**" means the SADC Parliament established by this Protocol, pursuant to the transformation of the SADC Parliamentary Forum approved by the SADC Summit;
"**Secretariat**" means the Secretariat of the SADC Parliament headed by the Secretary General;
"Secretary General" means –

a) the Secretary General of the SADC Parliament appointed in terms of Article 13(2) of this Protocol; or

b) the Secretary General of the SADC Parliamentary Forum appointed in accordance with the Constitution of the Forum, who, on establishment of the SADC Parliament by this Protocol, has become the Secretary General of the SADC Parliament;

"Session" means Sittings of the Plenary Assembly commencing when the Standing Committees first meet from the appointed day and terminating when the calendar of the Plenary Assembly's business is adjourned;
"Simple Majority" means 50%+1 of votes;
"Sitting" means a period which the Plenary Assembly meets continuously without adjournment, including any period during which the Plenary Assembly is in Committee;
"Sitting Day" means any week day which is prescribed in the SADC Parliament Rules of Procedure to be a sitting day, whether or not the Plenary Assembly meets on that day;
"Standing Committees" means the Standing Committees of the SADC Parliament established in terms of Article 10 of this Protocol;
"SADC Summit" means the Summit of Heads of State or Government of SADC;

"Vice-President" means –

a) the Vice-President of the SADC Parliament elected in terms of Article 11(2) of this Protocol; or

b) the Vice-President of the SADC Parliamentary Forum elected in accordance with the Constitution of the Forum who, on the establishment of the SADC Parliament by this Protocol, has become the Vice-President of the SADC Parliament;

"Quorum" means the number of members competent to transact business in the absence of the full membership.

CHAPTER TWO

ESTABLISHMENT AND LEGAL STATUS

ARTICLE 2: TITLE

This Protocol shall be known as the Protocol establishing the SADC Parliament.

ARTICLE 3: ESTABLISHMENT OF THE SADC PARLIAMENT

The SADC Parliament is established in accordance with Article 9 (1) of the SADC Treaty and is constituted pursuant to Article 16B of the SADC Treaty.

ARTICLE 4: LEGAL STATUS OF THE SADC PARLIAMENT

1. The SADC Parliament shall have legal personality with capacity and power to enter into contracts, acquire, own, manage and dispose of movable or immovable property and to sue and be sued in its own name.

2. In the territory of each Member State, the SADC Parliament shall, pursuant to clause 1 of this Article, have such legal capacity as is necessary for the proper exercise of its functions.

3. Documents and agreements between the SADC Parliament and other parties shall be signed by persons duly authorised by the Executive Committee of the SADC Parliament.

4. The SADC Parliament including its representatives and officials as defined in the Rules of Procedure shall have freedom of speech in the Plenary Assembly and in its Committees.

5. Members of the SADC Parliament shall not be liable to criminal or civil proceedings, arrest, imprisonment or damages in respect of anything that they have said in, produced before or submitted to the SADC Parliament or any of its Committees including that which is revealed as a result of what they say in, produced before or submitted to the SADC Parliament or its Committees.

ARTICLE 5: HEADQUARTERS OF THE SADC PARLIAMENT

The Headquarters of the SADC Parliament shall be in Windhoek, Republic of Namibia or at such other place as may be decided by the Plenary Assembly.

CHAPTER THREE

OBJECTIVES

ARTICLE 6: OBJECTIVES OF THE SADC PARLIAMENT

The objectives of the SADC Parliament shall be:

(a) to strengthen the implementation capacity of SADC by involving Parliamentarians in the affairs of SADC;

(b) to develop Model Laws, including Model Laws as directed by the SADC Summit;

(c) to conduct electoral observer missions in all Member States, in view of ensuring that electoral processes are increasingly free, fair and transparent, in the interest of advancing democratisation in the SADC region;

(d) to advocate the harmonisation, ratification, domestication and implementation of SADC Protocols, treaties or international conventions at the national level, and to develop a body of parliamentary policy which can be used as benchmark for national parliaments;

(e) to promote the principles of human rights, democracy, peace and security, regional integration, human and social development, economic governance and gender equality through collective responsibility within the SADC Region;

(f) to familiarise Parliamentarians of Member Parliaments with the objectives, priorities and decisions of SADC, and to provide a parliamentary platform for discussion on matters of common interest to the region;

(g) to provide a parliamentary perspective on issues affecting SADC countries and to promote the SADC identity;

(h) to implement its strategic plan, and uphold the core values, guiding principles and strategic objectives contained therein, as approved by the Plenary Assembly;

(i) to promote inter-parliamentary cooperation within the SADC region, other parliamentary organisations and stakeholders;

(j) to make recommendations to the SADC Summit through Resolutions of the Plenary Assembly; and

(k) to liaise closely with the SADC Secretariat, through a Joint Task Team, to ensure coherence of SADC initiatives and to assist in consolidating the regional integration agenda through parliamentary action.

