

DECISION ON THE SITUATION IN THE PAN AFRICAN PARLIAMENT (PAP)**The Executive Council,**

1. **TAKES NOTE** with concern the report submitted by the Commission on the situation in the Pan-African Parliament;
2. **RECALLS** the article 7 of the Statute of the Commission on functions and responsibilities of the Chairperson of the Commission as the legal representative of the Union;
3. **FURTHER RECALLS** the Assembly decision Assembly/AU/Dec.757(XXXIII) of February 2020 on the Decision on Consequence Management and the Oversight Role of the Chairperson of the Commission on the Functioning of the AUC and other AU Organs, which directed the Chairperson to take effective action to address all acts of misconduct in the African Union, and to exercise financial and administrative oversight over all non-Policy Organs and Institutions of the Union, including the Pan-African Parliament, the African Court of Human and Peoples' Rights, the African Commission on Human and Peoples Rights, and their elected officials;
4. **FURTHER RECALLS** its decision EX.CL/Dec.1128(XXXIX) of October 2021 on the Report on the Incident in the Pan African Parliament, which requested the Commission to expedite the reform process of the PAP to create a conducive environment for the operation of the Organ;
5. **INVITES** Member States that have not yet ratified the Malabo Protocol of 2014 to take all necessary measures to do so to allow the legislative mandate of PAP to come into force;
6. **REITERATES** its decision EX.CL/Dec.1174(XLI) on the Report on the Implementation of Executive Council Decision Ex.CL/Dec.1148(XI), which instructed the Office of the Legal Counsel, in close collaboration with the Secretariat of the PAP, to urgently review the Rules of Procedure of the PAP to ensure alignment with African Union values, rules, and regulations, as well as established practices of the Union, including the principle of geographical rotation;
7. **EXPRESSES ITS CONCERN** regarding recurring leadership and operational issues that continue to impede the effectiveness of the Organ and the resulting legal, financial, and reputational risks caused by decisions made by the PAP leadership that violated the rules and regulations of the Union;
8. **DECIDES** that,

- a) The PAP Plenary session should be convened at PAP headquarters before the end of March 2024 **to fill the vacancies in the PAP Bureau**. The Commission should oversee the election process of Bureau members to ensure transparency and independence, following the guidelines developed by the Office of the Legal Counsel.
 - b) Pending the finalization of the election, the third vice president should immediately act as president in line with Article 12(7) of the PAP Protocol, which specifies that rotation within the Bureau should occur in the absence of a president.
 - c) The Clerk of the Secretariat of the Pan-African Parliament should be immediately reinstated.
 - d) The suspended Rules of Procedure of the Pan-African Parliament should be reconsidered by the PAP Plenary, taking into consideration the inconsistencies outlined in the Legal Opinion issued by the Office of the Legal Counsel.
 - e) Any decision made based on the suspended revised Rules of Procedure of the PAP dated 4 November 2022, should be considered null and void.
 - f) Administrative decisions made by the former and current leadership of PAP without following established rules and due process, including recruitment, promotions, and suspensions, should be reviewed and nullified.
9. **EXPRESSES ITS DISSATISFACTION** with the lack of accountability in the PAP and **STRONGLY URGES** the PAP Plenary to ensure that its members are held accountable for any legal, financial, or reputational damage caused or that will be caused to the Union. This includes holding accountable members of the current and former PAP leadership who have been or will be found responsible for posing legal, financial, or reputational risks to the Union.
10. **REQUESTS** the Commission to conduct an independent and comprehensive forensic audit of the PAP's overall administration, finances, and operations through the Board of External Auditors, and submit an audit report to the 46th Ordinary Session of the Executive Council in July 2024.
11. **FURTHER REQUESTS** the Commission to submit a clear operational framework outlining the roles of the PAP Bureau, the President, and the Clerk at the next session of the Executive Council in June/July 2024.
12. **DECIDES** to remain seized of the matter.