



## **Parliament**

### **By-Laws,**

#### **Preamble**

The Parliament of the State of the African Diaspora (SOAD) is one of the institutions planned by the Constitution. It allows the People of African Descent to be represented. It means to provide a democratic space for them to discuss, debate, vote on laws, plans, programs to reinforce Africa through the Diaspora, and the Diaspora through Africa. The Parliament provides a strategic framework for new opportunities in a post-colonial era.

-Considering the Protocol on Amendments to the Constitutive Act of the African Union, adopted at the 1st Ordinary Session of the Assembly of Heads of State of the Union in Addis Ababa (Ethiopia), on 3 February 2003 and by the 2nd Ordinary Session of the Conference of Heads of State of the Union in Maputo (Mozambique), on July 11, 2003 which states in its Article 3 (q): "to invite and encourage the effective participation of Africans in the diaspora, as an important part of our continent, to the construction of the African Union ".

-Considering the Constitution of SOAD, promulgated on July 1st 2021 by Dr Louis-Georges Tin Prime Minister of SOAD,

-Considering more specifically the SOAD Constitution, title II, about the Parliament,

-Considering more specifically the SOAD Constitution, title III, about the relationships between the Executive and the Parliament,

-Considering more specifically the SOAD Constitution, title VII, about the transitional and final provisions,

The Government and the Parliament of SOAD agree on the following By-Laws.

## **Title I : Missions of the Parliament**

### **Article 1**

The missions of the Parliament are the following :

-Representation of the people. The representation of the people through a Parliament is the essence of any democracy. As SOAD is a democracy, our Parliament is the core of our democracy. Therefore, the Members of the Parliament are the face and the voice of their constituency. They represent not only the country they are coming from, but also the whole Pan-African community.

-Election of the leaders of the Parliament. Being elected by the people of their country, the Members of the Parliament also have to vote for their own leaders, the President of the Parliament, the Vice Presidents, the Leaders of national delegations. The modalities of these elections are explained in the electoral code.

-Election of the Prime Minister. Beyond these internal elections, the Members of the Parliament also vote for the Prime Minister, who then forms the Government, which means the Vice Prime Ministers and the other Ministers. The modalities of these elections are explained in the electoral code. Therefore SOAD is a democracy with indirect suffrage.

-Vote on laws. Of course, one of the main missions of any Parliament is to vote on laws. This is what the SOAD Parliament does, regularly, during every session. The draft laws may be proposed by the Parliament, or by the Government. But all law requires a majority in Parliament to be adopted.

-Vote on budget. The Parliament also votes on the budget. The budget is prepared by the Government, especially by the Ministry of Economy, and is then discussed in the Parliament, amended if need be, and voted by the Parliament.

-Implementation of programs of action. The Members of the Parliament are not only legislators, they are also project managers. Beyond their salary, they also have a budget for their own programs of actions, that they will use to support their constituency. These programs can be done in relation with the ongoing actions of the Government.

## **Title II : Scope**

### **Article 2**

The scope of the laws voted by the Parliament includes :

- General orientations,
- War and peace,
- Finances,
- Citizenship,
- Crimes and offences,
- By-laws of Parliament,
- Programs of action of the Parliament.

No draft law can be inscribed on the agenda, even less discussed or approved if it contradicts the Constitution. If the Government or the Parliament want to modify the Constitution, they have to do it according to the procedure explained in the Constitution itself (title 7).

No draft law can be inscribed on the agenda, even less discussed or approved if it reduces revenues or increases the burden of state expenditure as decided during the vote of the budget. If the Government or the Parliament want to amend the budget, they may decide not to wait for the next debate on budget the year after, and chose to vote on a new law, especially devoted to budget amending.

### **Title III : Structure of the Parliament**

#### **Article 3 : Geographical Structure**

The Parliament is based on a geographical structure. Each region is represented by a maximum of 100 MPs. The regions are :

- Africa,
- Asia-Pacific,
- North America,
- Central America and Caribbean,
- South America,
- Europe.

Therefore, the Parliament includes a maximum of 600 Members.

The numbers for each country are based on the number of inhabitants of the country, and the number of People of African Descent in the country. The number of seats available for each country is identified by decree by the Prime Minister.