CHAPTER FOUR

MEMBERSHIP

ARTICLE 7: MEMBERSHIP AND COMPOSITION OF THE SADC PARLIAMENT

1. Membership to the SADC Parliament shall be open to National Parliaments whose countries are Members of SADC.

2. The SADC Parliament shall consist of Presiding Officers of the Member Parliaments and up to a maximum of five (5) representatives designated by each National Parliament:

   Provided that in designating the five (5) representatives, each National Parliament shall:

   (a) ensure equitable representation of women and political parties that are represented in its Parliament; and

   (b) include the Chairperson of the National Women's Parliamentary Caucus.

ARTICLE 8: TENURE OF MEMBERSHIP OF A REPRESENTATIVE

1. A representative of the SADC Parliament shall serve from the date of his/her designation to the Parliament unless he/she ceases to be a Member of, or is replaced, by his/her National Parliament.

2. The term of a representative shall run concurrently with his or her term in the National Parliament.

3. A representative shall vote in his or her personal and independent capacity.

ARTICLE 9: SUSPENSION OF MEMBERSHIP

1. Subject to Ratification by the Plenary Assembly, the Executive Committee may suspend the rights of a Member Parliament whose prescribed annual membership fees or other financial obligations are in arrears for more

than twelve months which suspension shall be rescinded upon full payment of the arrears by the Member Parliament:

Provided that the Executive Committee may rescind the suspension where it is satisfied that the Member Parliament is able and willing to meet its financial obligations within a defined period.

2. The Executive Committee-

(a) may place the membership of a Member Parliament in abeyance where it is satisfied that the Member Parliament has ceased to function as a Parliament; and

(b) shall reinstate the membership of a Parliament, which has been placed in abeyance if it is satisfied that the Parliament has resumed functioning as a Parliament.

CHAPTER FIVE

ORGANS OF THE SADC PARLIAMENT

ARTICLE 10: ESTABLISHMENT OF THE ORGANS OF THE SADC PARLIAMENT

1. The following organs of the SADC Parliament are hereby established:

(a) The Plenary Assembly;
(b) The Executive Committee;
(c) The Standing Committees;
(d) The Regional Women's Parliamentary Caucus;
(e) The Regional Parliamentary Model Laws Oversight Committee;
(f) The Committee of Clerks of Member Parliaments; and
(g) The Secretariat.

2. Other Organs of the SADC Parliament may be established on the approval of the Plenary Assembly.

ARTICLE 11: THE PLENARY ASSEMBLY

1. The Plenary Assembly shall consist of Presiding officers and the Representatives of the SADC Parliament.

2. The President and Vice-President shall be elected by the Plenary Assembly on a rotational basis among Member Parliaments.

3. The President or in his/her absence the Vice-President shall preside over the Sittings of the Plenary Assembly and in the absence of the President and the Vice-President, the Plenary Assembly shall elect one of the Representatives for that purpose.

4. Where a representative who has been elected as President or Vice-President in accordance with this Article, or designated as Treasurer pursuant to Article 12(5), has ceased to be a member of the respective Parliament, for whatever reason, the person designated by the National Parliament to replace that member shall assume the position held by the President, Vice President or Treasurer as the case might be, for the remainder of the term, except that only a Presiding Officer shall be eligible to replace the President.

5. The Plenary Assembly shall be the main policy-making and deliberative body of the SADC Parliament.

6. All decisions of the Plenary Assembly shall be on the basis of consultation and consensus provided that procedural and technical matters shall be determined by a simple majority.

7. The quorum for the Plenary Assembly meetings shall be a simple majority of Member Parliaments present.

8. National Parliaments shall be entitled to send additional delegates as observers to Plenary Assembly meetings.

9. The Plenary Assembly may invite any person or organization to attend its meetings as observers.

10. The Plenary Assembly shall meet for the transaction of business at the Headquarters of the SADC Parliament or in a Member State on a rotational basis.

11. The Plenary Assembly shall meet for business at least twice in a year:

    Provided that the Plenary Assembly may, on the recommendation of the Executive Committee, meet at any other time to consider matters of urgent importance.

12. Except as otherwise provided in this Constitution, a Presiding Officer or an ordinary Member who is unable to attend a Session of the Plenary Assembly or any other organ of the SADC Parliament or a Sub-Committee thereof, may be represented by a proxy designated by the Member Parliament, paying due regard to the requisite credentials for the relevant Committee as set out in the Rules of Procedure.

