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Parliament

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# RULES OF PROCEDURE PAN-AFRICAN PARLIAMENT





# RULES OF PROCEDURE

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**ADOPTED ON 21 SEPTEMBER 2004**

**AMENDED ON 10 OCTOBER 2011**

**AMENDED ON 04 NOVEMBER 2022**

**BY THE PAN-AFRICAN PARLIAMENT**



# RULES OF PROCEDURE

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### PREAMBLE

The Pan-African Parliament, being an organ of the African Union established under Article 2 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament in accordance with Article 17 of the Constitutive Act of the African Union;

Having regard to the Constitutive Act of the African Union, and in particular Article 17, and;

Having regard to the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and in particular Article 12;

**HAS ADOPTED THESE RULES OF PROCEDURE:**



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## PART I - PRELIMINARY

### Rule 1: Definitions

In these Rules of procedure, the following expressions shall have the meanings assigned to them hereunder:

**“Ad Hoc Committee”** means a committee of Parliament formed on resolution whose term expires on reporting in accordance with Rule 22, Sub-Rule 4 of these Rules of Procedure;

**“AEC”** means the African Economic Community established by the Treaty Establishing the African Economic Community adopted in Abuja, Nigeria, on 3rd June 1991;

**“Assembly”** means the Assembly of Heads of State and Government of the African Union;

**“Bureau”** means the Officers of Pan-African Parliament prescribed under Article 16 of the Protocol;

**“Bureaux”** means the Officers of Permanent Committees and Regional Caucuses as provided in Rule 86 of these Rules of Procedure.

**“Ceases to be a Member”** arises when notification is received by Parliament from the National Parliament or other deliberative organ that a Member has not been re-elected or re-designated to the Parliament following elections in a Member State or as prescribed by Rule 8(1) of the Rules of Procedure.

**“Chair”** means the official seat in the Chamber reserved for the use of the President or a Vice-President presiding over Parliament;

**“Chairperson of the Permanent Committee”** means the person elected



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to preside over the proceedings of a Permanent Committee and includes the Vice-Chairperson;

**“Clerk”** means the person appointed as Clerk to Parliament under Rule 20 (3) of these Rules of Procedure and the reference to “deputy clerk” shall have a corresponding meaning;

**“Commission”** means the secretariat of the African Union);

**“Committee”** means a committee established by Parliament as prescribed under Rule 22 of these Rules of Procedure;

**“Competent Authority”** means the Ministry of Foreign Affairs;

**“Constitutive Act”** means the Constitutive Act of the African Union, adopted by the Assembly of the Heads of State and Government of the African Union during the 36th Ordinary Session in Lomé, Togo on July 11, 2000 and subsequent Protocols amending it;

**“Court”** means the Court of Justice of the Union as established under Article 18 of the Constitutive Act;

**“Deputy Clerk”** shall have a corresponding meaning to “Clerk”;

**“Executive Council”** means the Executive Council of Ministers of the Union and “Council” has a corresponding meaning;

**“Gallery”** means gallery in the Chamber of Parliament;

**“House”** means the Pan-African Parliament of the Union in session;

**“Journal”** means the official record of the business of Parliament in accordance with Part XVI;



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**“Leave of the House”** means the permission or presumed agreement given by the House;

**“Member”** means a person elected or designated by a National Parliament or other deliberative organ as a Member of Parliament under Article 5 of the Protocol;

**“Member of the public”** means a person other than a Member of Parliament or staff of the secretariat;

**“Member State”** means a Member State of the African Union;

**“Motion”** means a proposal verbal or written, made by a Member, Permanent Committee or an organ of the African Union that Parliament or a Permanent Committee do something, order something to be done or express an opinion concerning some matter;

**“National Parliament”** means the legislative body of a Member State;

**“OAU”** means the Organisation of African Unity;

**“Other deliberative organ”** means a legislative body democratically established in a Member State and recognised by the African Union.

**“Paper”** means any document in any form that may be laid on the table of Parliament;

**“Parliament”** means the Pan-African Parliament of the African Union;

**“Permanent Committee”** means a committee established under Rule 22 of these Rules of Procedure;

**“Petition”** means a written prayer, plea or request presented to Parliament;



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**“Plenary”** means a formal sitting of Parliament;

**“Precincts of the House or Parliament”** means the chamber of Parliament, every part of the buildings in which are situated such chambers, the offices of Parliament, the galleries, and places provided for the use or accommodation of Members, staff, members of the public and representatives of the media and any forecourt, yard, garden, enclosure or open space, appurtenant thereto and used or provided for the purpose of Parliament;

**“President”** means the Member of Parliament elected as President under Rule 16 of these Rules of Procedure;

**“Presiding Officer”** means, the President and/or Vice-President, elected to preside over the proceedings;

**“Privilege”** means the exemptions to the usual application of laws to enable Members and Parliament to execute their mandate without undue hindrance, and includes powers and immunities prescribed under Rule 10 of these Rules of Procedure;

**“Protocol”** means the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament;

**“Question”** means a proposal presented to Parliament or a Permanent Committee by the President, Vice-Presidents or Chairperson of a Permanent Committee, for consideration and decision or disposal in some manner or question asked in accordance with Rules 67 and 68 of these Rules of Procedure;

**“Recess”** means a period during which the House stands adjourned to any other day other than the next normal sitting day;

**“Region of Africa”** shall have the meaning assigned to it in Article 1 of the Treaty Establishing the African Economic Community;



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**“Regional Caucus”** means those groupings of Member States based on geographical location formed under Rule 83 of these Rules of Procedure;

**“Returning Member”** means a Member who has been re-elected or re-designated by a National Parliament or other deliberative organ of the Member State;

**“Serjeant-at-Arms”** means the member of the Secretariat charged with the administration of order in the precincts of Parliament as directed by the Presiding Officer;

**“Simple majority”** means fifty percent plus one and absolute majority has a corresponding meaning;

**“Sitting”** means the period during which Parliament is sitting and includes committee meetings;

**“Substantive motion”** means an independent motion of which notice is duly given but which is neither incidental nor relating to a proceeding or order of the day already before the House;

**“Table”** means the Clerk’s table;

**“Tabling”** means the laying of an official document on the Table for discussion and “laying before Parliament” shall be construed accordingly;

**“Union”** means the African Union established by the Constitutive Act.

**“Vacancy”** occurs when a Member has not been re-elected or re-designated by the National Parliament or other deliberative organ of a Member State to the Parliament or as prescribed by Rule 8(1) of these Rules of Procedure.



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### **Rule 2: Seat of Parliament**

The seat of Parliament shall be located in the Republic of South Africa.

### **Rule 3: Organs of Parliament**

The Organs of Parliament shall be as follows:

- a. Plenary;
- b. Bureau;
- c. Permanent Committees;-and
- d. Regional Caucuses.



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### PART II - FUNCTIONS AND POWERS OF PARLIAMENT

#### Rule 4: Functions of Parliament

1. In its consultative and advisory role and in accordance with the provisions of Articles 3, 11 and 18 of the Protocol, Parliament shall:
  - a. Facilitate the implementation of the policies, objectives and programmes of the Union and oversee their effective implementation by the various organs of the Union;
  - b. Promote human and peoples' rights, consolidate democratic institutions and the democratic culture, good governance, transparency and the rule of law by all Organs of the Union, Regional Economic Communities and Member States;
  - c. Participate in creating awareness among the peoples of Africa on:
    - i. the objectives, policies, aims and programmes of the African Union;
    - ii. the strengthening of continental solidarity, cooperation and development;
    - iii. the promotion of peace, security and stability on the African Continent, and;
    - iv. the necessity for the pursuit of a common economic recovery strategy;
  - d. Contribute to the harmonization and coordination of the legislative texts of Member States in accordance with Article 11 (3) of the Protocol;
  - e. Promote the coordination of the policies, measures, programmes and activities of Regional Economic Communities and their respective Legislative Bodies;
  - f. Draft, examine and adopt its budget, its Rules of Procedure, elect its members of the Bureau, employ and manage its staff, in conformity with Article 11 (2) and (8) of the Protocol;





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- g. Examine and debate the Budget of the African Union and make recommendations thereon prior to its approval by the Assembly;
- h. Exercise legislative and other functions as shall be defined by the Assembly in conformity with Article 11 of the Protocol
- i. Participate in election observer missions in Member states;
- j. Perform all other functions as are incidental to or likely to enhance the carrying out of the above functions.

### Rule 5: Powers of Parliament

In the discharge of its functions provided in Rule 4, Parliament shall have powers to:

- a. Oversee the development and implementation of policies and programmes of the Union;
- b. Organise debate on the objectives, policies, aims, programmes and activities of Regional Economic Communities, on all matters relating to the proper functioning of organs and the life of the African Union.
- c. Examine, discuss or express an opinion or give advice on its own initiative or at the request of any of the Organs of the African Union, a Regional Economic Community or the Legislative Body of any Member State;
- d. Make recommendations and take resolutions on any matters relating to the African Union and its organs, Regional Economic Communities and their respective organs, Member States and their organs and institutions;
- e. Exercise legislative and other functions as shall be defined by the Assembly in conformity with Article 11 of the Protocol;
- f. Issue invitations to the representatives of the Organs of the African Union, Regional Economic Communities and their organs, Member States and their organs and institutions to furnish explanations in plenary on issues affecting or likely to affect the life of the African Union;
- g. Exercise all other powers as are incidental or auxiliary to the discharge of its functions.



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### PART III – MEMBERS OF PARLIAMENT

#### Rule 6: Verification

1. After the election or designation of a person to be a Member of Parliament by a Member State, the National Parliaments or any other deliberative organ of the Member State shall notify the Clerk of Parliament of the new Members elected.
2. The Clerk of the Pan-African Parliament shall invite in writing the National Parliament or any other deliberative organ that has elected or designated the person to be a Member of Parliament to provide the secretariat with information about the person relevant for the verification of membership by the Clerk.
3. Where there is any doubt regarding the credentials of the elected or designated Member, the Clerk shall refer the information obtained under this Sub-Rule (2) to the Permanent Committee on Rules, Privileges, Ethics and Discipline for verification in accordance with the provisions of Article 4 of the Protocol.
4. Where the information availed for verification of a person under Sub-Rule (2) is not compatible with membership of Parliament, the person elected or designated by the Member State shall not be sworn in as a Member of Parliament and the President shall inform the relevant National Parliament or any other deliberative organ accordingly.
5. Where the National Parliament or any other deliberative organ of a Member State notifies the Clerk that the status of the elected or designated Member has become incompatible with membership of Parliament, the Clerk shall notify the Bureau and the President shall declare before the House that the membership of the person has been terminated.
6. Where the President makes a declaration under this Sub-Rule (5), the Clerk shall inform the relevant National Parliament or deliberative organ of the Member State in writing that the person is no longer a Member of Parliament.



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### Rule 7: Status, Tenure and Mandate of Members

1. The Pan-African parliamentarians shall be elected or designated by their respective National Parliaments or any other deliberative organ of Member States, from among their members.
2. The term of a Member of the Pan-African Parliament shall begin once he or she has taken the oath of office or made a solemn declaration during any Sitting of the Parliament
3. Members of the Pan-African Parliament shall vote in their personal and independent capacity, and shall not be bound by any instructions or orders from any authority.

### Rule 8: Vacation of seat

1. The seat of a Member shall become vacant if he or she:
  - a. dies;
  - b. resigns in writing to the President;
  - c. is unable to perform his or her functions for reasons of physical or mental incapacity;
  - d. is dismissed on grounds of misconduct;
  - e. ceases to be a Member of the National Parliament or other deliberative organ;
  - f. is recalled by the National Parliament or other deliberative organ when the Member of Parliament loses his or her seat at the National Parliament ; or
  - g. ceases to be a Member due to the withdrawal from the Union of the Member State which elected or designated the Member.
2. The removal of a Member on the grounds under Sub-Rule (1) (c) or (d) shall be on a motion to be decided by secret ballot and supported by a two-thirds majority of Members present and voting.
3. In the case of removal under Sub-Rule (1) (c), the motion shall, in addition, be supported by a medical report.



