

Official newspaper of the Parliament of the Republic of South Africa

in session



CPA Special Edition 2021



**Parliament launches Commonwealth
Parliamentary Association National Branch and
Commonwealth Women Parliamentarians Chapter**



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CPA National Branch & Women's Chapter will advance parliamentary democracy & promote gender equality and equity

Parliament successfully launched the Commonwealth Parliamentary Association (CPA) National Branch and Commonwealth Women Parliamentarians (CWP) Chapter, reports Abel Mputing. In his opening remarks, the Chairperson of the National Council of Provinces, Mr Amos Masondo, outlined the strategic significance of the launch.

The launch was necessitated by the fact that the constitutions of the CPA International and CPA Africa Region require that all parliaments and legislatures should establish branches and CWP chapters. This is in order to enable parliamentarians to operationalise the CPA's activities, in their quest to advance parliamentary democracy and to respond to the objectives of promoting gender equality and equity in the CPA's work.

Mr Masondo said further motivations for the launch are:

1. The resolutions of the 50th CPA Africa Regional Conference held in Zanzibar, Tanzania in 2019, placed more demands on all the Commonwealth parliaments to establish branches and CWP chapters as vehicles to implement the region's strategic objectives;
2. The resolutions of the 64th CPA International Conference, held in Uganda, Kampala also in 2019, require the branch to operationalise them in responding to the CPA's strategic objectives; and
3. The South African Branch and Sub-branch leaders continue to serve in governance structures of the CPA and attend executive committee meetings. As such, they deal with issues that require operationalisation domestically.

He added that the overall purpose is to build an informed parliamentary community that is able to contribute to deepening the Commonwealth's democratic



commitment and to further cooperation among its parliaments and legislatures.

The CPA national branch is expected to deal with some critical matters, including the issue of the transformation of the CPA and the ongoing contradictions. “The issue here, which will be expanded on, is the transformation of the status of the CPA from a charity to a diplomatic organisation.”

The African chapter of the CPA has been a strong advocate of this because it is of the view that, for the CPA to have a meaningful impact on the continent, it has to be more than just a charity organisation. As such, diplomatic status would give this association international recognition and ensure that its resolutions are binding to the executives and parliaments of its member states. Or if that is not the case, it will continue to incur criticism similar to the one that was advanced by the former President of South



Africa, Mr Thabo Mbeki, who asked rhetorically “What is common about the Commonwealth Parliamentary Association? What is its shared commonality? Is it the language that its member states share, or these countries share the same coloniser? Or they have a shared common destiny?”

For it to have relevance, Mr Masondo pondered: “We must redefine what the CPA should achieve within the broader context of the continent and how it could be an instrument to advance African interests and perspective on the global stage.”

Furthermore, how it can undertake to promote the African Union’s elusive mission of promoting unity and cooperation among member states. CPA must advance Africa’s political and cultural heritage “that unites us rather than that which divides us”.

This is, according to Mr Masondo, a stepping stone to facilitate

the broader African agenda of encouraging free trade zones, economic growth and cooperation among its member states. “This is critical if we were to unlock Africa’s economic potential to alleviate the lives of many Africans still trapped in a perpetual circle of poverty and degradation.”

He stressed that Africa’s economic agenda is our collective interest. “This could lead to inclusive growth across the continent. It could harness Africa’s goods and services as its competitive economic advantage.”

To avert the impending pitfalls, he warned that we must calibrate the CPA, its instruments and its mechanisms to ensure that they prioritise the interest and perspectives of the African developmental agenda in the CPA.



Mr Lechesa Tsenoli: Deputy Speaker NA

Deputy Speaker highlights involvement of Parliament in multilateral organisations.

In welcoming participants to the launch of the national branch of the Commonwealth Parliamentary Association (CPA) and of the Commonwealth Women's Parliament (CWP) Chapter, the Deputy Speaker of the National Assembly Mr Lechesa Tsenoli said: "Our Parliament, like our government, is involved in multilateral organisations to pursue the objectives of our own Constitution and our historical relationships with communities of the world, to their parliaments and their governments."