13. Subject to this Constitution, the Plenary Assembly shall determine its own Rules of Procedure.

14. Notwithstanding the generality of clause (5), the Plenary Assembly shall have other functions as may be specified in the Rules of Procedure.

ARTICLE 12: THE EXECUTIVE COMMITTEE

1. The Executive Committee shall be responsible for the management of the affairs of the SADC Parliament, giving direction to the Secretariat and ensuring that the decisions of the Plenary Assembly are implemented, and shall be answerable to the Plenary Assembly.

2. The Executive Committee shall consist of Presiding Officers, Representatives designated by the Member Parliaments and the Chairperson of the Regional Women's Parliamentary Caucus as an ex-officio member.

Provided that:

(a) No Member Parliament shall have more than one representative on the Executive Committee;

(b) At least half of the Members shall be ordinary Members of Parliament;

(c) Where in one term a Member Parliament is represented on the Executive Committee by a Presiding Officer, it shall in the immediate subsequent term be represented by an ordinary member and those represented by an ordinary member in one term shall, in the immediate subsequent term be represented by a Presiding Officer; and

(d) The Presiding Officer of the Parliament hosting the Headquarters of the SADC Parliament shall be an ex-officio Member of the Executive Committee.

3. Members of Executive Committee shall hold office for a term of two years and shall retire by rotation,

Provided that the former Treasurer, two presiding officers and two ordinary members, to be nominated by the Executive Committee, shall for transitional purposes, continue to hold office for a further period of

one year as ex officio members with full deliberative but no voting rights.

4. The President or in his/her absence, the Vice-President, shall preside at a meeting of the Executive Committee.

5. The Executive Committee shall designate one of its members as Treasurer who shall be responsible to the Executive Committee for the supervision of the management of the finances of the SADC Parliament and shall be the Chairperson of the Finance Sub-Committee of the Executive Committee.

6. The Secretary General of the SADC Parliament shall be the Secretary to the Executive Committee.

7. The Executive Committee shall meet at least twice a year and may hold extra-ordinary meetings at any time. The President shall convene all meetings by issuing the following notices through the office of the Secretary General:

   (a) thirty days' notice for an ordinary meeting; and

   (b) fourteen days' notice for an extra-ordinary meeting:

   Provided that the President may, upon a written request to the Secretary General, by not less than one-third of the membership of the Executive Committee or by a resolution of the Plenary Assembly, convene an extra-ordinary meeting to discuss important urgent matters.

8. The quorum for a meeting of the Executive committee shall be a simple majority of its Members.

9. The Executive Committee shall:

   (a) be responsible for the overall management and conduct of the business of the SADC Parliament;

   (b) prepare the agenda of the Plenary Assembly Session;

   (c) present to the Plenary Assembly for consideration and approval, the annual budget of the SADC Parliament, and annual audited accounts;

   (d) ensure effective implementation of Plenary Assembly decisions;

   (e) refer to the Plenary Assembly for approval of any proposed amendments to the Rules of Procedure;

(f) refer to the Plenary Assembly any proposed amendment to this Protocol for approval and submission to State Parties;

(g) recommend to the Plenary Assembly any review of the membership annual mandatory contributions; and

(h) appoint, on such terms and conditions as it may determine, staff necessary for the performance of the functions of the SADC Parliament.

10. Decisions at Meetings of the Executive Committee shall be arrived at by consensus and in the event of failure to reach consensus, by a majority of Members present and voting:

Provided that each Member shall be entitled to one vote and where there is a tie, the Chairperson shall have a casting vote.

ARTICLE 13: THE SECRETARIAT

1. There shall be a Secretariat headed by the Secretary General and comprising such other staff as may be appointed by the Executive Committee.

2. The Secretary General shall be appointed by the Plenary Assembly on the recommendation of the Executive Committee, on such terms and conditions of service approved by the Plenary Assembly.

3. The Secretary General shall be the Chief Executive and Accounting Officer of the SADC Parliament and shall coordinate the activities of the SADC Parliament subject to the general direction of the Executive Committee and in particular shall:

(a) coordinate the activities of the SADC Parliament;

(b) administer the affairs of the SADC Parliament and manage the staff of its Secretariat;

(c) coordinate the overall business and be the custodian of the Journals and records of the Plenary Assembly;

(d) be primarily responsible for representing the SADC Parliament and promoting its aims and objectives; and

(e) undertake any other duties that may be assigned to him/her by the Plenary Assembly and the Executive Committee.

4. The Executive Committee may appoint, on such terms and conditions as it may determine, such other staff as it may consider necessary for the performance of the functions of the SADC Parliament.