#### **Article 4 : Hierarchical Structure**

The Parliament is also based on a hierarchical structure :

- the President,
- the Vice Presidents,
- the Presidents of National Delegations,
- the Other Members of Parliament (MPs).

#### **Article 5 : Mission of the President of Parliament**

The President is responsible for the adequate functioning of the Parliament. The Constitution, the Laws and the By-Laws are the framework to define these missions, and will be used as a reference. The President will work in a efficient and transparent manner with the Executive of the Government. His missions are :

- 1) To lead the global SOAD Parliament,
- 2) To organise the sessions and the agenda of the Parliament,
- 3) To make the connections with the Government,
- 4) To coordinate the Vice Presidents of the Parliament,
- 5) To coordinate the Global programs of actions initiated by the Parliament,

6) To work with other Presidents of Parliaments.

### **Article 6 : Missions of the Vice Presidents of Parliament**

Each region of the Parliament is headed by a Vice President. Therefore, there are 6 Vice Presidents. They are elected by the MPs of the region. Their mission is :

- 1) To coordinate the leaders of national delegations in their region,
- 2) To organise regular regional sessions,
- 3) To make connections with the other Vice Presidents of Parliament,
- 4) To make sure there are national leaders in each country in the region, and recruit new ones if necessary,
- 5) To work on some regional programs of action.

### **Article 7 : Missions of the Presidents of National Delegations**

The Presidents of national delegations are elected by the MPs in the country. Their mission is :

- 1) To lead the MPs in their country,
- 2) To organise regular national sessions,
- 3) To make connections with the other presidents of National Delegations in the region
- 4) To recruit all the MPs necessary for the country, given the number of seats available,
- 5) To work on some programs of action,
- 6) To recruit citizens.

### **Article 8 : Missions of Other Members of Parliament**

The Members of the Parliament represent the People of the State of the African Diaspora. They are the face and the voice of our democracy. They are elected by the citizens of SOAD, and work for the people, in the best interest of SOAD in particular, and of the Pan-African Community in general.

Their mission is to work inside the Parliament (to vote on laws, on budget, for the leaders of the Parliament, for the leaders of the Government) ; but also, outside of the Parliament, they have to recruit new citizens and to work on program of actions, for the benefit of their constituency.

### **Article 9 : Secretariat**

The Secretariat of the Parliament includes the Secretary General and the other people working under his or her authority.

The members of the Secretariat are nominated by the Leadership of the Parliament, which means the President and the Vice Presidents.

The missions of the Secretariat of the Parliament are :

- to work in collaboration with the President and the Vice Presidents of the Parliament,
- to work in collaboration with the Secretary General of the Government,
- to facilitate the organisation the sessions of the Parliament,

- to keep hold of the decisions of the Parliament,
- to translate and diffuse the decisions of the Parliament by the appropriate means,
- to support the Parliament in its programs of action,
- to provide technical support to the Parliament.

## **Articles 10 : Sessions and Calendar**

The Parliament must meet in full session with the Government at least 4 times every year. The sessions will be organised on line, on Zoom or any other appropriate platform. The sessions are led by the President of the Parliament, or by any Vice President mandated by him. The Secretariat will help to establish the technical resources to facilitate the sessions and the recordings. The invitation and the agenda will be sent to the Parliament at least two weeks before the sessions.

The Leaders of Parliament, President, Vice President, President of National delegations must meet on a monthly basis. The sessions will be organised on line, on Zoom or any other appropriate platform. The Secretariat will help to establish the technical resources to facilitate the session and the recording. The invitation and the agenda will be sent to the Parliament at least one week before the session.

The quorum for any meeting is one fourth of the number of MPs officially elected. At the beginning of the meeting, if the quorum is not there, the discussions can start, but no vote can happen. A reminder has to be sent to all the members. After half an hour, if the quorum is still not there, whatever the number of MPs in the room, the resolutions can be voted.

When there is a vote, in the event of a tie, the vote of the chairman of the session counts double and is a tie breaker.