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4. A Member appointed to carry out executive or judicial functions in a Member State shall, before assuming office resign as a Member.
5. Where a vacancy is created under Sub-Rule (1) or (4), the President shall, upon the advice of the Secretariat, declare the vacancy before the House and where the vacancy is in relation to the President, the First Vice-President shall declare the vacancy.
6. Where a vacancy has been declared under the above-mentioned sub-Rule the Clerk shall notify the Member State or, in the case of a vacancy created under this Sub-Rule 1 (g), the concerned Member State.
7. Where a Member State is notified of a vacancy under this Sub-Rule (5), the Member State shall be required to elect or designate a person as a Member of Parliament and notify the Clerk of the Pan-African Parliament in accordance with Sub-Rule (1) of Rule 6.
8. The Office of the President or Vice-President shall become vacant if he or she:
  - a. dies;
  - b. resigns in writing;
  - c. is unable to perform his or her functions for reasons of physical or mental incapacity;
  - d. is removed on grounds of misconduct;
  - e. ceases to be a Member of the National Parliament or other deliberative organ;
  - f. is recalled by the National Parliament or other deliberative organ; or
  - g. ceases to be a Pan-African Parliamentarian in terms of Article 19 of Protocol.
9. Removal on the grounds stipulated in 8 (c) or (d) above shall be on a motion to be decided on by secret ballot and supported at the end of debate by two-thirds majority of all the Pan-African Parliamentarians. In the case of removal under the ground stipulated in 8 (c), the motion shall, in addition, be supported by a medical report.
10. Until such time that a vacancy in the Office of the President is filled, the Vice-Presidents shall act as President according to the order of their ranking.



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11. A vacancy in the office of the President or Vice-President shall be filled at the sitting of Parliament immediately following its occurrence.

### Rule 9: Oath of Office

1. At the first sitting, after the election and before proceeding with any other matter, Pan-African Parliamentarians shall take an oath or make a solemn declaration, the text of which shall be set out as Appendix A to these Rules of Procedure.
2. In case of re-election or re-designation by the National Parliament or other deliberative organ, the Pan-African Parliamentarian shall be sworn in again in accordance with the provisions of the preceding Sub-rule.
3. The taking of oath of office referred to in sub-Rule 2 of this Rule shall not preclude a Returning Member of the Bureau or Bureauxes from continuing to perform his or her functions until the end of his or her term of office.

### Rule 10: Privileges and immunities

1. A Member shall, while exercising his or her functions, enjoy in the territory of each Member State, the immunities and privileges extended to representatives of Member States under the General Convention on the Privileges and Immunities of the OAU and the Vienna Convention on Diplomatic Relations.
2. A Member shall be entitled to a distinctive badge to be put during official missions, public ceremonies and on any occasion they attend to show their identity;
3. A Member shall also be issued with a car pass for identity and easy access to Parliamentary precincts;
4. The badge and the car pass are to be designed by the Pan-African Parliament;
5. A Member, during his or her mandate as a Member of Parliament shall be entitled to a diplomatic passport issued by the AU.
6. Members shall be paid an allowance to meet expenses in the



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discharge of their duties, in accordance with Article (10) of the Protocol.

7. A Member shall not be liable to civil or criminal proceedings, arrest, imprisonment or damages for what is said or done by him or her within or outside Parliament in the discharge of his or her duties as a Member.
8. Members shall be entitled to have access to any files or records received and held by Parliament or a committee, other than personal files and accounts which only the Member concerned shall be allowed to inspect.
9. Where a Member's privileges and immunities are unduly interfered with, the President shall take the initiative to intervene.
10. The President shall communicate his or her initiative under this Sub-Rule (9) to the Permanent Committee on Rules, Privileges, Ethics and Discipline and inform Parliament accordingly.

### **Rule 11: Waiver of immunity**

1. Without prejudice to Rule 10 Sub-Rules (1) and (7), Parliament shall have the power to waive the immunity of a Member in accordance with the Rules of Procedure.
2. The waiver of the immunity of a Member under Rule 10, shall only be on the ground of committing a criminal offence.
3. Any request addressed to the President by the competent authority of a Member State that the immunity of a Member be waived shall be announced in Parliament and referred to the Permanent Committee on Rules, Privileges, Ethics and Discipline.
4. Any request addressed to the President by a Member or a former Member to defend privileges and immunities shall be announced in Parliament and referred to the Permanent Committee on Rules, Privileges, Ethics and Discipline.
5. Any inquiry as to the scope of Members' privileges and immunities made by a competent authority shall be dealt with according to the prescribed rules on waiver under these Rules.



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### Rule 12: Proceedings on waiver of immunity

1. The Permanent Committee on Rules, Privileges, Ethics and Discipline shall consider requests for the waiver of immunity or requests for the defence of immunity and privileges, without delay and in the sequence in which they were submitted.
2. The Permanent Committee on Rules, Privileges, Ethics and Discipline shall recommend the approval or rejection of the request for the waiver of immunity.
3. The Permanent Committee on Rules, Privileges, Ethics and Discipline may ask the authority concerned to provide any information or explanation which the Committee deems necessary for it to form an opinion on whether immunity should be waived or retained.
4. The Member concerned shall be given an opportunity to be heard and may present any documents or other written evidence in support of his or her defence.
5. In the proceedings in respect of waiver, a Member may be represented by another Member of Parliament or a legal representative of his or her choice at his or her own expense.
6. Where the request seeks the waiver of immunity on several counts, each count shall be the subject of a separate decision.
7. The Permanent Committee on Rules, Privileges, Ethics and Discipline shall treat matters concerning waiver with utmost confidentiality.
8. The Permanent Committee on Rules, Privileges, Ethics and Discipline may propose to Parliament that the waiver of immunity should apply solely to prosecution proceedings and that, until a final sentence is passed, the Member should be immune from any form of detention or remand or any other measure which prevents him or her from performing his or her duties.
9. The Permanent Committee on Rules, Privileges, Ethics and Discipline may offer a reasoned opinion about the competence of the authority in question and the admissibility of the request, but shall not, under any circumstances, pronounce itself on the guilt or otherwise of the Member nor on whether or not the opinions or acts attributed to him or her justify prosecution, even if, in considering the request, it acquires detailed knowledge of the facts of the case.



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10. The report of the Permanent Committee on Rules, Privileges, Ethics and Discipline shall be the first business on the agenda of the sitting following the day on which it was tabled and no amendment to the proposals for a decision may be tabled.
11. Debate on the report of the Permanent Committee on Rules, Privileges, Ethics and Discipline shall be confined to the reasons for and against each proposal to waive or uphold immunity or a privilege.
12. The Member whose privileges or immunities are the subject of the case shall not speak in the debate.
13. The proposals for a decision contained in the report shall be put to the vote immediately following the debate.
14. An individual vote shall be taken on each proposal contained in the report and where any proposal is rejected, the contrary decision shall be deemed adopted.
15. The President shall immediately communicate Parliament's decision to the Member concerned and to the competent authority of the Member State concerned, with a request that the President should be informed of any further developments in the matter.
16. The President shall transmit to Parliament any information received under Sub-rule (6) in the way he or she considers most appropriate and if necessary, after consulting the Permanent Committee on Rules, Privileges, Ethics and Discipline.

### **Rule 13: Code of Conduct**

In all matters, Members shall be guided in their behaviour by the Code of Conduct adopted by the Plenary and administered by the Permanent Committee on Rules, Privileges, Ethics and Discipline under the supervision of the Bureau. The Code of conduct is set out in Appendix C.





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### PART IV – COMPOSITION OF THE BUREAU OF PARLIAMENT

#### Rule 14: The Bureau of Parliament

The Bureau of Parliament shall be composed of a President and four Vice-Presidents who shall be elected on a rotational basis amongst the five (5) regions of the African Union.

#### Rule 15: Nominations

1. For the nomination of the President, a region may present one candidate and for the nomination of the Vice-Presidents, each region shall present two candidates, ensuring equal representation of men and women.
2. The nominations under sub-Rule (1) shall be in accordance with the Regional Rotation sequence set out in Appendix D
3. A Nominee shall be a Member who has taken oath of Office in accordance with Rule 9 and whose Member State is not under suspension by the African Union.
4. The Clerk shall call for submission of candidatures at least seven (7) days before the election; this deadline may be reduced to three (3) days in the case of an emergency declared by the Plenary of the Pan-African Parliament.
5. The candidatures for election to the office of the President or Vice-Presidents shall be submitted to the Clerk on the nomination form prescribed in Appendix B not later than six hours before the time fixed for elections.
6. The Clerk shall prepare the ballot papers and display the list of nominations at least three hours before the time fixed for elections.
7. A candidate may withdraw his or her candidature at any time before the elections and the Clerk shall, upon receipt of a written notification, announce the withdrawal.



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### Rule 16: Election of the members of the Bureau

1. Elections of members of the Bureau shall be conducted in accordance with the provisions of Article 12(2) of the Protocol and these Rules of Procedure.
2. At a general election of members of the Bureau, the President shall be elected first.
3. An ad hoc Committee of five (5) members constituted by an elected representative from each Regional Caucus shall organise and preside over the election of the President of the Pan-African Parliament.
4. The functions of the ad-hoc Committee under sub-Rule (3) shall be limited only to the conduct of elections in accordance with these Rules of Procedure.
5. The election of the Vice-Presidents shall be presided over by the President.
6. The election of the President and the Vice-Presidents shall be carried out at the first sitting of Parliament following its inauguration or at the sitting immediately following a vacancy.
7. The elections shall be by secret ballot and a simple majority of Members present and voting.
8. A voter shall be a Member who has taken oath of Office in accordance with Rule 9 and whose Member State is not under suspension by the African Union.
9. Where the candidate for President does not obtain the required majority, a second ballot shall be conducted and where that candidate does not obtain the required majority after the second round, the matter shall be referred to that candidate's Regional Caucus for a decision within a period not exceeding twenty four (24) hours.
10. Where in the election of the Vice-President no candidate obtains the required majority or in the event of a tie, a second ballot shall be conducted but shall be restricted to a candidate(s) who obtained the highest or equal number of votes at the previous ballot.
11. Where a candidate(s) failed to obtain the required majority after the second ballot the matter shall be referred to that candidate's Regional Caucus for a decision within a period not exceeding twenty four (24) hours..



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12. At least (two) members of the Bureau should be female candidates. After the voting proceeding of the four (4) Vice-Presidents is completed and where three or more candidates elected as Vice-Presidents are of the same gender, a candidate(s) of the opposite gender with the highest number of votes shall replace the winner from the respective region(s).
13. At all times, the President and the Vice-Presidents shall represent all the regions of Africa and there shall not be more than one member of the Bureau from the same region.
14. The term of office of the Bureau of the Pan-African Parliament shall be three (3) years.
15. A member of the Bureau shall remain competent to perform his or her functions if he or she is re-elected or re-designated by his or her National Parliament or other deliberative organ.

### Rule 17: Functions of the Bureau

1. The Bureau shall:
  - a. be responsible for the management and administration of the affairs and facilities of Parliament and its organs;
  - b. be responsible for regulating the procedures relating to the financial, organisational and administrative needs in accordance with Financial Rules of the African Union and matters concerning Members and the internal organisation of Parliament and its organs;
  - c. determine the draft agenda and the programmes of the sessions of Parliament;
  - d. determine the establishment, plan and structure of the Secretariat and lay down regulations for the staff, including their terms and conditions of service;
  - e. propose to Parliament for adoption the establishment and job descriptions of its support staff;
  - f. propose, to the Pan-African Parliament, the appointment of the Clerk and Deputy Clerks to Parliament;



## RULES OF PROCEDURE

- g. be responsible for the preparation of the draft budget and its presentation to the responsible Committee;
- h. be responsible for coordinating and harmonising the functions of Permanent Committees;
- i. be responsible for any other matters in accordance with the directives issued by Parliament; and
- j. carry out any other functions as may be prescribed by Parliament or incidental to these functions.