ARTICLE 14: THE STANDING COMMITTEES

1. The Plenary Assembly may, for the purpose of performing its functions under this constitution, establish, align or abolish Standing Committees and delegate to any such Committees such of its functions as it deems fit.

2. The agenda of Standing Committees of the SADC Parliament shall take into consideration the regional integration agenda of the SADC and include, where relevant, parliamentary issues that aim to facilitate the integration agenda;

3. The Joint Task Team, consisting of representatives of the SADC Parliament and the SADC Secretariat, shall facilitate the inclusion of items pertinent to the regional integration objectives of SADC on the agenda of Standing Committees, at the request of the Secretary General;

4. For the purposes of balancing gender, political affiliation and geographical spread in the membership and leadership of Standing Committees, the Plenary Assembly may mandate the Secretary General, subject to the approval of the Executive Committee, to reallocate Parliamentarians to Standing Committees.

5. Members of the Standing Committees holding the position of Chairperson or Vice Chairperson shall retire by rotation, meaning that, a Member Parliament with Members serving in the positions of Chairperson or Vice Chairperson of a Standing Committee shall not be eligible for re-election to the positions in the immediate subsequent term.

ARTICLE 15: THE REGIONAL WOMEN'S PARLIAMENTARY CAUCUS (RWPC)

1. The Regional Women's Parliamentary Caucus (RWPC) shall comprise Chairpersons of National Women Parliamentary Caucuses of Member Parliaments and all female Representatives of the SADC Parliament.

2. The Chairperson and Vice Chairperson of the RWPC shall be elected from among the Chairpersons of the National Women's Parliamentary Caucuses on a rotational basis.

3. The RWPC shall submit its report to the Executive Committee for its information.

4. The RWPC shall report directly to the Plenary Assembly.

5. The functions of the RWPC shall include the following:
   (a) lobbying and advocacy on equal and equitable representation of women in political and decision-making positions in SADC Member States in line with the SADC Protocol on Gender and Development and other similar continental and international instruments;

   (b) creating a platform for women parliamentarians to mobilise on women's agenda for equality, equity and effective representation of women in Parliament and political parties;

   (c) capacity development for women Parliamentarians for effective participation and performance; and

   (d) creating avenues for knowledge sharing by women Parliamentarians at Regional level.

ARTICLE 16: THE REGIONAL PARLIAMENTARY MODEL LAWS OVERSIGHT COMMITTEE (RPMLOC)

1. The Regional Parliamentary Model Laws Oversight Committee (RPMLOC) shall comprise Chairpersons of Standing Committees and the Chairperson of the Regional Women's Parliamentary Caucus, to be appointed on such terms and conditions as the Plenary Assembly may determine.

2. The RPMLOC shall elect at its first meeting a Chairperson and a Vice-Chairperson.

3. The RPMLOC shall meet at least twice a year at such place and time as the Secretary General shall determine.

4. The functions of the RPMLOC shall include the following:

(a) monitoring and evaluating progress made by Member States in domesticating SADC Model Laws and implementing related laws and policies;

(b) advising the SADC Parliament on the progress Member States are making in fulfilling the objectives of the various Model Laws;

(c) supporting Member States' measures and interventions for addressing the various issues the Model laws aim to achieve;

(d) facilitating awareness on specific issues in the Model Law by engaging with appropriate authorities, grass-roots and community-based organisations and the private sector, including the media;

(e) underscoring the importance of addressing various development and governance related issues during the consideration of Member States Reports on related subject matters;

(f) paying particular attention to disadvantaged groups, and or marginalised communities in line with the provisions of the Model Laws;

(g) ensuring that Member States set out mechanisms or processes for the engagement of the public, mainly during committee sittings in a holistic, multi-sectoral manner, with a balance between preventive and protective measures, as specified in the Model Laws;

(h) encouraging the appropriate authorities of Member States and other relevant stakeholders to build an evidence-based information and data system on the various thematic areas, including documentation of good practices and the production of disaggregated data on the various interventions;

(i) encouraging National Parliaments and appropriate authorities to establish a desk/focal person or subcommittees to co-ordinate actions on the various Model Laws;

(j) supporting national and regional efforts aimed at generating data through research, ensuring innovative community-based mechanisms and advocacy interventions;

(k) supporting Member States to set up functional monitoring mechanisms and establishing data collection and management systems on the various Model Laws;

(l) assisting Member States in building the capacity of the relevant subject matters and law enforcement systems to further the implementation of the Model Laws;

(m) sharing information on the various interventions and action plans with relevant stakeholders in SADC and elsewhere, when requested;

(n) facilitate coordination with other Standing Committees and the Regional Women Parliamentary Caucus on addressing areas of concern relating to the implementation of laws and policies in accordance with the objectives of the Model Laws; and

(o) formulate, develop and make recommendations to the Executive Committee on oversight and accountability mechanisms in relation to the implementation of Model Laws.