## **Article 11 : Commissions and Working Groups**

The commissions of the Parliament are defined in the Constitution, articles 22 and 23. They will work on :

- Economic Affairs,
- Industry, Infrastructure and New Technologies,
- Agriculture and Fisheries,
- Social Affairs,
- Justice and Human Rights,
- Culture and Heritage.

When a law has to be discussed and voted, the leadership of the Parliament and the leadership of the Government may decide to refer matters to the appropriate Commission.

Also, a temporary or permanent working group on a specific topic may be created by the Leadership of the Parliament to work on a particular topic, to organise an investigation, to conduct a study, etc.

## **Title IV : Elections**

### **Article 12**

The process of election in the State of the African Diaspora is ruled by two documents :

- the Constitution of SOAD, which explains the principles (especially Title II, articles 14 to 21),
- the electoral code of SOAD, which explains the modalities.

The length of the mandate, the process of election, the candidacies, the voting system, the proclamation of results, the procedures for appeal will be dealt with as indicated in the Constitution and in the electoral Code.

Any additional matter regarding the elections will be organised by the leadership of the government, assisted by the Minister of Home Affairs and the Minister of Justice.

## **Title V : Legalities for MPs**

### **Article 13 : Compliance and Governance**

Each and every Member of Parliament is to have completed the compliance documentation and procedures, as they have been defined by the Secretariat of the Government (code of conduct, ID card, state email, state business card, etc).

The MPs will respect the rules regarding privacy, confidentiality and security, as defined by the Secretariat of the Government.

The MPs will respect the rules regarding non-circumvention and ethics, as defined by the Secretariat of the Government.

The MPs will respect the rules regarding public, private or internal targeting, as defined by the Secretariat of the Government.

The MPs will respect the rules regarding social media, interviews and public communication, as defined by the Secretariat of the Government.

The MPs will respect the rules regarding ownership, liability and intellectual property, as defined by the Secretariat of the Government.

### **Article 14 : Disputes and Dispute Resolution**

Members agree that, should there be a major dispute, allegations or some other issues or problems pertaining to the State or individuals in the State, collective responsibility must be observed. The protocols regarding disputes/allegations are:

- Collective responsibility for emotional management of the Members towards the situation.

- Emotional management to ring-fence and protect the State and its citizens first from escalating or enlarging such dispute or allegation by not posting opinions, views or disseminating such information throughout the various whatsapp groups until an investigation has been concluded.

-Members may email [myfeedback@thestateofafricandiaspora.com](mailto:myfeedback@thestateofafricandiaspora.com) to express their concerns or to make comments or they may text or email each other individually, if it is desired to express your concern to someone direct.

-Members have a duty of care to protect new Members coming into SOAD. It is not acceptable to air opinions or views into the SOAD Whatsapp groups about a dispute or allegation. This immediately causes concern and confusion for everybody.

-Members should also email to [myfeedback@thestateofafricandiaspora.com](mailto:myfeedback@thestateofafricandiaspora.com) any allegations or bad publicity that come to light through any media sources and bring it to the attention of the Conflict Team.

-Dissemination of such allegation through the medias and groups without evidence or proof is discouraged (hearsay, must never be disseminated as fact)

-Disputes or allegations should be kept private in SOAD until a thorough investigation is undertaken and the findings reported back to its Members.

-Again, the Conflict Dispute Team will undertake the issues to bring, where possible, an amicable and/or fair resolution.

-Where a dispute cannot be amicably or fairly resolved, the Member concerned may resign or the Leadership of the Parliament reserves the right to sanctions (where necessary and applicable).

## **Article 15 : Replacement**

When the seat of the President of the Parliament is vacant, the substitute is designated by the Vice Presidents.

When the seat of a Vice President is vacant, the substitute is designated by the Presidents of the National Delegations of the region.

When the seat of a President of National Delegation is vacant, the substitute is designated by the MPs of the country.

The Members who wish to resign from their role as a Member of the State agree to adhere to the following protocols:

-Before a MP actually resigns, he or she has to handover any SOAD information, documents, contacts, communications, etc. to the Prime Minister ([lgtin@thestateofafricandiaspora.com](mailto:lgtin@thestateofafricandiaspora.com)) and the Vice Prime Minister ([kamoako@thestateofafricandiaspora.com](mailto:kamoako@thestateofafricandiaspora.com)). Any failure to respect this requirement may have legal consequences. The state mail and account of the person will be suspended, until the MP is replaced by the substitute.