Parliament is an affiliate of the Commonwealth Parliamentary Association (CPA) and participates in its activities at regional and international levels. The CPA's objective is to promote knowledge and understating of the constitutional, legislative,

economic, social and cultural systems within a parliamentary democratic framework.

The objectives of the Commonwealth Women Parliamentarians (CWP) are to advance the representation of women in Parliaments throughout the Commonwealth, ensure matters of specific concern to women are put on the CPA agenda and conveyed to individual Parliaments and brought to the attention of the CPA Executive Committee.

The constitution of the CPA requires all legislatures to establish branches and CWP Chapters to enable parliamentarians to operationalize the activities of the Association in a quest to advance democracy and promote gender equity in the work of the CPA.



Former CWP Chairperson shares her experience with current leadership



Adv Lindiwe Maseko

The former Chairperson of the Commonwealth Women Parliamentarians (CWP), Adv Lindiwe Maseko, spent 23 years in various capacities within the Commonwealth Parliamentary Association (CPA) and CWP. She gave an historical perspective to their activities, saying that although the CPA consists mainly of parliaments of former British colonies, membership has since been opened up to others, reports Abel Mputing.

She reiterated that the CPA's objectives are to advance democracy, a human right culture, good governance and parliamentary democracy among the parliaments of its member states. Part of this work is to foster an informed parliamentary community and good parliamentary practices.

These objectives are often shared through its conferences, where delegates from various member

state gather to share best legislative and oversight practices, to foster resilient parliamentary democracy in their respective countries and to hold the executive accountable.

Through these engagements, Ms Maseko said, CPA members forge consensus to influence policies on climate change, civil unrests and to avert any potential of food and humanitarian crisis in its member states.

The international networking sessions afford member states an opportunity to consolidate their legislative knowledge and competencies on various constitutional aspects that form part of their mandate. Ms Masego added that the association offers member states critical perspectives on the role of Parliament and parliamentarians' role in upholding oversight over the executive and in advocating for freedom, democracy and gender equality.



In 1996, the motion for the establishment of the CWP within the CPA gained momentum and later on, a stronger push for the increase of the number of women representative in the CPA parliaments and legislatures. As a result of these agitations, in 2014, Ms Shirin Sharmin Chaudhury, a Bangladesh member of Parliament, became the first female Chairperson of the CPA. The CWP was meant to be a women parliamentary caucus to advocate for gender equality. “This to ensure that women have a meaningful participation in social, economic and political arena in equal footing with men.”

Subsequent to the formation of the CWP, there was a resolution that every Parliament that is part of CPA must ensure that 30% of its Members are women. Due to the slow pace of women’s access to political office in the CPA Africa Region, Ms Masego said: “We started workshops in countries where gender representation was lagging. We learnt valuable lessons from these interactions. And we realised that for women to have access to political office, they need to be trained in leadership positions and to orientate and familiarise young women with politics.”

Regarding the long-standing matter of the CPA status, Ms Masego stated that most member states are in favour of the transformation of CPA from charity to a diplomatic entity that would assume its place on the international political arena. “What we are now left with is for the British Parliament to amend its law to allow that to happen.”

She urged South Africa to use its international standing to influence the future course of the CPA to ensure that the African developmental agenda form part of its priorities going forward.





Africa Region Chairperson highlights progress on transforming the CPA

The Speaker of the National Assembly of Kenya and the Chairperson of the Commonwealth Parliamentary Association (CPA) Africa Region, Mr Justin Bedan Njoka Muturi, spoke about how the CPA is transforming. The CPA Africa Region, which constitutes a majority of CPA membership, has been at the forefront of the movement seeking to change the status of the CPA to resolve four key contradictions that affect the CPA's operations.

The first contradiction is that the CPA is registered in the United Kingdom as a charity organisation. As such, it is not allowed to engage in the promotion of parliamentary democracy, as this is not classified a charitable purpose under the law of England and Wales.

Sections of CPA member states (including CPA Africa Region) have questioned the propriety and legality of making remittances that are essentially public funds appropriated by their legislatures to a charitable institution.