5. The funds available for use in relation to the RPMLOC shall consist of such moneys as may be allocated by SADC Parliament.

6. Except as is expressly provided for in this Article and the Rules of Procedure, the RPMLOC shall be guided by the Executive Committee and the Plenary Assembly in the transaction of its business.

ARTICLE 17: THE COMMITTEE OF CLERKS OF MEMBER PARLIAMENTS

1. There shall be a Committee of Clerks of Member Parliaments (thereafter referred as "CCMP" or "Committee" in this Article) which shall comprise of Clerks, Secretaries or Secretaries General of Member Parliaments, or their delegated representatives.
2. The Chairperson of the Committee shall be nominated by rotation in alphabetical order of the names of Member Parliaments.
3. The CCMP shall meet regularly, and at least twice a year at such place and time as the Secretary General shall determine.
4. The functions of the Committee shall include the following –

a) provide advice to the Executive Committee on matters submitted to it by the Secretariat pursuant to the instructions of the Executive Committee or the Plenary Assembly;

b) provide administrative advice to the Secretariat in view of assisting in the benchmarking of Member Parliaments in the SADC region;

c) deliberate on issues which promote the implementation of Projects of the SADC Parliament in collaboration with Member Parliaments, including monitoring and evaluation frameworks, strategic plans and capacity building of staff of the Member Parliament;

d) discuss ways and means of building synergies between the SADC Parliament and Member Parliaments in view of further contributing to the achievement of the organisation's objectives;

e) deliberate on issues and share experiences relating to parliamentary processes which are of interest to Member Parliaments in the SADC region;

f) discuss administrative issues which relate to the implementation of statutory activities of the SADC Parliament, including the holding of Plenary Assemblies and facilitation for Executive Committee and other Standing Committee meetings.

5. The SADC Parliament shall allocate such funds as may be necessary to be used for the purposes of the CCMP.
6. Except as is expressly provided for in this Article and the Rules of Procedure, the CCMP shall be guided by the Executive Committee and the Plenary Assembly in the transaction of its business.

CHAPTER SIX

MEETINGS

ARTICLE 18: QUORUM

The quorum for all meetings of the SADC Parliament and shall be a simple majority.

ARTICLE 19: DECISIONS

Decisions shall be arrived at by consensus and in the event of failure to reach consensus, by a simple majority of members present and voting; provided that each member shall be entitled to one vote.

ARTICLE 20: PROCEDURES

Except as otherwise provided in this Protocol, the SADC Parliament shall determine its own Rules of Procedure in accordance with Article 11(13).

CHAPTER SEVEN

RESOURCES AND ASSETS

ARTICLE 21: FINANCIAL RESOURCES

1. The SADC Parliament shall be responsible for mobilizing its own and other financial resources required for the implementation of its programmes and projects.

2. Financial Resources acquired by the SADC Parliament by way of contributions, loans, grants or gifts shall be the property of the SADC Parliament.

3. Financial Resources of the SADC Parliament shall be utilized in the most efficient and equitable manner.

ARTICLE 22: SOURCES OF FINANCE

The Finances of the SADC Parliament shall accrue from the following sources:

(a) annual mandatory contributions from Member Parliaments, which shall be determined by the Plenary Assembly on the recommendation of the Executive Committee;

(b) grants or donations from Governments, SADC, other international organisations and charitable institutions including international parliamentary groupings;

(c) various fund-raising activities approved by the Plenary Assembly as recommended by the Executive Committee; and

(d) any other sources approved by the Plenary Assembly.

ARTICLE 23: ASSETS

1. Property, both movable and immovable, acquired by or on behalf of the SADC Parliament shall constitute its assets, irrespective of their location.

2. Assets acquired by Member State Parliaments under the auspices of the SADC Parliament shall be accessible to all Member State Parliaments on an equitable basis.

CHAPTER EIGHT

FINANCIAL PROVISIONS

ARTICLE 24: FINANCIAL YEAR

The Financial Year of the SADC Parliament shall commence on 1st April and end on 31st March of each calendar year.

ARTICLE 25: BUDGET

1. The Secretary General shall cause to be prepared, estimates of revenue and expenditure for the Secretariat and its Programme activities, and submit them to the Plenary Assembly not less than three months before the beginning of the financial year.

2. The Plenary Assembly shall approve the estimates of revenue and expenditure before the beginning of the financial year.

ARTICLE 26: ACCOUNTS

The Secretary General shall cause to be prepared and audited, annual statements of accounts for the Secretariat and its Programme activities, and submit them to the Plenary Assembly for approval.