-The MP who wants to resign agrees to make their resignation in writing via email only addressed to the Prime Minister cc to Vice Prime Minister and the President of the Parliament. Members of the Parliament agree that is prohibited and unacceptable to post their resignation via any Whatsapp Group to which they are subscribed.

-The Leadership of the Parliament will announce the departure of any MP at the next Leaders of Parliament Meeting or in any other way.

-After their departure, all data relating to State affairs must thereafter be deleted from their PC, mobile phone and any other source of technology medium which was used in pursuance of his/her role for the State and no more than 3 days after their resignation. The Member agrees to then confirm in writing to the Prime Minister and President of Parliament that deletion of the material data will be executed within 4 days after confirmation that all data and material has been received by SOAD.

On the demise of any MP, the Prime Minister, the President of Parliament will make the condolences, and the Substitute MP, designated during the electoral process, will automatically be instituted as an MP.

#### **Article 16 : Non Disclosure**

All Members accept and agree to be bound to this Prohibition Clause for non-disclosure or dissemination of any SOAD information or material, or data by discussion, recording, email, in writing, social media text or otherwise to anyone or any establishment after his/her resignation, dismissal or departure. This Prohibition Clause will be enforced for a period not exceeding 24 months from the date of receipt of the Member's resignation, dismissal or departure, whereby the Member should not disclose any information or data about SOAD, neither will they berate, insult, denigrate or scandalize, bad-mouth or defame any aspect of SOAD, the Members, Ambassadors, Parliamentary Members or any of its personnel or citizens.

#### **Article 17 : Ethics**

The terms of reference regarding ethics are indicated in the code of conduct that all the MPs have to read, agree, sign, respect and implement. It deals with topics such as transparency, secrecy, circumvention, conflict of interest, etc.

#### **Title VI : Decisions making**

##### **Article 18 : Agenda**

Parliament is convened at least four times a year for the General Assembly of the Parliament. The convocation is carried out by the leadership of the Government.

Before each session, the leadership of the Government (the Prime Minister and the Vice Prime Ministers) has to establish the agenda with the Leadership of the Parliament (the President and the Vice Presidents).

Together, they decide the topics that will be discussed in the Parliament General Assembly.

Together, they propose the draft laws that will be discussed, amended, voted or rejected in the General Assembly.

The list of topics and draft laws have to be sent to the Parliament at least 2 weeks before the Parliamentary session. If necessary, especially if the topic is complex or sensitive, the Leadership of the Government or the Leadership of the Parliament may decide to send the draft laws to the Commission before sending them to the whole Parliament.

Any MP can propose a draft law and send it to the Secretariat of the Parliament, that will then inform the Leadership of the Government (the Prime Minister and the Vice Prime Ministers) and

the Leadership of the Parliament (the President and the Vice Presidents). They will then decide if and when the draft law could be discussed in Parliament.

A topic that is not on the agenda can be discussed during the Parliamentary session, but cannot be voted.

Secretariat is in charge of recording the sessions while they happen, keeping hold of these archives, inscribing the decisions that have been adopted and diffusing them in the appropriate manner.

### **Article 19 : Voting Process**

Unless otherwise stated, the voting process will be made online or on any dedicated platform, appropriate for this matter. The process can be made hands up, by general acclamation, or by any mean that can be convenient, fair and transparent.

If any anonymous vote is requested by the Prime Minister or by the President of the Parliament, any party has to warn the other one at least 6 days before the session, so that the process can be prepared and implemented in time.

The minutes of the decisions are made and signed by the Secretary General of the Parliament and by the Secretary General of the Government.

### **Article 20 : Implementation**

The laws voted by the Parliament have to be implemented by the persons in charge in the Government, in the Parliament or anywhere else. The leadership of the Parliament will make sure the laws are implemented as they have to be.