Additionally, as per the current

CPA Constitution and English law, a change in the status of the association without it being granted privileges and immunities would subject it to additional taxation. In addition, its existing assets would continue to be used for charitable purposes.

The second contradiction is that that CPA and its office-holders are not accorded the privileges and immunities necessary to recognise their prestige and dignity in the same manner as other organs of the Commonwealth. A lack of privileges and immunities diminishes the CPA's standing in comparison with the



Commonwealth Secretariat and the Commonwealth Foundation, as well as other comparable international parliamentary organisations such as the L'Assemblée Parlementaire de la Francophonie and the Inter-Parliamentary Union, which have been granted functional privileges and immunities in their host countries.

Thirdly, the lack of privileges and immunities for the CPA and its office-holders negatively affects the independence of the organisation from interference by



UK authorities. As a charity, the association is regulated by the Charity Commission and is subject to general UK law. The regulator possesses invasive powers that are not compatible with the nature of the CPA and its functions.

Fourthly, the lack of privileges and immunities for the CPA negatively affects the expected neutrality and credibility of the Association. As currently constituted, the CPA may become beholden to the regulator or UK law. It needs to maintain its neutrality in order to discharge its international functions and be seen as a credible organisation by its members and others.

Mr Muturi highlighted steps taken to address contradictions within the CPA. He said an expert committee was established by the 62nd General Assembly to look into the CPA's legal status and submitted its

report recommending:

- (a) that the association be reconstituted in the United Kingdom as an inter-parliamentary institution with an international vocation, with functional privileges and immunities to reflect its appropriate status; and,
- (b) that the Chairperson of the executive committee obtain legal, financial and other advice to determine the feasibility of reconstituting the association, including exploring with the government of the United Kingdom the enactment of relevant UK legislation that would provide functional privileges and immunities to the reconstituted organisation.

According to Mr Muturi the recommendations of the expert committee were adopted by

the 63rd CPA General Assembly held in Dhaka, Bangladesh on 7 November, 2017. On 15 November, 2017 the then Secretary-General of the CPA, Mr Akbar Khan, wrote to Lord Ahmad of Wimbledon, the Minister of State for the Commonwealth and the UN informing him of the CPA resolution.

On 10 December 2017, Lord Ahmad wrote back acknowledging receipt of the Secretary-General's letter and advised that his office would need a detailed business case for the granting of the





privileges sought and that the proposed change would require legislation.

In March 2018, the executive committee recommended the establishment of a small advisory working group composed of the Secretary-General and the representatives from Africa (Hon Justin BN Muturi), British Islands and Mediterranean (Hon Roberta Blackman-Woods), Canada (Hon Alexandra Mendes) and South-East Asia (Hon Kiandee) to prepare the business case.



The Working Group met in London on 9 June 2018 and agreed on a draft business case requesting the UK government to recognise the CPA as an international inter-parliamentary organisation, and grant it the minimum privileges and immunities needed to carry out its functions as an international inter-parliamentary organisation through the introduction and passage of a short Act of Parliament.

The core provisions of the Act would:

- (a) confer on the CPA the legal capacities of a body corporate.
- (b) provide that the CPA as an organisation shall have the following privileges and immunities—
 - (i) exemption or relief from taxes at least equivalent to those enjoyed by the CPA as a charity;



- (ii) inviolability of official archives, premises and communications; and
- (iii) immunity from prosecution and legal process, except in relation to certain civil matters;

(c) confer on the Secretary General of the CPA the following privileges and immunities, (if the Secretary General is not a UK citizen)—

- (i) privileges and immunities similar to those afforded to diplomats;
- (ii) exemption or relief from taxes and rates;
- (iii) exemption and privileges in respect of official papers and documents equivalent to protections afforded to diplomats; and
- (iv) immunity from

prosecution and legal process in respect of acts or omissions in the course of the performance of official duties, except in relation to certain civil matters.

The business case was adopted by the executive committee on 8 November 2018 and submitted to the UK government via Lord Ahmad of Wimbledon, the Minister responsible for the Commonwealth and United Nations.