ARTICLE 27: FINANCIAL RULES AND REGULATIONS

The Secretary General shall prepare and submit to the Plenary Assembly for approval, Financial Rules and Regulations for the management of the financial affairs of the SADC Parliament.

ARTICLE 28: EXTERNAL AUDIT

1. The Plenary Assembly shall appoint external auditors and shall determine their fees and remuneration at the beginning of each financial year.

2. The Secretary General shall cause to be prepared and audited, annual statements of accounts for the SADC PF and submit them to the Plenary Assembly, through the Executive Committee, for approval.

3. The Secretary General shall ensure that information and accountable documents are made available to any person or firm appointed as Auditor/s by the Plenary Assembly for the purpose of conducting an Annual or Special Audit.

CHAPTER NINE
GENERAL PROVISIONS

ARTICLE 29: IMMUNITIES AND PRIVILEGES

1. Subject to the national law, the SADC Parliament, its Members and staff shall, in the territory of each Member State enjoy the immunities and privileges, necessary for the proper performance of their functions, prescribed under the SADC Protocol on Immunities and Privileges.

2. The SADC Parliament shall facilitate the issuance of a SADC *Laissez Passer*, to qualifying Officials in line with the Headquarters Agreement.

ARTICLE 30: LANGUAGES

The official languages of the SADC Parliament shall be English, Portuguese, French and such other languages as the Plenary Assembly may determine.

CHAPTER TEN

AMENDMENTS AND COMMENCEMENT

ARTICLE 31: AMENDMENTS

1. Any State Party, or the Plenary Assembly, may propose amendments to this Protocol.

2. Proposals for amendment of this Protocol may be made to the SADC Executive Secretary who shall duly notify all Member States of the proposed amendment at least thirty (30) days in advance of its consideration by the State Parties provided that such period of notice may be waived by the Parties.

3. Amendments to this Protocol shall be adopted by a decision of three (3) quarters of all the State Parties, and shall become effective within thirty (30) days of such adoption.

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ARTICLE 32: SIGNATURE

This Protocol shall be signed by the Heads of State or Government or by duly authorized representatives of Member States.

ARTICLE 33: RATIFICATION

This Protocol shall be subject to ratification by the signatory Member States in accordance with their respective constitutional procedures.

ARTICLE 34: ACCESSION

This Protocol shall remain open for accession by any Member State.

ARTICLE 35: ENTRY INTO FORCE

This Protocol shall enter into force thirty (30) days after the deposit of instruments of ratification by two-thirds of the Member States.

ARTICLE 36: WITHDRAWAL

1. Any State Party may withdraw from this Protocol upon the expiry of twelve (12) months from the date of giving the Executive Secretary a written notice to that effect.

2. Any State Party that has withdrawn pursuant to Clause (1) of this Article shall cease to enjoy all rights and benefits under this Protocol upon the withdrawal becoming effective but shall remain bound by the obligations under this Protocol for a period of twelve (12) months, from the date of giving notice to the date the withdrawal becomes effective.

ARTICLE 37: ANNEXES

1. State Parties may develop and adopt annexes for the implementation of this Protocol.

2. An annex shall form an integral part of this Protocol.

ARTICLE 38: DEPOSITARY

1. The original text of this Protocol and all instruments of ratification and accession shall be deposited with the SADC Executive Secretary who shall transmit certified copies to all Member States.

2. The Executive Secretary shall register this Protocol with the Secretariats of the United Nations and the African Union.

ARTICLE 39: REPEAL OF THE CONSTITUTION OF THE FORUM

Subject to Article 40, the Constitution of the Forum is hereby repealed.

ARTICLE 40: TRANSITIONAL PROVISIONS

In the context of the transformation of the SADC Parliamentary Forum into a SADC Parliament, the following provisions are provided for the avoidance of doubt –

1. The rights, privileges, obligations and liabilities of any nature, of the SADC Parliamentary Forum, shall, on the entry into force of this Protocol, accrue to the SADC Parliament, as if such rights, privileges,

obligations and liabilities have always been those of the SADC Parliament;

2. The rights and obligations of the SADC Parliamentary Forum with regards to its employees, including in relation to their contracts and conditions of service, shall, on the entry into force of this Protocol, become those of the SADC Parliament, as if such rights and obligations have always been those of the SADC Parliament;

3. Member Parliaments registered with the SADC Parliamentary Forum before the entry into force of this Protocol, shall, on its entry into force, become Members registered with the SADC Parliament as if they have always been Members of the SADC Parliament;