### Rule 18: Functions of the President

1. The President shall:
  - a. preside over all proceedings of Parliament, except those held in Permanent Committees and Regional Caucuses;
  - b. preside over all the meetings of the Bureau;
  - c. open, suspend or close the sittings of Parliament, after consultation with the other members of the Bureau;
  - d. rule on the admissibility of draft resolutions and amendments thereto in consultation with the Bureau;
  - e. follow up on the implementation of the decisions of the Bureau and Parliament;
  - f. represent Parliament in its relations with outside institutions;
  - g. attend and report to the Assembly on the work of Parliament;
  - h. perform any other functions incidental to these functions.
2. The President may delegate his or her functions to a Vice-President.

### Rule 19: Functions of the Vice-Presidents

1. The Vice-Presidents, in the order of their ranking and by rotation, shall act as President in the absence of the President or when the President is unable to discharge his or her duties.



## RULES OF PROCEDURE

2. The Vice-Presidents shall carry out the duties prescribed by the Bureau under the direction and control of the President and subject to such directives as may be issued by Parliament.

### **Rule 20: Secretariat**

1. In the performance of its functions, Parliament shall be assisted by the Secretariat.
2. The Secretariat shall be composed of:
  - a. the Clerk;
  - b. two Deputy Clerks; and
  - c. other staff and functionaries, in accordance with Article 12 (6) of the Protocol.
3. The Clerk, Deputy Clerks and other staff and functionaries deemed necessary for the proper discharge of the functions of Parliament shall be appointed by Parliament, upon the recommendation of the Bureau.
4. The Clerk and Deputy Clerks shall give a solemn undertaking before the Bureau to perform their duties conscientiously and with absolute impartiality.
5. All staff of Parliament shall give a solemn undertaking before the Clerk for due execution of their duties.
6. The terms and conditions of service and the privileges and immunities enjoyed by the Clerk, Deputy Clerks and other staff shall be determined by the Bureau on behalf of Parliament.



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### Rule 21: Functions of the Clerk

The Clerk shall:

- a. head the Secretariat;
- b. organise the elections of the President and Vice-Presidents in accordance with these Rules of Procedure;
- c. take minutes of all the proceedings of Parliament and the Permanent Committees;
- d. authenticate the votes and proceedings of each sitting by signature;
- e. be responsible to Parliament through the Bureau for accounting issues;
- f. supervise the staff of the Secretariat; and
- g. manage the day to day administrative affairs of Parliament.



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### PART V - PARLIAMENTARY COMMITTEES

#### Rule 22: Establishment of Committees

1. Parliament shall establish the following Permanent Committees for the proper discharge of its functions in accordance with these Rules of Procedure:
  - a. Permanent Committee on Agriculture, Rural Economic Development and Food Security;
  - b. Permanent Committee on Monetary and Financial Affairs;
  - c. Permanent Committee on Cooperation, International Relations, Peace and Security;
  - d. Permanent Committee on Transport, Logistics and Infrastructure;
  - e. Permanent Committee on Health;
  - f. Permanent Committee on Education, Science, Technology and Innovation;
  - g. Permanent Committee on Gender, Family, Youth, Sports and People with Disability;
  - h. Permanent Committee on Justice, Human Rights and Immigration Matters;
  - i. Permanent Committee on Rules, Privileges, Ethics and Discipline;
  - j. Permanent Committee on Auditing and Public Accounts;
  - k. Permanent Committee on Tourism, Arts, Culture and Heritage;
  - l. Permanent Committee on Labour, Employment and Social Welfare.
  - m. Permanent Committee on Economic Development, Mining and Energy;
  - n. Permanent Committee of Natural Resources, Environment and Climate Change;
  - o. Permanent Committee on Trade, Customs and Industry
2. Parliament shall, whenever it deems appropriate, restructure these Committees or establish other Committees in accordance with these Rules.



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3. Parliament may appoint an Ad Hoc Committees whenever it deems necessary, for a particular function.
4. A Committee established under Sub-Rule (3) shall:
  - (a) have its terms of reference specified by Parliament;
  - (b) be for a definite period; and
  - (c) dissolve on reporting to the House.
5. A Committee of Parliament shall consist of not more than thirty Members, with each region designating at least three Members, taking into account gender balance.
6. Each Committee shall elect a Chairperson, a Deputy Chairperson and a Rapporteur from amongst its members. The Bureau of the PAP, in consultation with the Bureaux of Regional Caucuses, shall ensure during the overall renewal of the Bureaux of Committees that there is equal regional representation of office bearers within the Bureaux.
7. The quorum of each Committee shall be an absolute majority of its Members but shall only be required for purposes of voting.
8. The decisions of the Committee shall be by consensus or failing which by a two-thirds majority of all Members present and voting.
9. Voting in the Committee shall be by show of hands unless one third of the Members request a vote by secret ballot.
10. Where there is an equality of votes, the Chairperson shall exercise a casting vote in addition to his or her original vote.
11. At any one time a Member shall only serve on one Committee.

### **Rule 23: Procedure of Committees**

1. These Rules shall apply to the extent that they are applicable in proceedings of Committees.
2. The approved minutes of a Committee shall be signed by the Chairperson or the Member acting on his or her behalf and by the Rapporteur and shall be kept by the Rapporteur.
3. A Committee shall have power to receive evidence, call witnesses and require the production of papers and documents.





## RULES OF PROCEDURE

4. A report of the Committee on any matter shall be presented to Parliament by the Chairperson of the Committee or the Member acting on his or her behalf.
5. The Chairperson of a Committee shall maintain order in the Committee and deciding on any question of order or disorder in a Committee shall be dealt with under Part IX of these Rules of Procedure.

### **Rule 24: Modalities of operation of Committees**

1. A Committee may establish one or more Sub-Committees from among its members.
2. The procedure of Sub-Committees shall be the same as for Committees.
3. A Committee may invite any Organ of the Union to take part in its proceedings.
4. A Committee may invite a person who is not a Member to attend and speak at its proceedings.
5. A Member may attend a meeting of a Committee to which he or she does not belong and may take the floor with leave of the Chairperson but shall not vote.
6. Unless otherwise directed by the Bureau, the proceedings of the Committee shall be held in public.

### **Rule 25: General functions of Committees**

1. The Chairpersons shall, on the advice of the Bureau, determine the general business to be handled by the Committees.
2. The Committees shall handle business that is ordinarily handled by the corresponding Specialised Technical Committee responsible to the Executive Council in accordance with Article 14 of the Constitutive Act.
3. Parliament shall from time to time allocate any other matter to a Committee it deems appropriate.



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### Rule 26: Specific functions of Committees

1. The **Committee on Agriculture, Rural Economic Development and Food Security** shall, amongst others:
  - a. consider the development of common regional and continental policies in the agricultural sector;
  - b. assist the Parliament to oversee and assist with the harmonisation of policies for rural and agricultural development; and
  - c. promote the development of policies and the implementation of programmes of the Union relating to food security.
  
2. The **Committee on Monetary and Financial Affairs** shall, amongst others:
  - a. examine the draft estimates of the Parliamentary budget and submit to Parliament;
  - b. discuss the budget of the Union and make appropriate recommendations;
  - c. examine and report to Parliament on the problems involved in the implementation of the annual budget; and
  - d. assist Parliament to execute its role of establishing sound economic, monetary and investment policies.
  
3. The **Committee on Cooperation, International Relations, Peace and Security** shall, amongst others:
  - a. consider issues relating to the development of an efficient policy in matters of cooperation and international relations of the Parliament and the Union;
  - b. consider the conventions and protocols linking the Parliament with regional and international institutions and report to the Parliament;
  - c. carry out examinations on the revision of Protocols and Treaties of the Union;
  - d. assist the Parliament in its efforts of conflict prevention and resolution.



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4. The **Committee on Transport, Logistics and Infrastructure** shall, amongst others:
  - a. consider issues relating to the development of transport, logistics and infrastructure;
  - b. assist Parliament to oversee the development and implementation of policies of the Union relating to transport, logistics and infrastructure;
  - c. evaluate the programs of the Union relating to transport, logistics and infrastructure.
  
5. The **Committee on Health** shall, amongst others:
  - a. consider strategies and programmes for the improvement of the lives and health of the African people;
  - b. consider issues relating to regional and international cooperation in strategic planning and implementation of health policies and programmes.
  
6. The **Committee on Education, Science, Technology and Innovation** shall, amongst others:
  - a. Assist Parliament to oversee the development and implementation of policies of the Union relating to education, science, technology and innovation;
  - b. Assist Parliament to promote policy development and implementation of programmes of the Union relating to access to education.
  - c. Consider issues relating to the use of science and technology for the development of the Continent.
  
7. The **Committee on Gender, Family, Youth, Sports and People with Disability** shall, amongst others:
  - a. consider issues relating to the promotion of gender equality;
  - b. assist Parliament to oversee the development of policies and activities of the Union relating to family, youth and people with disabilities;
  - c. consider issues relating to the promotion of sports and oversee the development of policies and activities of the Union relating to sports.



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8. The **Committee on Justice, Human Rights and Immigration Matters** shall, amongst others:
  - a. assist Parliament in its role of harmonising and coordinating the laws of Member States through the development of Model Laws;
  - b. Promote respect for and develop sound principles of freedom, civil liberties, justice, human and peoples' rights and fundamental rights within the Union;
  - c. Consider matters relating to development of sound policy for regional and continental concerns within the area of immigration.
  - d. Assist the Parliament to oversee organs or institutions relating to immigration.
  
9. The **Committee on Rules, Privileges, Ethics and Discipline** shall, amongst others:
  - a. assist the Bureau in interpretation and application of these Rules of Procedure;
  - b. consider requests for waiver of immunity and discipline submitted under these Rules;
  - c. consider proposals for the amendment of the Rules of Procedure;
  - d. administer the code of conduct under the supervision of the Bureau; and
  - e. consider cases of indiscipline referred to it.
  
10. The **Committee on Audits and Public Accounts** shall, amongst others:
  - a. Consider the internal and external audit reports relating to the Pan African Parliament and recommend appropriate measures for an effective implementation of the recommendations arising therefrom.
  - b. Consider the reports of the Board of External Auditors on the African Union and recommend appropriate measures for an effective implementation of the recommendations arising therefrom.
  - c. Exercise all other functions as are incidental or auxiliary to the discharge of its mandate.



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11. The **Committee on Tourism, Arts, Culture and Heritage** shall, amongst others:
  - a. Assist Parliament to promote development of policies and implementation of programmes of the Union relating to the promotion of tourism, arts, culture and heritage.
  - b. Consider matters relating to the development of tourism, arts, culture and heritage.
  
12. The **Committee on Labour, Employment and Social Welfare** shall, amongst others:
  - a. Consider matters relating to regional and international cooperation in strategic planning and implementation of labour, employment and social welfare programmes.
  - b. Consider issues relating to the development of human resources in Member States
  - c. Assist Parliament to promote policy development and implementation of programmes of the Union relating to labour, employment and social welfare.
  
13. The **Committee on Economic Development, Mining and Energy** shall, amongst others:
  - a. Considers matters relating to development of sound policies for economic development, mining and energy.
  - b. (b) Assist parliament to oversee mining and energy;
  - c. Assist Parliament to supervise the development of policies and the implementation of programmes of the Union on matters of mining and energy.
  
14. The **Committee on Natural Resources, Environment and Climate Change** shall, amongst others:
  - a. Promote the development of policies and the implementation of programmes relating to natural resources, environment and climate change.
  - b. Conduct oversight on measures taken by the Union to respond to climate change, particularly on matters relating to adaptation and mitigation.



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15. The **Committee on Trade, Customs and Industry** shall, amongst others:
  - a. Consider matters relating to development of sound policies for cross-border, regional and continental concerns within the areas of trade, customs and industry;
  - b. Oversee the implementation of the African Continental Free Trade Agreement and other relevant agreements;
  - c. Assist the Parliament to oversee relevant organs or institutions or policies of the Union and;
  - d. Assist Parliament to oversee external trade.