In its mid-year meeting held in Ottawa in 2019, the executive committee established a working group on governance consisting of nine regional representatives, (including the Hon Speaker) supported by their respective Regional Secretaries, with the CPA Chairperson and Treasurer as ex-officio members. The working group is also supported by the Secretary-General and the Secretariat.

The working group formally met for the first time in the margins of the 64th Commonwealth Parliamentary Conference in Kampala in September 2019 and decided on the Hon Speaker John Ajaka (Australia) as its chairperson. Its terms of reference are: “to identify what governance arrangements will be necessary to implement to support the



transition of the CPA to a new international inter-parliamentary organisation and to set a timetable for such work to be undertaken to align with the anticipated bespoke UK legislation establishing the new CPA as soon as possible.”

The working group on governance held a virtual meeting on 12 January 2021 to consider—
(a) a paper to be presented by the Secretary-General; and
(b) the Secretary-General’s report on his meeting with Lord Ahmad with regard to the UK



government's consideration of the Business Case.

The UK government had indicated that its exit from the European Union would consume the majority of its legislative programme at the time of the submission of the

business case. Britain's exit from the European Union was finalised on 31 December 2020.

Discussions are ongoing with the UK government with regard to the introduction of the proposed legislation granting the CPA and

its office-holders the necessary privileges and immunities that accord to its proposed change of status from a charity to an international inter-parliamentary organisation.



CPA - benchmarking good practice between Commonwealth parliaments

The Commonwealth Parliamentary Association (CPA) was founded in 1911, when it was known as the Empire Parliamentary Association. Its affairs were administered by the United Kingdom branch and the original members comprised Australia, Canada, Newfoundland, New Zealand, South Africa and the United Kingdom.

As the association evolved, it adopted its current name in 1948 and changed its rules to enable all member branches to participate in its management. A separate secretariat was established to manage its affairs. The CPA collaborates with parliaments and other

organisations around the world to achieve its statement of purpose. It brings parliamentarians and parliamentary staff together to exchange ideas and consult with experts in various fields. It identifies benchmarks of good practice and new policy options for member parliaments to adopt or adapt in the governance of their own societies.

The CPA is composed of over 180 branches formed in legislatures with parliamentary democracies in Commonwealth countries. CPA branches are currently grouped geographically into nine Commonwealth regions. Each branch has representation on the

CPA executive committee and participates in regional conferences and seminars on parliamentary practice and procedure. The CPA regions are Africa; Asia; Australia; the British Islands and the Mediterranean; Canada; the Caribbean, Americas and Atlantic; India; Pacific; and South-East Asia.

The CPA's General Assembly is its supreme authority, which is constituted from delegates to the Annual Commonwealth Parliamentary Conference (CPC). The Assembly has the authority to determine the CPA's policy and management, including members' annual membership fee and other financial obligations.



The CPA's officers are the President and Vice-President; the Chairperson of the Executive Committee; the Vice-Chairperson; the Treasurer; the Chair of the CWP; and the Small Branches Chairperson.

The President is nominated by the branch set to host the next plenary Commonwealth Parliamentary Conference, while the Vice-President is nominated by the Branch selected to host in the succeeding year.

The CPA's constitution vests the control and management of its activities and business in an executive committee (exco), consisting of 35 members led by the Chairperson of the CPA. It meets prior to and just after a

CPA General Assembly, to which it reports. The exco also holds a second meeting in another commonwealth country midway between general assemblies.

The CPA's Headquarters is located in London and is headed by the Secretary-General, who is responsible for interpreting and implementing its policies, enhancing its activities and international relations, and acting as secretary to the annual plenary conference. The current Secretary-General is Mr Stephen Twigg from the United Kingdom.

The CPA Africa Region is one of the nine regional associations of the CPA. It is made up of national parliaments and provincial/state/

territorial legislatures of member countries of the Commonwealth in Africa. It is headquartered in Tanzania and is headed by the Clerk of the national Parliament of Tanzania, Ms Nenelwa Mwihambi, who is its regional Secretary.