## **Title VII : Relationships between Parliament and Government**

### **Article 21 : Cooperation**

The Government and the Parliament will cooperate in a spirit of good will, for the benefit of the Pan-African Community. Each body shall respect the remits of the other. The Parliamentary sessions are a crucial time of cooperation, but the leaders of both institutions will cooperate all the year round.

### **Article 21 : Questions to the Government**

At any time during the year, each MP can send one written question to the Government. The Leadership will send the question to the Minister in charge, who is expected to answer within 30 days. The question and the answer may officially be shared with all the MPs, if need be, and will be stored in the archives by the Secretary general of the Government and by the Secretary of the Parliament.

During the General meetings of the Parliament, oral questions can be put to the Government. The questions have to be sent to the Secretariat at least one week before the session. The Secretariat and the Leadership of Parliament and Government will select those questions that can be dealt with orally during the session, while others, due to time constraints, will be dealt with in writing later.

## **Article 22 : Laws and Legality**

No law can be inscribed on the agenda, even less discussed or approved if it contradicts the Constitution. If a law voted in the Parliament violates the Constitution, the Court of Laws may decide to consult, and break the law if need be. The decision of the Court of Laws is final.

If the Parliament wants to break a Government decree, a majority of the MPs must vote against the Decree.

If a MP wants to propose an amendment to a draft law, he or she must send his or her amendment to the Secretariat, in line with the topic, the format and the time line.

The format has to be the following :

- explanation of why this amendment is needed
- a precise word, sentence or group of sentences that should be added to the law
- the precise indication of where the amendment should be added
- the name of the MP or MPs endorsing the amendment

Any amendment that is not in line with the topic, the timeline or the format will be rejected, and therefore, will not even be discussed.

## **Article 23 : Motion of Censure**

If a severe dispute arises between the Government and the Parliament about the general orientations, 1/3 of the members of the Parliament may bring in a motion of censure, and it can be voted if 2/3 of the elected members approve of it. If the motion is voted, both the Government and the Parliament are suspended, and a new general election is organised by the Government to designate a new Parliament and a new Prime Minister, who will form a new Government.

## **Article 24 : Dissolution**

If a severe dispute arises between the Government and the Parliament, the Prime Minister may chose to dissolve the Parliament. A new election is then organised by the Government, to designate a new Parliament and a new Prime Minister, who will form a new Government.

## **Title VIII : Relationships between Parliament and Court of Justice**

### **Article 25 : Taking a text to the Court of Justice**

The court of justice may decide to review a decree of the Government or a law voted by the Parliament, and eventually break it. They will decide not if they agree with the text, but whether or not it is in accordance with the Constitution.

### **Article 26 : taking a MP to the Court of Justice**

If an allegation is made by a SOAD citizen against any MP, this is the procedure to follow :

The accuser will fill in a complaint and send it to the Leadership of the Parliament with any documented evidence and facts surrounding the allegation.

Then, the President of the Parliament shall nominate 2 or 3 people to investigate on these allegations.

The President and the Vice Presidents shall then hear all the parties involved, who may decide to come with their legal representative.

After the hearing, the Presidents and the Vice Presidents will decide whether there is merit for the case to be heard in the Court of Justice.

## **Title IX : Finances and Budget**

### **Article 27 : Currency**

SOAD will have the option to choose the currencies it wants to use.

All Parliament Members who have completed three months of service will be eligible to receive Monthly payments.

The LUMI Fee Agreement will be issued to all qualifying Members. LUMI Fee payments will be issued in the the “African Kingdoms LUMI”, a currency used by SOAD and ECO-6.

The working week for all Members of SOAD will be based on hours per week/month. Taking into account Members who may undertake other work/business/social and family commitments, the table of hours and pay scales is set forth in the LUMI Fee Agreement.

For the moment, all fee payments will be administered and delivered through the Swifin platform at [www.swifin.com](http://www.swifin.com).

All MPs are responsible for setting up their own LUMI wallet, in order to receive their monthly fee, otherwise you may request for assistance in opening the wallet in writing to [fmalik@thestateofafricandiaspora.com](mailto:fmalik@thestateofafricandiaspora.com).