### **Rule 27: Time and Place of Committee meetings**

1. Committees shall normally conduct their business during the Parliamentary session.
2. In addition to sub-rule (1), Permanent Committees shall hold at least two sittings within a period of twelve months;
3. A sitting of the Permanent Committees may last up to two weeks;
4. The first and last day of the Permanent Committee sittings shall be devoted to Plenary;
5. Notwithstanding Sub-Rules (1) and (2), a Committee may conduct its business outside the Parliamentary session should the need arise;
6. Sittings of Committees shall be held at the seat of Parliament or outside the seat of Parliament.



## RULES OF PROCEDURE

### PART VI - MEETINGS, SITTINGS AND ADJOURNMENT OF THE HOUSE

#### Rule 28: Ordinary Sessions

1. Parliament shall hold, at least, two ordinary sessions within a period of twelve months.
2. A session of Parliament may last up to one month.

#### Rule 29: Extraordinary Sessions

Two-thirds of the Pan-African Parliamentarians, the Assembly or the Council, through the Chairperson of the African Union, may, by written notification addressed to the President, request an Extraordinary Session. The request shall provide a motivation for and details of the matters to be discussed at the proposed extraordinary session. The President shall convene such a session that shall discuss only the matters stipulated in the request. The session shall end upon exhaustion of the agenda.

#### Rule 30: Suspension and recall of House

1. The President, in consultation with the other members of the Bureau, may at any time suspend a sitting or adjourn the House, provided that the President shall inform the House of the reasons for such suspension or adjournment.
2. The President shall be responsible, after consultation with the other members of the Bureau, for fixing the time when a sitting of the House should be adjourned sine die.
3. The President may call a sitting of the House before the date or time to which it stands adjourned or at any time after the House has been adjourned sine die.



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### Rule 31: Notice of meetings

1. Members shall receive at least twenty-one days' notice of an ordinary session and at least fourteen days' notice of an extraordinary session.
2. The notice to a Member shall be sent to the Speaker and the Clerk of the National Parliament or to the administrative head of the deliberative organ which elected or designated the Member, who shall notify the Member accordingly.
3. A copy of the notice shall also be sent directly to the Member.

### Rule 32: Time of meetings

During session, until otherwise decided by the Bureau, sittings will be:

- a. on Monday to Thursday, from 09h00 to 18h00, with a two-hour lunch break; and
- b. on Fridays from 09h00 to 12h00.

### Rule 33: Public Holidays

The House shall not sit on the gazetted national holidays of the Member State where the House is sitting or on the holidays of the African Union.

### Rule 34: Venue of sittings and Virtual Sittings

1. Parliament shall hold its sittings and those of its Committees at its Seat or at such other venue as may be determined by the Bureau upon the invitation of a Member State.
2. Virtual sittings shall be held in accordance with the provisions as set out in Appendix E.





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### Rule 35: Meetings to be open

1. The proceedings of the Pan-African Parliament shall be open to the public, unless otherwise directed by the Bureau.
2. Notwithstanding the provisions of Sub-rule (1) proceedings of Parliament may be held in closed sessions on the recommendation of the Bureau:
  - a. when a Permanent Committee adopts its agenda, it may, with leave of the Bureau, indicate which items are open to the public and which will be held in closed sessions; and
  - b. the verbatim report of sittings held in closed sessions shall not be made public.
3. The proceedings of the Permanent Committee on Rules, Privileges, Ethics and Discipline on matters relating to waiver of immunity and discipline shall always be held in closed sessions.



## RULES OF PROCEDURE

### PART VII - ORDER OF BUSINESS

#### Rule 36: Order of business for each session

1. At least five days prior to the commencement of each session, the Bureau shall draft the order of business taking into account the agreed annual programme of Parliament.
2. The Bureau shall consult the Chairpersons of Permanent Committees and may consult any Organ of the Union in finalising the order of business.
3. The final draft order of business shall be distributed to the Council of Ministers, the Commission and Members of Parliament at least forty-eight hours before the beginning of the session.

#### Rule 37: Sequence of proceedings and Order Paper

1. The proceedings of the House shall, where applicable, be conducted in the following sequence:
  - a. opportunity for silent prayer or meditation;
  - b. communication from the chair;
  - c. administration of oath;
  - d. election of President and/or Vice-Presidents;
  - e. petitions;
  - f. papers;
  - g. notices of motion;
  - h. questions of which notice has been given; and
  - i. business of the day.
2. The Clerk shall prepare the Order Paper setting out the sequence of proceedings and order of business and shall circulate it at least four hours before the commencement of the session.
3. By leave of the President the order of business set out in the Order Paper may be altered during a sitting.
4. The Presiding Officer shall direct the Clerk to read the order paper of the day without question put.



## RULES OF PROCEDURE

### PART VIII - GENERAL RULES FOR THE CONDUCT OF SITTINGS AND DEBATES

#### Rule 38: Access to chamber and galleries

1. A person shall not enter the Chamber unless he or she is:
  - a. a Member of Parliament;
  - b. a member of the Assembly upon the invitation of the President;
  - c. a member of the Council upon the invitation of the President;
  - d. a member of the Commission upon the invitation of the President;
  - e. the Clerk of Parliament;
  - f. an official of the secretariat whose duties require his or her presence in the chamber;
  - g. experts and officials of the Union on the invitation of Parliament;
  - h. a Head of State or other special guest upon invitation of the President.
2. A person shall not be admitted to the galleries of Parliament without an admission card duly issued by the Clerk.
3. A person admitted to the galleries of Parliament shall not disrupt nor cause the disruption of the proceedings of Parliament in any way.
4. Any person failing to abide by the provisions of Sub-rule (3) shall immediately be removed by the Serjeant-at-Arms.

#### Rule 39: Languages

1. The official languages of the Pan-African Parliament shall be Arabic, English, French, Portuguese, Spanish, Kiswahili and any other African Language.



## RULES OF PROCEDURE

2. Simultaneous interpretation shall be provided into the official languages at proceedings of Parliament, the Permanent Committees and Regional Caucuses.
3. The Clerk shall ensure that all official documents of the Parliament and the Permanent Committees are translated into the official languages.

### **Rule 40: Conduct of Members in the House**

1. During a sitting:
  - a. all Members shall enter or leave the House with decorum;
  - b. all Members shall take their seats as determined by the Bureau;
  - c. a Member shall not move around unnecessarily;
  - d. while a Member is speaking, all other Members shall be silent and shall not make unnecessary interruptions;
  - e. when a Member has finished his or her intervention, he or she shall resume his or her seat;
  - f. a Member may not bring into the House anything other than papers, books or other documents directly connected with the business of the House;
  - g. a Member shall not bring into the House any arms, weapons or dangerous instruments. ;
  - h. all electronic devices, including mobile phones shall be put on silent mode.
2. All Members shall dress in a dignified manner as accepted by their National Parliament or deliberative organ.

### **Rule 41: List of Members wishing to speak in a debate**

The names of Members who wish to speak shall be entered on the list of speakers in the order in which their requests are received.



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### Rule 42: Calling Members to speak in the House

1. A Member shall, where possible, indicate his or her intention to speak by show of hand or by standing up.
2. A Member shall speak only when called upon to do so by the Presiding Officer.
3. A Member shall whenever possible, speak from his or her place while standing up and shall address the presiding officer.
4. Priority shall be given to a Chairperson of a Permanent Committee, upon request to take the floor on behalf of his or her Permanent Committee to deliver a report or to provide additional information or elucidation in a debate on a report of his or her Permanent Committee.

### Rule 43: Time limitations for contributions during debate

1. The Presiding Officer may impose a limit on the time allocated to Members' contributions in the House.
2. A Member shall speak only once on a matter before the House.
3. Notwithstanding the provisions of Sub-Rule (1):
  - a. a Member who has spoken to a question may be heard again to offer explanation of some material part of his or her speech which has been misunderstood, but he or she shall not introduce a new matter; and
  - b. a reply shall be allowed to a Member who has moved a substantive motion but not a Member who has moved an amendment.

### Rule 44: Contents of speeches

1. Reference shall not be made to any matter on which judicial decision is pending in the International Court of Justice and in the Court of Justice of the African Union or the African Court on Human and Peoples' Rights in such a way as may, in the opinion of the Presiding Officer, prejudice the interest of any party to the action.



## RULES OF PROCEDURE

2. A Member shall not use offensive, abusive, insulting, blasphemous or unbecoming words or impute improper motives or make personal allusions to any Member or other persons.
3. A Member who wishes to speak on any matter in which he or she has a personal interest shall first declare that interest.
4. A Member shall be responsible for the accuracy of any facts which he or she alleges to be true and may be required to substantiate any such facts or to withdraw his or her allegations with an appropriate apology upon the direction of the Presiding Officer.

### Rule 45: Interruption of debate

1. During the debate a Member holding the floor may be interrupted:
  - a. by the Presiding Officer;
  - b. with the permission of the Presiding Officer on:
    - i. a point of order
    - ii. point of information or elucidation or clarification;
    - iii. or procedure.
2. Where a Member rises on a point of procedure or order, the Member holding the floor shall immediately resume his or her seat.
3. Where a point of procedure or order has been raised, no other Member shall rise until the Presiding Officer has decided upon the matter.
4. Where a Member interrupts debate on a point of procedure the Member shall state the rule of procedure he or she deems to have been breached by the Member holding the floor before subjecting the Member to the ruling of the Presiding Officer.
5. A Member may rise on a point of information or elucidation or clarification based on a matter raised by a Member holding the floor but may only proceed with the point if the Member holding the floor is willing to give way and resume his or her seat and if the Member wishing to interrupt is called upon to do so by the Presiding Officer.



## RULES OF PROCEDURE

6. Where a decision has been made on the point of procedure or order, the Member who was speaking shall be entitled to proceed with his or her speech.
7. When giving leave to interrupt debate, the Presiding Officer shall follow the following order of precedence:
  - a. points of procedure;
  - b. points of order;
  - c. points of information, or elucidation, or clarification.

### **Rule 46: Scope of debate**

1. Debate upon any motion or amendment to a motion shall be relevant to the matter being debated.
2. In any debate on an amendment to a motion, the Presiding Officer may, in his or her discretion, direct that the debate on the amendment shall include debate on the matter of the motion where, in his or her opinion, the matter of the amendment is not conveniently separable from the matter of the motion.
3. When the Presiding Officer gives a direction under Sub-Rule (2), any Member who has already spoken to the motion may, in speaking to the amendment, speak only to a new matter raised by the amendment.
4. When an amendment to a motion proposes to omit words and insert or add other words, debate upon the question to omit words may include both the words to be omitted and those proposed to be inserted or added.
5. On an amendment proposing only to omit words, debate shall be confined to the words to be omitted.
6. The Presiding Officer shall not take part in any debate before the House, but may give guidance to the House on any matter before it.



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### **Rule 47: Motion for closure of debate**

1. After a question has been proposed in Parliament and debated, a Member may move that “the question be put” and, unless it appears to the Presiding Officer that the motion is an abuse of the rules of Parliament or an infringement of the rights of any Member, the question “that the question be put” shall be put immediately and decided without amendment and debate.
2. Where the question of closure is agreed by a simple majority of Members present and voting, the question on the motion which was being discussed when the closure motion was moved shall be put forthwith without further discussion.

### **Rule 48: Speaking after question is put to vote**

A Member shall not speak on any question after it has been put by the Presiding Officer and decided.





## RULES OF PROCEDURE

### PART IX - ORDER IN THE CHAMBER

#### **Rule 49: Address by the Chair**

When the Presiding Officer addresses the House, any Member holding the floor and standing shall immediately resume his or her seat and the Presiding Officer shall be heard in silence.

#### **Rule 50: Conduct of Debates**

The Presiding Officer shall be responsible for conducting debates and his or her decisions upon any point shall not be open to appeal.