The Africa Region comprises 18 countries: Botswana, Cameroon, Ghana, Kenya, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Nigeria, Rwanda, Seychelles, Sierra Leone, South Africa, Swaziland, Tanzania (including Zanzibar), Uganda and Zambia. In addition, the nine South African sub-branches and over 35 sub-branches from Nigeria also form part of the regional block.



Dr Naledi Pandor – Minister of International Relations and Cooperation

South Africa is committed to multilateralism as the best way to resolve global challenges, says international relations Minister

The Minister of International Relations and Cooperation in South Africa, Dr Naledi Pandor reaffirmed South Africa's commitment to multilateralism as the best way to resolve conflict and other global challenges, writes Faith Ndenze.

Dr Pandor made these remarks at the launch of the CPA National Branch and CWP Chapter, where she recounted her fond memories as a member of the South African CPA. She reflected on South Africa's approach to multilateralism in the context of being a member state of the Commonwealth group of nations.

"The overall vision of the foreign policy of South Africa is articulated very clearly in the National Development Plan (NDP) and it is driven by what we have stated as our national, regional and continental priorities, related to the promotion of a safe, peaceful and prosperous region, continent and a fair and just world," she said.

Minister Pandor said becoming a fair and just world matters to South Africa. As testament to this, the Cabinet of South Africa recently agreed on a national interest document that provides further

guidance on how South Africa intends to advance its values and what it states them as, as well as its interests in an increasingly complicated international arena.

She also shared that the global political context is a dynamic one, as the political and economic interests of countries never static. This dynamism is reflected in how countries organise themselves into groups and associations in the international arena, and how as such collectives and individual sovereign states engage with formal institutions of governance.



“We need to be aware that we have many institutions of global governance in which we exercise our perspectives on national interests, and on regional and continental matters. We also express our interests in our premier multilateral institution, the United Nations and a number of specialised institutions as well that deal with critical world affairs,” she said.

Minister Pandor also touched on how the Covid-19 pandemic added to this complexity, as it challenged the commitments to global cooperation, in the context of a disease that requires solidarity and cooperation, to save people’s lives, to protect their health and to safeguard livelihoods globally.

“What we saw was that countries could not adapt to this reality of

cooperation consistently in the course of the pandemic. Some of the richer countries showed a lack of commitment to ensure equitable access to the means to end the pandemic across all regions of the world. This reluctance and lack of commitment has resulted in the loss of lives as well as giving rise to a twin-track global economic recovery and not what we anticipated as the world recovering together”, she said.

“What we have seen is rapid economic growth in fully or majority vaccinated countries of the north and slow economic recovery and even stagnating economies in the developing world.” She said it is important for parliamentarians to consider these issues as the country launches these important chapters of the Commonwealth in South Africa today.

Minister Pandor shared that the pandemic and the skewed responses to it have harmed the most vulnerable people globally. “This group of vulnerable includes women, and large poor constituencies which are represented by the majority of us as Parliamentarians in Africa. It is in that regard, Chairperson, as we consider our place in the CPA, to recall the political values espoused as the values of the commonwealth. These include the promotion of democracy, human rights, international peace and security as well as of dignity.”





CPA & CWP emancipating women & increasing women representivity in parliaments

Ms Thoko Didiza – Minister of Agriculture, Rural Development and Land Reform

The former CWP Africa Region Chairperson and the Minister of Agriculture, Land Reform and Rural Development in South Africa, Ms Thoko Didiza, reflected on the role of the South African Parliament in the Commonwealth Parliamentary Association (CPA) and the Commonwealth Women's Parliament (CWP). She was speaking during the launch of the South Africa Parliamentary National Branch of the CPA and the CWP. Faith Ndenze reports.

Ms Didiza said the launch serves as a sign of the South Africa's Parliament's commitment to the vision of the CPA Africa Region, as well as CPA International. "It is important to highlight that this public launch does not mean as a South African Parliament we have not been members and a branch in good standing. We are. As the sixth Parliament, we have decided to use this platform as a way in which we popularise

the work of the CPA amongst our members and community," she said.