4. All correspondence, strategic plans, roadmaps, reports or documents of any nature issued by the SADC Parliamentary Forum before the entry into force of this Protocol, shall, on its entry into force, be treated as if they have been issued by the SADC Parliament;

5. All obligations and commitments taken by the SADC Parliamentary Forum with donors in view of conducting resource mobilization for the implementation of parliamentary programmes, before the entry into force of this Protocol, shall, on its entry into force, be considered as continuing obligations and commitments of the SADC Parliament;

6. All pending matters arising under the Constitution of the SADC Parliamentary Forum, its Standing Committees or other organs, before the entry into force of this Protocol, shall, on its entry into force, be continued under this Protocol, and Standing Committees or other organs of the SADC Parliament;

7. All representatives designated by national Parliaments to constitute the Plenary Assembly of the SADC Parliamentary Forum before the entry into force of this Protocol, shall, on its entry into force, be considered as representatives properly designated by national Parliaments in accordance with this Protocol;

8. All Office Bearers of the SADC Parliamentary Forum, including the President, Vice-President, Treasurer and all Chairpersons and Vice-chairpersons of committees shall, on the entry into force of this Protocol, continue in their respective roles and functions as if such roles and functions have always arisen under the SADC Parliament;

9. The parliamentary immunity provided for under Article 4(5) of the repealed Constitution of the SADC Parliamentary Forum shall continue to apply, despite the repeal of the Constitution;

10. The Rules of Procedure of the SADC Parliamentary Forum existing prior to the entry into force of this Protocol, shall, on its entry into

force, become the Rules of Procedures of the SADC Parliament, with such modifications, adaptations and exceptions as may be necessary, including that-

a) references to the "SADC Parliamentary Forum" or the "Forum" shall be read as references to the SADC Parliament;
b) references to the Constitution shall be read as references to this Protocol;
c) in case of any discrepancies in cross-referencing the Rules of Procedure with the Protocol, on the entry into force of the Protocol, the substance and logic of the provisions shall prevail over numbering or lettering.

11. The Administrative Rules and Regulations of the SADC Parliamentary Forum, effective since 1 January 2013, shall, on the entry into force of this Protocol, continue to apply to the SADC Parliament as if they have always been made by the SADC Parliament;

12. The Host Agreement entered into between the SADC Parliamentary Forum and the Government of Namibia, shall, on the entry into force of this Protocol, be considered as if it has always been entered into by the SADC Parliament.

IN WITNESS WHEREOF, WE, the Heads of the State or Government, or duly authorized representatives, have signed this Agreement.

DONE AT..... on this..... day of ..... , 2020 in three (3) original texts in the English, French and Portuguese languages, all texts being equally authentic.

.....	.....
THE REPUBLIC OF ANGOLA	**THE REPUBLIC OF BOTSWANA**
.....	.....
DEMOCRATIC REPUBLIC OF THE CONGO	**THE KINGDOM OF LESOTHO**
.....	.....
THE REPUBLIC OF MALAWI	**THE REPUBLIC OF MADAGASCAR**
.....	
THE REPUBLIC OF MAURITIUS	
.....	.....
THE REPUBLIC OF MOZAMBIQUE	**THE REPUBLIC OF NAMIBIA**
.....	.....
THE REPUBLIC OF SEYCHELLES	**THE REPUBLIC OF SOUTH AFRICA**
.....	.....
THE KINGDOM OF ESWATINI	**THE UNITED REPUBLIC OF TANZANIA**
.....	.....
THE REPUBLIC OF ZAMBIA	**THE REPUBLIC OF ZIMBABWE**

1.8 Accordingly, the Draft Protocol for the proposed SADC Parliament has consequential amendments to the SADC Treaty as outlined hereunder:

PROPOSED AMENDMENTS TO THE TREATY OF THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY

TABLE OF CONTENTS

PREAMBLE

ARTICLE 1 AMENDMENT OF THE TABLE OF CONTENTS OF THE TREATY
ARTICLE 2 AMENDMENT OF ARTICLE 1 OF THE TREATY
ARTICLE 3 AMENDMENT OF ARTICLE 9 OF THE TREATY
ARTICLE 4 INSERTION OF ARTICLE 16B INTO THE TREATY
ARTICLE 5 ENTRY INTO FORCE

PREAMBLE

We, the Heads of State or Government of:

The Republic of Angola

The Republic of Botswana

The Democratic Republic of the Congo

The Kingdom of Eswatini

The Kingdom of Lesotho

The Republic of Malawi

The Republic of Madagascar

The Republic of Mauritius

The Republic of Mozambique

The Republic of Namibia

The Republic of Seychelles

The Republic of South Africa

The United Republic of Tanzania

The Republic of Zambia

The Republic of Zimbabwe

MINDFUL of the decision of the Summit meeting at Blantyre, Malawi, on 8th August, 1997 approving the establishment of the SADC Parliamentary Forum as an autonomous institution of SADC in accordance with Article 9(2) of the Treaty;