#### **Rule 51: Order in the House, Committees and Regional Caucuses**

1. The Presiding Officer shall be responsible for the observance of these Rules of Procedure or order in the House.
2. The Chairperson shall be responsible for the observance of these Rules of Procedure or order in meetings of the Permanent Committee and Regional Caucuses.
3. The Presiding Officer or the Chairperson, as the case may be, after calling the attention of the House or the Permanent Committee to the conduct of a Member who persists in irrelevance or tedious repetition, either of his or her own arguments, or of the arguments made by other Members in the debate, may direct the Member to discontinue his or her speech.
4. The Presiding Officer or the Chairperson, as the case may be, shall order any Member whose conduct is grossly disorderly to withdraw immediately from the House or Permanent Committee for the remainder of that day's sitting; and the Clerk or the Serjeant-at-Arms shall act on such orders as he or she may receive from the Presiding Officer to ensure compliance with this rule.
5. Action taken against a Member in terms of Sub-Rule (3), in the case of Permanent Committee proceedings shall be announced in the House at the first sitting following such action.



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### Rule 52: Sanction of Members

1. If the Presiding Officer considers that the conduct of a Member cannot be adequately dealt with under Sub-Rule (3) of Rule 45, he or she may name the Member.
2. Where a Member has been named:
  - (a) in the case of the proceedings of the House, the Presiding Officer shall suspend the Member named from the House; or
  - (b) in the case of a Permanent Committee, the Chairperson shall, with the consent of the Permanent Committee, suspend the Member named from its sitting and report at the next sitting of the House.
3. Where a Member is suspended, his or her suspension:
  - (a) on the first occasion shall be for the next three sittings excluding the sitting in which he or she was suspended;
  - (b) on the second occasion in a session, shall be for the next seven sittings excluding the sitting in which he or she was suspended; and
  - (c) on the third and any subsequent occasion during the same session, shall be for the next twenty eight sittings of the House excluding the sitting in which the Member was suspended.
4. Notwithstanding the number of days a Member has been suspended under Sub-Rule (3), the suspension shall cease at the end of the session in which he or she was suspended unless the House otherwise orders.
5. Where a Member who has been suspended from the House defies the order of the President, the Serjeant-at-Arms shall ask him or her to leave the House. The President may order that the Member be removed by force.
6. The President may cancel the suspension of the Member upon acceptance of a written apology from the Member.



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### **Rule 53: Withdrawal of suspended Member from precincts**

A Member who is ordered to withdraw under Sub-Rule (3) of Rule 51 or who is suspended from the House by virtue of Sub-Rule (2) of Rule 52 shall leave the precincts of the House, except the parliamentary residence, until the end of the suspension period.

### **Rule 54: Power of the President to adjourn the House or suspend sitting**

In the case of grave disorder arising in the House, the President may adjourn the House without question put, or suspend the sitting until a time to be determined by the President.



## RULES OF PROCEDURE

### PART X - QUORUM AND VOTING

#### **Rule 55: Quorum of meeting of Parliament**

The quorum for a meeting of Parliament shall be constituted by a simple majority of all the Members.

#### **Rule 56: Voting**

Voting in the House shall be governed by the following principles:

- a. each Member shall have one vote;
- b. decisions of the House shall be made by consensus;
- c. where there is no consensus, decisions of the House shall be made by a two-thirds majority of Members present and voting;
- d. where a matter is procedural, including the question of whether a matter is one of procedure or not, the decision shall be made by a simple majority of Members present and voting; and
- e. where there is an equal number of votes the Presiding Officer shall have a casting vote.

#### **Rule 57: Right to vote**

1. The right to vote is a personal right and no Member shall be obliged to vote.
2. A Member other than the Presiding Officer shall be entitled to vote on any question.

#### **Rule 58: Declaration of personal interest**

1. A Member who is a party to, or is a partner in a firm, which is a party to any contract with the Union, shall, in any proceedings in the House



## RULES OF PROCEDURE

- or Permanent Committee relating to the contract, declare his or her interest or that of the firm and shall not vote on any question relating to that contract.
2. Where a Member fails to declare his or her interest under Sub- Rule (1), another Member may raise the matter in the House or Permanent Committee and the Presiding Officer shall, after satisfying him- or herself of the veracity of the matter, order that such a Member shall not vote on the contract and shall refer the conduct of that Member to the Permanent Committee on Rules, Privileges, Ethics and Discipline.
  3. The Permanent Committee may, after investigation, recommend to the House such action against the Member, as it may consider appropriate.

### **Rule 59: Manner of voting on a specific question**

1. Parliament shall apply the following methods when voting is required:
  - a. by show of hands; or
  - b. by electronic voting; or
  - c. by secret ballot.
2. Members who are incapacitated by some physical infirmity or disability from recording their votes, shall, upon reporting their incapacity or disability to the Presiding Officer, be counted and recorded accordingly.
3. All questions on procedural matters, including the question of whether the matter is one of procedure or not, shall be determined by show of hands.
4. Where the manner of voting has been by show of hands and:
  - a. the Presiding Officer considers that there is reasonable doubt as to the outcome of the vote on the question; or
  - b. at least one fifth of the Members claim that the vote was inaccurate and the Presiding Officer confirms that the number of Members



## RULES OF PROCEDURE

making the claim is as required, the Presiding Officer shall order a fresh vote to be taken using the electronic voting system.

5. Questions or resolutions other than procedural questions shall, be determined using the electronic voting system, whenever possible.
6. The result of any vote shall be recorded by both the number and the name in alphabetical order in the Votes and Proceedings of the sitting.
7. Where a decision is determined by secret ballot, only the numerical result of the vote shall be recorded in the votes and proceedings of the sitting.
8. If a Member asserts that he or she voted in error or that his or her vote was recorded incorrectly, he or she may request to correct his or her vote or have his or her vote correctly recorded immediately before the Presiding Officer has announced the results of the vote.



## RULES OF PROCEDURE

### PART XI - MOTIONS

#### **Rule 60: Written notice of motions**

A Member shall give written notice to the President and the Clerk at least three days prior to the sitting at which he or she intends to move the motion.

#### **Rule 61: Oral notice of motions**

1. Notwithstanding the provisions of Rule 60, a Member may, with leave of the Presiding Officer, give oral notice of a motion during a sitting but the motion shall not be placed on the Order Paper until three days have elapsed since the notice was given, unless the Presiding Officer is of the opinion that it is in the public interest that it should be placed on the Order Paper prior to the expiration of three days, in which case the Presiding Officer may direct that it be placed on the Order Paper at such time as he or she thinks convenient.
2. Any oral notice of motion shall be reduced to writing and handed to the Clerk for circulation to Members.

#### **Rule 62: Amendment of notices of motion**

The Presiding Officer may permit the Member to move in amended form, without notice, a motion of which notice has been given if in the opinion of the Presiding Officer the amendment does not materially alter any principle embodied in the original motion.

#### **Rule 63: Seconding of motions**

1. A motion or an amendment to the motion shall not be debated in the House unless it has been seconded.
2. Motions in committees need not be seconded.



## RULES OF PROCEDURE

### Rule 64: Amendment to motions

1. When any motion is under consideration by the House or by a Permanent Committee, an amendment may be proposed to the motion if it is relevant to the motion.
2. Any amendment may be proposed to the amendment if it is relevant to that amendment.
3. The Presiding Officer shall require any amendment moved and seconded in the House to be put in writing by the mover and delivered to the Clerk.
4. No amendment shall be permitted if, in the opinion of the Presiding Officer, it substantially alters the principle of the question proposed.
5. Any amendment to the motion which a Member wishes to propose under this Rule may be moved and seconded at any time during the debate of the motion.
6. When the amendment has been disposed of, the Presiding Officer shall again propose the question upon the motion as amended, as the case may require, and after any further debate which may arise on it, shall put the question for decision.
7. Any amendment to an amendment which a Member wishes to propose shall be moved and seconded at any time after the question upon the original amendment has been proposed by the Presiding Officer, and before it has been put by the Presiding Officer at the conclusion of the debate on the original amendment.
8. Upon any amendment to delete any of the words of a motion, the question to be posed by the Presiding Officer shall be "That the following words... be deleted from the motion."
9. Upon any amendment to insert words, or add words at the end of a motion, the question to be posed by the Presiding Officer shall be "That the following words...be inserted."
10. Upon an amendment to delete words and insert or add other words instead, a question shall first be posed "That the following words be deleted from the motion", and if the question is agreed to, the question then be posed "That the following words, be there inserted."
11. If the first question under Sub-Rule (10) is negated, no further amendment may be proposed to the words which were to be deleted.





## RULES OF PROCEDURE

12. When every amendment to an amendment has been disposed of, the Presiding Officer shall either again propose the question upon the original amendment, or shall propose the question upon the original amendment as amended, as the case may require.

### **Rule 65: Withdrawal of motions**

1. A motion or an amendment to the motion may be withdrawn at the request of the mover, by leave of the House or Permanent Committee, before the question is put on the motion or amendment.
2. A motion or an amendment withdrawn under this Rule may be proposed again, if, in case of a motion, notice is given as required by these Rules of Procedure.
3. If the question has been posed on an amendment to a motion, the original motion may not be withdrawn until the amendment to the motion has been disposed of.

### **Rule 66: Manner of debating motions**

1. When a motion has been moved and seconded in the House the Presiding Officer shall pose the question on the motion in the same terms as the motion, and debate may then take place upon that motion and may continue for a period not exceeding one hour.
2. The Presiding Officer may at the beginning of any debate specify the period that each Member contributing to a debate may be given.
3. The Presiding Officer may call upon the mover to reply at the end of the period allocated for debate and immediately after the reply has been given, shall put the question to the House.



## RULES OF PROCEDURE

### PART XII - QUESTIONS

#### Rule 67: Questions on the Union

1. Questions relating to matters of the Union may be put to the Executive Council, the Commission or any other organ of the African Union.
2. Questions shall be referred to the Executive Council, the Commission or any other organ of the Union through the President at least thirty days before the sitting on whose Order Paper they are to appear.
3. A question shall be of an interrogative character and its purpose shall be limited to seeking information or pressing for action.
4. A question shall not be made the pretext for a debate.

#### Rule 68: Notices of questions

1. Members shall give notices of questions, in writing, stating whether a question is for oral or written reply, to the Clerk who shall forward them to the President.
2. If the President is of the opinion that any question of which a Member has given notice is one which infringes any of the provisions of the Constitutive Act, the Protocol or these Rules, he or she may direct that:
  - a. it be not asked unless altered as he or she may direct; or
  - b. the Member concerned be informed that the question is inadmissible.

#### Rule 69: Time limit for answering questions

1. Priority questions or questions whose answers may be provided without detailed research shall be answered within fifteen days.
2. Non-priority questions or questions which require researched replies shall be answered within twenty-five days.
3. If a question cannot be answered within the time limit set, it shall be



## RULES OF PROCEDURE

put on the Order Paper for the following sitting at the request of the Member.

### Rule 70: Content of questions

1. A question shall not be in effect a speech, or limited to giving information or framed so as to suggest its own answer or to convey a particular point of view.
2. The facts on which a question is based may be set out briefly, provided the Member makes himself or herself responsible for their accuracy, but extracts from newspapers or quotations from speeches shall not be admissible.
3. A question shall not contain any argument, inference, opinion, imputation or , ironical, or offensive expression or epithet.
4. A question shall not repeat in substance any question already answered either as a question or in the course of a debate in the current session.
5. Not more than one subject shall be referred to in any one question, and a question shall not be of excessive length.
6. A question shall be clear and intelligible, shall not name anyone, and shall not make a charge which the Member proposing it is not prepared to substantiate.
7. A question shall not raise a question of policy too large to be dealt with within the limits of an answer to a question.
8. A question, the answer to which is readily available in ordinary works of reference or official publications, shall not be asked.
9. A question shall not refer discourteously to any Member State, nor to its ruler or government or its representative in the Union.
10. A question shall not refer to proceedings of an Ad Hoc Committee before it has reported to Parliament.