She mentioned that South Africa's provinces, Parliament and parliamentary staff have been active members who have participated in the structures and programmes of the CPA. They have shared valuable insight on how Parliamentary democracy can be strengthened and in particular on how the role of women in Parliament and legislators can be increased.

As part of strengthening South Africa's parliamentary democracy in the continent, South Africa has contributed through the development of policies and statutes that govern the CPA. "We have led in the





articulation of important subjects that as an association required us to address. One amongst these has been the emancipation of women, the increase representation of women in Parliament and legislators and conducting gender sensitisation workshops, with one of these being hosted by our sub-national branch Gauteng in 2018.” South Africa has transformed its parliamentary programming

to allow women’s multi-party caucuses to be given space in the parliamentary and legislative programmes to ensure that women parliamentarians have an opportunity to reflect on matters of common interest. “As part of the transformation of parliaments and legislators, we ensured that we have a women’s committee that will reflect on legislative, budgetary and executive programs

and ensure that they hold the executive accountable. One of the matters that the CWP Chapter in the fifth administration pioneered, working with civil society, was the issue of sanitary towels for girls,” she said.

Working together with other CWP chapters in the region, the South African CPW looked at strategies to increase women participation in Parliaments, legislatures and councils through engaging political parties, examining their policies and how these enable women’s participation at a party level. Secondly, in some jurisdictions CWP members influenced changes in electoral systems in order to create space and possibilities for increased women’s participation in parliaments and legislatures.





Ms Sylvia Lucas – NCOP Deputy Chairperson

National Commonwealth Parliamentary Association (CPA) branch & Commonwealth Women Parliamentarians Chapter successfully launched

The Constitution of the CPA National Branch and the executive were endorsed. The executive committee of the national branch consists of the Co-Presidents, the Speaker of the National Assembly (NA) and the Chairperson of the National Council of Provinces (NCOP).

The Co-Vice Presidents are the Deputy Speaker of the NA and the Deputy Chairperson of the NCOP and the Secretary of the branch is Adv Modibedi Phindela. The five additional members will be determined by the Chief Whips.

The rules of the Commonwealth Women Parliamentarians Chapter (CWP) will be determined by the Multiparty Women's Caucus and other relevant women's structures in Parliament. Adv Phindela was asked to commit the endorsements in a paper to be distributed to all the relevant Members of Parliament.

Delivering closing remarks at the launch of the CPA National Branch and the CWP Chapter, the Deputy Chairperson of the NCOP, Ms Sylvia Lucas, said it is encouraging to see a diverse and multiparty delegation from Parliament and legislatures across all nine provinces.

As a maturing democracy, she said, South Africa needs every platform to promote and advance knowledge of the parliamentary democracy. Active



Co-Presidents: Ms Nosiviwe Mapisa-Nqakula – Speaker NA; Mr Amos Masondo – Chairperson NCOP

involvement of parliamentarians in international forums and activities, especially those of the CPA will contribute to the knowledge and insights necessary to enhance our parliamentary work.

The Covid-19 pandemic has totally reshaped the work, form and content of parliaments. “As parliamentarians, we were confronted with the urgent need of deciding how best to modernise

and fulfil a political mandate that has traditionally been confined to individual institutions and face to face contact,” Ms Lucas said. The pandemic has created an even greater need for parliaments around the world to discuss better strategies and mechanisms to fulfil their mandate of holding governments accountable and conducting the fundamental mandate of facilitating public engagement and participation in the midst of a deadly pandemic.

The launch of the CPA National Branch will enhance the important work of our sectoral parliaments. “I am excited to join the rest of the parliamentarians around the world in sharing our innovative interaction with the women of South Africa in the middle of the Covid-19 pandemic, which eventually led to the adoption of the 2021 Women’s Charter for Accelerated Development.”



Co-Vice President: Mr Lechesa Tsenoli – Deputy Speaker NA

Co-Vice President: Ms Sylvia Lucas – Deputy Chairperson – NCOP

Secretary: Adv Modibedi Phindela Secretary to the NCOP



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