HAVING REGARD to the Constitution of the SADC Parliamentary Forum which envisages the transformation of the Forum into a Regional Parliament with a view to consolidate the attainment of the objectives of SADC;

NOTING that year 2000 amendments to the Treaty made significant reforms to the institutional framework of SADC;

NOTING FURTHER that the institutional reforms did not make specific provision for the establishment of a Regional Parliament consisting of the elected representatives of the people of the Member States of SADC;

REALISING the important role which a Regional Parliament can play in the political development and economic integration of the Region and in attaining the objectives of SADC;

RECOGNISING that the establishment of a Regional Parliament as a core institution of SADC necessitates amendment to the Treaty;

HAVE AGREED, pursuant to Article 36 of the Treaty, to amend the Treaty as follows:

ARTICLE 1
AMENDMENT OF THE TABLE OF CONTENTS OF THE TREATY

The **"TABLE OF CONTENTS"** of the Treaty is amended under **"CHAPTER FIVE"** by inserting immediately below "**ARTICLE 16A"** the words :-

"ARTICLE 16B
SADC PARLIAMENT"

ARTICLE 2
AMENDMENT OF ARTICLE 1 OF THE TREATY

Article 1 of the Treaty is amended by the insertion after the definition of **"SADC National Committee"** of the following definition:-

"SADC Parliament" means the SADC Parliament established by **"Article 9 of this Treaty."**

ARTICLE 3
AMENDMENT OF ARTICLE 9 OF THE TREATY

Article 9 of the Treaty is amended in paragraph 1 by the insertion in the appropriate place of the following subparagraph:

"the SADC Parliament"

ARTICLE 4
INSERTION OF ARTICLE 16B INTO THE TREATY

The Treaty is amended by inserting immediately after Article 16A the following new Article :-

“ARTICLE 16B
SADC PARLIAMENT

1. The SADC Parliament shall be constituted in order to ensure the full participation of the SADC people, through their elected representatives, in the political development and economic integration of the Region.

2. The composition, powers, functions, procedures and other related matters of the SADC Parliament shall be prescribed in a Protocol adopted by the Summit as proposed under paragraph 1.7 above.

ARTICLE 5
ENTRY INTO FORCE

This Agreement shall enter into force on the date of its adoption by three-quarters of all Members of the Summit.

IN WITNESS WHEREOF, WE, the Heads of State or Government or our duly authorized representatives have signed this Agreement.

DONE AT .....on this..... day of ....., 2020 in three (3) original texts in the English, French and Portuguese languages, all texts being equally authentic.

.....	.....
REPUBLIC OF ANGOLA	REPUBLIC OF BOTSWANA
.....	.....
DEMOCRATIC REPUBLIC OF CONGO	KINGDOM OF LESOTHO
.....	.....
KINGDOM OF ESWATINI	REPUBLIC OF MADAGASCAR
.....	.....
REPUBLIC OF MALAWI	REPUBLIC OF MAURITIUS
.....	
REPUBLIC OF MOZAMBIQUE	REPUBLIC OF NAMIBIA
.....	.....
REPUBLIC OF SEYCHELLES	REPUBLIC OF SOUTH AFRICA
.....	.....
UNITED REPUBLIC OF TANZANIA	REPUBLIC OF ZAMBIA
.....	
REPUBLIC OF ZIMBABWE	

2.0 CONCLUSION

YOUR EXCELLENCIES, this lobby document is respectfully submitted to the Heads of State and Governments and through them, to the Ministers of Foreign Affairs and their Permanent Secretaries as well as the Ministers of Justice and the Attorney Generals, as the practical roadmap in transforming the SADC PF into a Regional Parliament.

TABLED BY HON. ADVOCATE J. F. MUDENDA

[The Speaker of the National Assembly of Zimbabwe and Chairperson of the SADC PF Parliamentary Legal Sub- Committee and the Chairperson of the Speakers' Lobby Group comprising of **Hon. Speaker Professor Peter H. Katjavivi of Namibia, Hon Speaker Justice Dr. Patrick Matibini, SC, of Zambia and Hon. Speaker Fernando da Piedade Dias dos Santos of Angola,** as assigned by the **HON. SPEAKER ESPERANCA LAURINDA FRANSISCO NHUIANE BIAS OF MOZAMBIQUE AND PRESIDENT OF THE SADC PARLIAMENTARY FORUM** during the Executive Committee Meeting held in Johannesburg, South Africa, from 11th to 15th March 2020].