### Rule 71: Answers to questions

1. The Chairperson of the Executive Council or in his or her absence any other member of the Council or the Commission shall answer all



## RULES OF PROCEDURE

questions put to the Union.

2. The answer to any question requiring a written answer shall not be put on the Order Paper but shall be handed to the Clerk to be distributed to the Member who asked the question and published in the official Journals of Parliament.



## RULES OF PROCEDURE

### PART XIII – PETITIONS

#### Rule 72: Petitions

1. Any citizen of a Member State and any natural or legal person residing or having its registered office in a Member State shall have the right to address, individually or in association with other citizens or persons, a petition to Parliament on a matter which comes within the fields of activity of the Union and which affects him or her or it directly.
2. Petitions to Parliament shall show the name, nationality and permanent address of each petitioner.
3. Petitions must be written in one of the official languages of the Union.
4. Petitions shall be entered in a register in the order in which they are received if they comply with the conditions laid down in Sub-Rule (2) and those that do not shall be filed and the petitioner shall be informed of the reasons therefore.
5. Unless the person submitting the petition asks for it to be treated in confidence, it shall be entered in a public register.
6. Petitions entered in the register shall be forwarded by the President of the Parliament to the Permanent Committee responsible, which shall first ascertain whether the petitions registered fall within the sphere of activities of the Union.
7. Petitions declared inadmissible by the Bureau shall, after being filed, be referred back to the petitioner with reasons for their inadmissibility.
8. The Permanent Committee shall report to the House on the petition with appropriate recommendations for adoption by the House.
9. The President shall inform the petitioner of the decisions taken and the reasons thereof.



## RULES OF PROCEDURE

### PART XIV - STATEMENTS AND RELATIONS WITH OTHER ORGANS

#### **Rule 73: Statements by the Assembly, Executive Council and the Commission**

1. The chairpersons of the Assembly, the Executive Council or the Commission may at any time request the permission of the President to make a statement.
2. The President shall decide when a statement under Sub-Rule (1) may be made and whether it is to be followed by a full debate by Members or questions from Members.
3. All decisions of the Assembly and the Executive Council and programmes of organs of the African Union shall be submitted to Parliament.

#### **Rule 74: Statements explaining decisions of the Assembly**

1. After consulting the Bureau, the President may invite the Chairperson of the Assembly, the Chairperson of the Executive Council or the Chairperson of the Commission to make a statement to Parliament after each meeting of the Assembly or of the Council, explaining the main decisions taken.
2. The statement shall be followed by a debate by Members.

#### **Rule 75: Annual reports and other reports of organs of the Union**

1. Annual reports and other reports of Organs of the Union shall be submitted to Parliament in order to enable Parliament to make contributions in terms of Article 3 of the Protocol.
2. Annual reports and other reports of Organs of the Union shall be referred to the appropriate Permanent Committees which will deliberate upon them and submit reports with recommendations to Parliament.
3. The reports submitted to Parliament shall be debated by Parliament



## RULES OF PROCEDURE

which will pass resolutions on them for consideration by the Executive Council.

### **Rule 76: Relationship between Parliament and the Assembly**

The President shall present to the Assembly the resolutions and reports of Parliament.



## RULES OF PROCEDURE

### PART XV - RELATIONS WITH REGIONAL AND NATIONAL PARLIAMENTS

#### Rule 77: Exchange of information, contacts and reciprocal facilities

1. Parliament shall work in close cooperation with the Parliaments of the Regional Economic Communities and the National Parliaments or other deliberative organs of Member States.
2. Parliament may convene consultative fora with the National Parliaments or other deliberative organs of the Member States and Parliaments of the Regional Economic Communities to discuss matters of common interest.
3. Parliament shall keep the National Parliaments or other deliberative organs of the Member States regularly informed of its activities by forwarding to each:
  - a. its annual parliamentary programme;
  - b. the records of all relevant debates; and
  - c. the reports of Permanent Committees and other relevant documents.
4. Parliament may confer, upon request, special observer status on Parliaments outside Africa, other Organs of the African Union or international agencies whose objectives and principles are consistent with those of the Union.





## **RULES OF PROCEDURE**

### **PART XVI - JOURNALS AND RECORDS OF PARLIAMENT**

#### **Rule 78: Journals of the House**

All proceedings of Parliament shall be recorded by the Clerk as votes and proceedings and shall constitute the Journals of Parliament.

#### **Rule 79: Journals of Committees**

All proceedings of Committees shall be recorded by the Clerk as minutes and together with the correspondence and documents received or presented, shall constitute the Journals of Committees.

#### **Rule 80: Custody of Journals**

1. The Journals and Records of Parliament including all documents, papers and accounts presented to or belonging to Parliament, shall be in the custody of the Clerk and systematically archived.
2. Such journals and records or copies thereof shall not be removed from the precincts of Parliament without leave of the Clerk.

#### **Rule 81: Official verbatim report of proceedings**

1. There shall be published an official verbatim report of proceedings of Parliament and its committees.
2. Every member shall have an opportunity to correct the draft verbatim report of his or her contribution but not so as to alter the substance of what he or she actually said, and the President shall, in case of doubt, determine whether the correction would amount to an alteration.



## RULES OF PROCEDURE

### PART XVII - BUDGET

#### Rule 82: Drafting and procedure of the Budget

##### (a) Budget of the Parliament

1. The Bureau shall, at least three months before the start of the financial year of the Union, draw up the preliminary draft estimates constituting the budget, on the basis of a report prepared by the Clerk.
2. The President shall forward the preliminary draft estimates to the Permanent Committee on Monetary and Financial Affairs, which shall examine the draft estimates and report to Parliament.
3. The Permanent Committee on Monetary and Financial Affairs shall consider the annual budget of Parliament and report to Parliament.
4. The budget shall be drawn in accordance with the Financial Rules and Regulations of the African Union.
5. The President shall present the budget adopted by Parliament to the Assembly for approval.
6. The provisions of Sub-Rules (1) to (5) shall apply to supplementary estimates.
7. Each year Parliament shall consider, before the presentation of the budget for the following financial year, the problems involved in the implementation of the current budget, on the basis of a motion for a resolution tabled by the Permanent Committee on Monetary and Financial Affairs.

##### (b) Budget of the Union

Parliament shall discuss the budget of the Union and make recommendations through the Permanent Committee on Monetary and Financial Affairs to the Assembly.



## RULES OF PROCEDURE

### PART XVIII - CAUCUSES

#### **Rule 83: Establishment and composition of regional caucuses**

1. Each region shall form a regional caucus consisting of all the Members from that region.
2. Each regional caucus shall elect a Chairperson, a Vice-Chairperson, and a Rapporteur from amongst its Members.
3. The elections under sub-Rule (2) shall be in accordance with the principle of rotation within the region.

#### **Rule 84: Functions of Regional Caucuses**

1. A regional caucus, guided by the rules of rotation shall;
  1. select names from amongst its members for:
    - a. nomination for election of President or Vice-Presidents
    - b. membership of Permanent Committees
    - c. participation in other parliamentary bodies or proceedings
    - d. Perform any other function as assigned to it by the Bureau or the Permanent Committee on Rules, Privileges, Ethics and Discipline or by resolution of Parliament.
    - e.
  2. The Chairperson of a regional caucus provides the Bureau or other appropriate authority with the lists of names and other information as decided by the caucus for the purposes contemplated in Sub-Rule (1).

#### **Rule 85: Other caucuses**

Members may form caucuses around issues of common interest as and when they deem it necessary.



## RULES OF PROCEDURE

### PART XIX - PROVISIONS COMMON TO THE BUREAUX OF ORGANS OF THE PAP

#### Rule 86: Tenure

1. The tenure of a member of the Pan-African Parliament shall be that of his or her National Parliament or any deliberative organ that elects or designates him or her.
2. The term of office of the Bureaux shall be three (3) years.

#### Rule 87: Public access to documents

1. A citizen of a Member State and any natural or legal person residing or having its registered office in a Member State has a right of access to documents of Parliament subject to the principles, conditions and limits laid down by these Rules.
2. Documents drawn up by individual Members are Parliamentary documents for the purposes of access to documents if they are tabled under these Rules.
3. The Bureau shall stipulate the rules on how a document becomes a "Parliamentary document".
4. Parliament shall establish a register of Parliamentary documents showing the categories of documents, which are accessible or not accessible, as the Bureau shall determine.

#### Rule 88: Attendance of Members at sitting

An attendance register shall be laid open for signature by Members at each sitting of Parliament, a Permanent Committee and Regional Caucus.



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### **Rule 89: Leave of absence**

1. A Member shall not absent himself or herself from more than ten consecutive sittings of the House during any period when the House is continuously sitting, except with written communication of the President or written notice to the Clerk.
2. The written notice required under Sub-Rule (1) shall provide reasons for absence from sittings of Parliament.
3. The President shall inform the Speaker or political head of the National Parliament or other deliberative organ which elected or designated the Member of unauthorised absence.

### **Rule 90: Annual Parliamentary programme**

The Bureau shall, in consultation with the Chairperson of Permanent Committees, draw the framework of the Annual Parliamentary Programme and may, in so doing, consult the Executive Council and the Commission.

### **Rule 91: Accounts and audit**

1. The accounts of Parliament shall be maintained in United States Dollars or any other currency approved by the Assembly.
2. The Clerk shall ensure that proper books of accounts and assets register are maintained.
3. The books of accounts of Parliament and such other statements and documents relating thereto shall be audited at the end of each financial year by an auditor appointed by the Bureau.
4. The auditor's report shall be laid before Parliament by the Bureau, and referred to the Committee on Audits and Public Accounts and the Permanent Committee on Monetary and Financial Affairs.



## RULES OF PROCEDURE

### Rule 92: Application of Rules

1. Should doubt arise over the application or interpretation of these Rules by the Presiding Officer, he or she may, without prejudice to any previous decisions, refer the matter to the Permanent Committee on Rules, Privileges, Ethics and Discipline.
2. The Permanent Committee on Rules, Privileges, Ethics and Discipline shall decide whether it is necessary to propose an amendment to the Rules of Procedure in accordance with Rule 92.
3. Where an interpretation of the Rules is clear, the Permanent Committee on Rules, Privileges and Discipline shall forward its decision to the President who shall inform Parliament at its next sitting.
4. Should at least one fifth of all the Members present contest the interpretation submitted under Sub-Rule (3), the matter shall be put to the vote in Parliament and shall be decided by a simple majority of the votes cast.
5. In the event of rejection under Sub-Rule (4), the matter shall be referred back to the Permanent Committee on Rules, Privileges, Ethics and Discipline for re-interpretation or to propose an amendment.

### Rule 93: Amendments of Rules

1. Any Member may propose amendments to these Rules including the appendices by forwarding such proposal to the Bureau, which shall consider and refer it to the Permanent Committee on Rules, Privileges, Ethics and Discipline, for report to Parliament.
2. Amendments to these Rules shall be adopted only if they secure the votes of a two-thirds majority of all the Members.
3. Unless otherwise specified, when the vote is taken, amendments to these Rules and to the appendices shall enter into force on the first day of the Session following their adoption.

### Rule 94: Entry into force of Rules

These Rules shall enter into force upon adoption by the House.



**RULES OF PROCEDURE**

**APPENDIX A**

**Oath of Office**

**OATH/SOLEMN DECLARATION OF ALLEGIANCE OF THE MEMBER OF THE PAN-AFRICAN PARLIAMENT**

I ..... hereby swear/solemnly declare  
(full name of Member)

that:

(i) I will perform my functions as a Member of the Pan-African Parliament to the best of my ability and with honour and dignity in the service of the peoples of Africa;

(ii) I will be faithful and bear true allegiance to the African Union and will preserve, protect and defend the Constitutive Act of the African Union and the protocol to the Treaty establishing the African Economic Community relating to the Pan-African Parliament, as by law established; and

(iii) I will promote adherence to the principles of good governance, democracy, human rights, international humanitarian law, peace, stability and all objectives of the Pan-African Parliament.