In order to qualify to receive the LUMI Fee at the end of the month, a report of your day-to-day, weekly or monthly activities will be required to be delivered as a condition of the Fees being paid. A monthly report is required for every Fee payment made. The report must include the description of the projects being worked on, any person you are working with, timelines, deliverables, whether any budget will be necessary or required to fulfil a project or task and the expected outcomes. If a project requires a budget, costs budget breakdowns over the span of the project, broken down into quarterly and then monthly deliverables with appropriate budgets attributed.

### **Article 28 : Financial Ethics**

The budget is not only a financial matter. It needs to be done with ethics, which means it needs to be legal, transparent, sincere, efficient and in line with our Pan-African vision, which means for the Pan-African community. Also, while it is important to invest, and sometimes to borrow, the leaders of SOAD will keep in mind that no budget should be voted if the burden of the debts jeopardizes the sovereignty of the State.

## **Article 29 : Structure of the budget**

The budget is presented every year to the Parliament by the Minister of economy, according to the Calendar decided by both the Leadership of the Government and the Leadership of the Parliament.

The Budget must include all the resources, and all the expenditures of SOAD. The expenditures shall include all the costs of the salaries and all the costs of any internal or external program of action.

Given the complexity and importance of the debate on Budget, the Commission of finances will be invited to discuss before the vote.

When the session starts, the Parliament may accept the budget, or amend it, until an agreement is met.

## **Article 30 : Dispersion of the budget**

The budget allocated to the Parliament shall be run, controlled and dispersed by the Commission of Finances of the Parliament.

The Budget will be divided into quarterly tranches across the period. The first tranche will be provided, and will be used to pay expenses such as:

- Any administrative running costs of the Parliament,
- Lumi Fee payment to the MPs,
- MP expenses,
- Programs of action.

To receive the funds for a program of action, the MPs need to send a proposal, that needs to be approved by the Commission in advance.

To access the Budget, each Member of the Parliament will be required to draw up his/her business plan/project initiative/s, methodologies, deliverables, timelines etc. and provide a cost budget breakdown estimate of the amount of funds which would be required for the whole project, broken down into yearly and then quarterly periods and the funds required for each year and each quarter. The project initiative/s will need to be submitted prior to the release of the first tranche of funds. The Budget will be administered in quarterly tranches.

At the end of the quarter, and 1 week prior to the release of the next tranche of the Budget, a report and accounting records must be prepared of the initiatives/projects undertaken providing details of project progress, stage of development, project deliverables etc., cost expenditure spread sheet of budget etc. Should these quarterly reports of expenditure not be received, the next tranche of Budget will not be released

Each Member will be responsible and accountable in diffusing his/her tranche of the Budget on the Swifin platform. Formal training on how to administer the budget account will be made available and mandatory to attend.

Any invoices, receipts, documentation, email or correspondence etc. related to any outgoing payments from the budget must be attached and uploaded to SWIFIN when a payment is being executed.

Incomplete accounting or delayed submission of reports, accounts, valid invoices/receipts etc., the next tranche of the budget will be withheld until completed accounts has been satisfied to the Finance Commission.

## **Title X : Award and International Relationships**

### **Article 31 : Awards**

Each year, the Parliament may decide to vote on different awards to promote personalities, in areas as different as human rights, arts, sports, politics, economy, etc.

### **Article 32 : International relationships**

While maintaining its own sovereignty, the Parliament of SOAD will also seek to establish and maintain international relationships such as relationships between SOAD Parliament and other Parliaments or alliances with policy makers.

## **Title XI : Review**

### **Article 33 : Procedure**

The By-laws of the Parliament may be amended. The new version has to be drafted by the Leadership of the Parliament (the President and the Vice Presidents) or the Leadership of the Government (the Prime Minister and the Vice Prime Ministers) and then ratified by the Parliament and by the Government.

## **Title XII : Transitional and Final Provisions**

### **Article 34 : Transition**

In accordance with Title VIII of the Constitution, « the Prime Minister and the Government of the Sixth Region of Africa will make any effort to install the various institutions of the State of the African Diaspora as soon as possible. Pending the establishment of the Assembly of the Sixth Region, the powers of this Assembly are held by the Government of the Sixth Region of Africa. »