So help me God (in the case of an Oath); or

I so affirm

Done in Midrand, Republic South Africa, on this .....day of....., (Month),  
..... (Year)

Signed \_\_\_\_\_ Signed \_\_\_\_\_

**The Member**

**President of the Pan-African Parliament**



# RULES OF PROCEDURE

## APPENDIX B

### NOMINATION FORM

We the undersigned, being voters nominate the under mentioned person as a candidate at the Election of President/ Vice-President.

Candidate’s Name:

.....

Other Names:

.....

Age and Sex:

.....

Profession:

.....

Address:

.....

Region:

.....

Academic Qualification and Experience:

.....

### PROPOSER

Name:

.....





# RULES OF PROCEDURE

Member State:

.....

## SECONDER

Name:

.....

Member State:

.....

We the undersigned being voters, do support the foregoing nomination.

No.	Name	Member State	Signature

I, ....., hereby accept the nomination as candidate for President / Vice-President:

\_\_\_\_\_  
(Signature of Member nominated)

\_\_\_\_\_  
Date



# **RULES OF PROCEDURE**

## **APPENDIX C**

### **CODE OF CONDUCT**

#### **PAN-AFRICAN PARLIAMENT**

# **CODE OF CONDUCT FOR MEMBERS OF PARLIAMENT**

**ADOPTED AT THE FOURTH ORDINARY SESSION  
MARCH 2014**



# RULES OF PROCEDURE

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# RULES OF PROCEDURE

## PART I

### PREAMBLE, DEFINITIONS, APPLICATION AND PURPOSE

#### PREAMBLE

Article 3 of the Protocol to the Treaty establishing the African Economic Community relating to the Pan-African Parliament of July 2000 provides that the objectives of the Pan-African Parliament shall be to:

- facilitate the effective implementation of the policies and objectives of the African Union;
- promote the principles of human rights and democracy in Africa;
- encourage good governance, transparency and accountability in Member States;
- familiarize the peoples of Africa with the objectives and policies aimed at integrating the African Continent within the framework of the establishment of the African Union;
- promote peace, security and stability;
- contribute to a more prosperous future for the peoples of Africa by promoting collective self-reliance and economic recovery;
- facilitate cooperation and development in Africa;
- strengthen Continental solidarity and build a sense of common destiny among the peoples of Africa;
- facilitate cooperation among Regional Economic Communities and their Parliamentary fora.

The establishment of the Pan-African Parliament is informed by a vision to provide a common platform for African peoples and their grass-roots organizations to be more involved in discussions and decision-making on the problems and challenges facing the continent.

Members elected to the Pan-African Parliament must maintain the highest ethical standard without improper personal gain as public representatives to achieve the objectives of the Pan-African Parliament.

Rule 13 of the Rules of Procedure of the Pan-African Parliament provides



## RULES OF PROCEDURE

that Members shall be guided in their behaviour in all matters by the Code of Conduct to be drafted by the Permanent Committee on Rules, Privileges, Ethics and Discipline.

The adoption of this Code of Conduct, drafted by the Permanent Committee on Rules, Privileges, Ethics and Discipline, shall detail a set of rules that will ensure that the conduct of Members of the Pan-African Parliament meets with the highest ethical standards required to carry out the duties of public representatives in conformity with the principles and spirit of the Protocol, the Constitutive Act and the Rules of Procedure of the Pan-African Parliament.

### 1. DEFINITIONS

In this Code, unless otherwise specifically provided:

**“Bureau”** means the Bureau of the PAP established by Rule 14 of the Rules of Procedure of the Pan-African Parliament.

**“Constitutive Act”** means the Constitutive Act of the Union adopted at Lome, Togo on the 11th day of July, 2001;

**“Committee on Rules, Privileges, Ethics and Discipline”** means the Committee established by Rule 26(10) of the Rules of Procedure of the Pan-African Parliament;

**“Member”** means a Member of the Pan-African Parliament elected or designated by the respective National Parliaments or any other deliberative organs of the Member States, from among their members in terms of Article 5 of the Protocol and Rule 6 of the Rules of Procedure.

**“Member States”** means the Member States of the Union.

**“Parliament”** means the Pan-African Parliament established by Article 17 of the Union and the Protocol to the Treaty establishing the African



## RULES OF PROCEDURE

Economic Community relating to the Pan-African Parliament of July 2001.

**“Personnel”** includes all staff members and employees in the service of the PAP, unless otherwise clearly stated.

**“President”** means the Member of the Pan-African Parliament elected as President under article 11 of the Protocol and Rule 16 of the Rules of Procedure;

**“Protocol”** means the “Protocol to the Treaty establishing the African Economic Community relating to the Pan-African Parliament” of July 2001;

**“Rules of Procedure”** means the Rules of Procedure of the Pan-African Parliament adopted by the Pan-African Parliament on 21 September 2004 in pursuance to Article 12 of the Protocol:

### 2. APPLICATION

This Code applies to Members of the Pan-African Parliament elected or designated by the respective National Parliaments or any other deliberative organs of the Member States, from among their members in terms of Article 5 of the Protocol and Rule 6 of the Rules of Procedure

### 3. PURPOSE

This Code of Conduct shall define the ethical principles, standards and general rules of conduct of Members of the Pan-African Parliament.



## RULES OF PROCEDURE

### PART II - GENERAL CONDUCT

#### 4. ARTICLE 3 OF THE PROTOCOL

1. A Member must be faithful to, and uphold the principles of Article 3 of the Protocol and must promote the objectives of the Pan-African Parliament, namely, to:
  - facilitate the effective implementation of the policies and objectives of the AU and, ultimately, of the African Union;
  - promote the principles of human rights and democracy in Africa;
  - encourage good governance, transparency and accountability in Member States;
  - familiarize the peoples of Africa with the objectives and policies aimed at integrating the African Continent within the framework of the establishment of the African Union;
  - promote peace, security and stability;
  - contribute to a more prosperous future for the peoples of Africa by promoting collective self-reliance and economic recovery;
  - facilitate cooperation and development in Africa;
  - strengthen Continental solidarity and build a sense of common destiny among the peoples of Africa;
  - facilitate cooperation among Regional Economic Communities and their Parliamentary fora.
2. A Member must desist from conduct that would contravene, or promote the contravention of any provision of Article 3 of the Protocol.

#### 5. INTEGRITY OF THE PAN AFRICAN PARLIAMENT

1. A Member must maintain and strengthen the integrity of the Pan-African Parliament and refrain from any act or omission which





## RULES OF PROCEDURE

would bring the Pan-African Parliament into disrepute.

2. A Member must respect and uphold the Rules of Procedure and policies of the Pan-African Parliament
3. A Member may not contravene a Rule of Procedure or adopted policy of the Pan-African Parliament.

### 6. PUBLIC INTEREST

A Member must:

1. base his or her conduct on considerations of public interest;
2. put public interest first;
3. avoid conflict between personal and public interest; and
4. promote regional interest that goes beyond the advancement of national or partisan interests.

### 7. HONOUR

A Member must act with the highest degree of honour and honesty.



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### PART III - ETHICAL STANDARDS

#### 8. ETHICAL PRINCIPLES AND ASPIRATIONS

In pursuing the aims and the attainment of the objectives as well as the activities of the Pan-African Parliament, Members shall be guided by the following principles and aspirations:

- a. The commitment to the sanctity of human life and to a peaceful and non-violent orientation in all activities;
- b. The promotion of democracy, human rights, the rule of law, good governance as well as justice for all the peoples of Africa and all people of the world;
- c. Respect for the equality, rights and dignity of all people;
- d. The promotion of social justice to ensure balanced economic development;
- e. Rejection of partisan, political, ethnic, cultural, racial or religious intolerance and all other forms of discrimination;
- f. Commitment to the promotion of gender equality and social inclusion at all levels;
- g. Maintaining a culture of transparency, accountability and avoiding corrupt and unethical practices;
- h. Instilling a culture of dialogue and sharing of resources, information, expertise and experiences;
- i. Rejecting research efforts, programmes, projects and other activities which are directly or indirectly aimed at developing methods of torture, or other forms of techniques that violate and subvert people's and human rights.
- j. The upbringing and promotion of the Youth in order to recreate the citizen lifeblood and ensure their development.



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### 9. FINANCIAL GAIN

1. A Member may not accept any fee, compensation, reward, benefit, or bribe to promote or oppose a decision or matter before the Pan-African Parliament, a Committee, or any structure of the Pan-African Parliament.
2. A Member may not make a decision, or influence a decision by any structure of the Pan-African Parliament to gain material or other financial benefits for such Member or such Member's family or friends.
3. If a Member, or Member's family, has a financial or material interest in a motion, decision, or matter before the Pan-African Parliament, a Committee, or any structure of the Pan-African Parliament, and that financial or material interest cannot be reconciled with the normal duties and functions of a Member, that Member must:
  - a. declare the financial or material interest; and
  - b. recuse himself or herself when the Pan-African Parliament, a Committee or any structure of the Pan-African Parliament considers and decides on the Bill, motion, or matter.

### 10. APPOINTMENT AND PROMOTION

A Member, personally, or as a member of a Committee or structure of the Pan-African Parliament, must:

- a. appoint or promote persons on a non-partisan basis in accordance with the appointment or promotion policies; and
- b. disclose any relationship to a person who is considered for appointment or promotion, and recuse himself or herself from such a Committee or structure.



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### **11. PROCUREMENT OF GOODS OR SERVICES**

A Member, personally, or as a member of a Committee or structure of the Pan-African Parliament must:

- a. award contracts for the procurement of services or goods on a non-partisan basis in accordance with the procurement policies; and
- b. Disclose any relationship to a person or business who is considered for the contract, and recuse himself or herself from such a Committee or structure.

### **12. CRIMINAL ACTIVITIES**

A Member may not engage in any criminal activity of any nature.

### **13. CONDUCT TOWARDS OTHER MEMBERS**

1. A Member must treat other Members with respect.
2. A Member may not hide behind parliamentary privilege, and knowingly make false or unsubstantiated accusations or allegations towards another Member or Members.

### **14. GENDER SENSITIVITY**

A Member must be gender sensitive in performing the duties and functions as a member of the Pan-African Parliament.

### **15. LOBBYING**

A Member may not give or receive any remuneration, reward or benefit from any person lobbying for any cause that is or will be considered by Parliament or any of its Committees.



## RULES OF PROCEDURE

### 16. DRESS CODE IN PARLIAMENT AND COMMITTEES

1. Rule 40 (2) of the Rules of Procedure provides that all Members shall dress in a dignified manner as accepted by their National Parliament or deliberative organ.
2. The following Dress Code for Members while in the Parliament and in Committees sets out the standards for dressing in a dignified manner and must be adhered to:
  - a. As a general rule, Members must be dressed elegantly “smart casual” in such a way that it does not impact negatively on the dignity of the Parliament.
  - b. Members may not wear clothing or clothing accessories displaying political party emblems or insignia.
  - c. Male Members are not obliged to wear a jacket and a tie, but must be dressed in good taste in accordance with the prescriptions of this Code.
  - d. If a Member wears a jacket, it must be a formal jacket with buttons, no windbreakers, casual jackets, or informal leather bunny jackets are allowed.
  - e. Members may not wear jeans or shorts.
  - f. Members may not wear T shirts or golf shirts.
  - g. Members may not wear sneakers or sports shoes.
  - h. Members may not wear clothes that are too revealing taking into account the dignity of the Parliament.
  - i. If members wear cultural shirts they need not wear a jacket.
  - j. The dress code must be read in the context of dignity, cleanliness and must be presentable.
  - k. If any uncertainty arises whether a Member is dressed in accordance with this Code, the President, in Parliament, or the Chairperson in Committee, shall make a determination, which determination shall be final and regarded as a precedent to be included in this Code.



## RULES OF PROCEDURE

### PART IV - CONDUCT IN THE CHAMBER AND PERMANENT COMMITTEES

#### 17. CONDUCT IN THE CHAMBER AND PERMANENT COMMITTEES

1. Conduct of Members in the Chamber and Committees is being dealt with by the Rules of Procedure.
2. Notwithstanding the provisions of Rule 40 (1) (h) all mobile phones and I-Pads or any other mobile device meant for parliamentary work, shall be placed in vibration or silent mode or turned off while the Member is attending the House.
3. The following relevant Rules of Procedure are repeated hereunder for the sake of completeness:

##### A. Rule 40 - Conduct of Members in the House

1. During a sitting:
  - a. all Members shall enter or leave the House with decorum;
  - b. all Members shall take their seats as determined by the Bureau;
  - c. a Member shall not move around unnecessarily;
  - d. while a Member is speaking, all other Members shall be silent and attentive and shall not make unnecessary interruptions;
  - e. when a Member has finished his or her intervention, he or she shall resume his or her seat;
  - f. a Member may not bring into the House anything other than papers, books or other documents directly connected with the business of the House;
  - g. a Member shall not bring into the House any arms or weapon, tape recorder, transistor radio, or other electronic device;



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### **B. Rule 49 - Address by the Chair**

When the Presiding Officer addresses the House, any Member holding the floor and standing shall immediately resume his or her seat and the Presiding Officer shall be heard in silence.

### **C. Rule 50 - Conduct of Debates**

The Presiding Officer shall be responsible for conducting debates and the decisions upon any point shall not be open to appeal.

### **D. Rule 51 - Order in the House and Committees**

1. The Presiding Officer shall be responsible for the observance of the Rules of Procedure or order in the House or the Permanent Committee.
2. The Presiding Officer, after calling the attention of the House or the Permanent Committee to the conduct of a Member who persists in irrelevance or tedious repetition, either of his or her own arguments, or of the arguments made by other Members in the debate, may direct the Member to discontinue his or her speech.
3. The Presiding Officer shall order any Member whose conduct is grossly disorderly to withdraw immediately from the House or Permanent Committee for the remainder of that day's sitting; and the Usher or the Sergeant-at-Arms shall act on such orders as he or she may receive from the Presiding Officer to ensure compliance with this rule.
4. Action taken against a Member in terms of Sub-Rule (3), in the case of Permanent Committee proceedings shall be announced in the House at the first sitting following such action.



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### E. Rule 52 - Sanction of Members

1. If the Presiding Officer considers that the conduct of a Member cannot be adequately dealt with under Sub-Rule (3) of Rule 45, he or she may name the Member.
2. Where a Member has been named:
  - a. in the case of the proceedings of the House, the President shall suspend the Member named from the House; or
  - b. in the case of a Permanent Committee, the Presiding Officer shall, with the consent of the Permanent Committee, suspend the Member named from its sitting and report at the next sitting of the House.
3. Where a Member is suspended, his or her suspension:
  - a. on the first occasion shall be for the next three sittings excluding the sitting in which he or she was suspended;
  - b. on the second occasion in a session, shall be for the next seven sittings excluding the sitting in which he or she was suspended; and
  - c. on the third and any subsequent occasion during the same session, shall be for the next twenty eight sittings of the House excluding the sitting in which the Member was suspended.
  - d. The National Parliaments of a Member attending PAP shall be notified by the Clerk of the PAP, when such a Member is suspended from the House.
4. Notwithstanding the number of days a Member has been suspended under Sub-Rule (3), the suspension shall cease at the end of the session in which he or she was suspended unless the House otherwise orders.
5. Where a Member who has been suspended from the House defies the order of the President, the Sergeant-at-Arms shall ask him to leave





## RULES OF PROCEDURE

the House. The President may order that the Member be removed by force.

6. The President may cancel the suspension of the Member upon acceptance of a written apology from the Member.

### **F. Rule 53 - Withdrawal of suspended Member from precincts**

A Member who is ordered to withdraw under Sub-Rule (3) of Rule 51 or who is suspended from the House by virtue of Sub-Rule (2) of Rule 52 shall leave the precincts of the House, except parliamentary residence, until the end of the suspension period.

### **G. Rule 54 - Power of the President to adjourn House or suspend sitting**

In the case of grave disorder arising in the House, the President may adjourn the House without question put, or suspend the sitting until a time to be determined by the President.

### **H. Rule 58 - Declaration of personal interest**

1. A Member who is a party to, or is a partner in a firm, which is a party to any contract with the Union, shall, in any proceedings in the House or Permanent Committee relating to the contract, declare his or her interest or that of the firm and shall not vote on any question relating to that contract.
2. Where a Member fails to declare his or her interest under Sub-Rule (1), another Member may raise the matter in the House or Permanent Committee and the Presiding Officer shall, after satisfying him- or herself of the veracity of the matter, order that such a Member shall not vote on the contract and shall refer the conduct of that Member to the Permanent Committee on Rules, Privileges, Ethics and Discipline.
3. The Permanent Committee may, after investigation, recommend to the House such action against the Member, as it may consider appropriate.



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### **I. Rule 88 – Attendance of Members at sitting**

An attendance register shall be laid open for signature by Members at each sitting of Parliament or a Permanent Committee.

### **J. Rule 89 – Leave of absence**

1. A Member shall not absent himself or herself from more than ten consecutive days of the House during any period when the House is continuously sitting, except with written communication of the President or written notice to the Clerk.
2. The written Notice required under Sub-Rule 1 shall provide reasons for absence from sittings of Parliament.
3. The President shall inform the Speaker or political head of the National Parliament or other deliberative organ which elected or designated the Member of unauthorised absence.



## **RULES OF PROCEDURE**

### **PART V - ENFORCEMENT OF THE CODE**

#### **18. COMPLAINTS**

1. A person who wishes to file a complaint that a Member contravened this Code must submit a complaint in writing, stating the alleged contravention in sufficient detail to the President.
2. The President informs the Member and the Chairperson of the Committee on Rules, Privileges, Ethics and Discipline of the complaint.

#### **19. PROCEDURE OF THE COMMITTEE ON RULES, PRIVILEGES, ETHICS AND DISCIPLINE**

1. The Committee on Rules, Privileges, Ethics and Discipline, acting on its own accord or on a complaint by a person, must investigate with due expedition any alleged contravention of this Code.
2. The Rules of Procedure of the Pan-African Parliament applicable to meetings and procedures are mutatis mutandis applicable to any investigation of the Committee.
3. The Committee must hear at least the complainant and the Member in respect of whom the complaint is lodged.
4. The Committee must make a full and considered finding supported by reasons on the validity of any complaint at the conclusion of its investigations.
5. If the Committee found that a Member has contravened this Code, it must recommend the imposition of one or more of the following sanctions:
  - a. a reprimand;
  - b. a fine as determined by the Committee;
  - c. suspension in accordance with Rule 52 of the Rules of Procedure; or such other sanction as the Committee deems fit.



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6. The Committee on Rules, Privileges, Ethics and Discipline must report its findings and recommendations on an appropriate sanction to the President.
7. The Committee on Rules, Privileges, Ethics and Discipline must devise mechanisms and systems to both protect whistle blowers and deal with whoever harasses or deals improperly with whistle blowers.

### 20. CONFIRMATION OF REPORT

The President must confirm or vary a report of the Committee on Rules, Privileges, Ethics and Discipline, or refer the matter back to the Committee for further consideration.

### 21. PROCEDURE AFTER CONFIRMATION

If the President of the Pan-African Parliament has confirmed the report of the Committee on Rules, Privileges, Ethics and Discipline, the President of the Pan-African Parliament must report the finding and sanction to Parliament and ensure that the confirmed sanction is imposed with due expedition.

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# RULES OF PROCEDURE

## APPENDIX D

### REGIONAL ROTATION SEQUENCE

The principle of geographical rotation is an established practice of the African Union that obliges the Union and its organs to ensure that each region is elected as a member of the Bureau on a rotational basis. The composition of the Bureau represents the five defined regions of the Union and in consequence, the principle of rotation seeks to ensure that each region has the right to assume the five (5) leadership roles in a given Bureau rotationally.

Effective June 2022, the following order shall be used to elect the Bureau taking into account the past composition of the Bureau. The order of rotation shall follow the sequence outlined below:

Presidency (Southern Regional Caucus)

First Vice President (Northern Regional Caucus)

Second Vice-President (Eastern Regional Caucus)

Third Vice-President (Western Regional Caucus)

Fourth Vice-President (Central Regional Caucus)



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## APPENDIX E

### RULES OF PROCEDURE FOR VIRTUAL SITTINGS OF THE PAN AFRICAN PARLIAMENT

In exercise of its powers, the Pan-African Parliament, under Rule 34 do hereby make the following Rules of Procedure for Virtual Meetings and Sitzings of Plenary, Permanent Committees and Regional Caucuses.

#### Application

1. These Procedures shall apply to:
  - a. a sitting of the Plenary where a physical sitting is not possible as the President may determine; or (b) a meeting of a Committee as the Chairperson may determine.
2. Except as otherwise provided in this Part, the Rules of Procedure of the Pan-African Parliament shall, with necessary modifications, apply to a virtual sitting of the Plenary or virtual meeting of a Committee.
3. Where a conflict arises between the provisions of the Virtual Meetings procedure and any other provision of Rules of Procedure of the Pan-African Parliament, the provisions of this procedure for Virtual Sitzings shall prevail.
4. The President may issue guidelines for the conduct of a virtual sitting of the Plenary or a meeting of a permanent Committee, including guidelines for the effective participation by persons with disabilities in a virtual sitting or meeting.

#### 2. Convening of a Virtual Sitting

1. Where the President determines that a sitting of the Plenary is to be held virtually, he or she shall issue a notice to all Members specifying



## RULES OF PROCEDURE

- (a) the business to be transacted; (b) the date and time of the sitting; and (c) the online platform through which the sitting shall be conducted.
- 2. Where a Committee Chairperson determines that a meeting of a Committee shall be held virtually, the Clerk shall issue a notice to all members of the Committee specifying the– (a) agenda of the meeting; (b) date and time for the holding of the meeting; (c) online platform through which the meeting shall be conducted; and (d) in the case of a hybrid meeting, the venue for purposes of the Members who shall be physically present at the meeting.
- 3. A notice issued under sub-Rules (1) and (2) shall constitute sufficient notice of such sitting or meeting.
- 4. The location of a wholly virtual sitting of the Plenary or a meeting of a Committee shall be deemed to be the Seat of Parliament as prescribed in Rule 2 of the Rules of Procedure of the Pan-African Parliament.

### 3. Powers, Privilege and Order in Virtual Sittings

- 1. The Plenary, a Committee or a Member shall enjoy and exercise the powers, privileges and immunities bestowed on Parliament by the Protocol to the Treaty establishing the African Economic Community relating to the Pan-African Parliament and the Rules of Procedure.
- 2. A virtual sitting or meeting shall be conducted, in so far as is practicable, and in the manner provided for in Part VIII (General Rules for the Conduct of Sittings and Debates from Rule 38 to Rule 54 of Rules of Procedure of the Pan-African Parliament.

### 4. Decorum

- 1. The Presiding Officer or the Chairperson of Committee may allow a Member participating in a sitting or meeting virtually reasonable latitude when the Member is seeking for a point of order or any other procedure in the event of a technological problem.



## RULES OF PROCEDURE

2. A Member participating virtually shall adhere to the standards set out under the Rules of procedure on attire and decorum.
3. A Member or witness participating in a sitting or a meeting virtually shall participate from an environment which is non-political, professionally appropriate and not distracting to other Members or persons attending the meeting.
4. A Member shall only participate in a virtual sitting of the Plenary or meeting of a Committee via the electronic platform approved by the Clerk and set up for that purpose and shall access the meeting through a secure link sent electronically to the Member.
5. A Member shall not participate in – (a) a virtual sitting of the Plenary while in Chamber; (b) a sitting of the Committee and a virtual meeting of a Committee at the same time; or (c) more than one meeting of a Committee at the same time.
6. A member shall be visible to the Presiding Officer or the Committee Chairperson in order to be counted for the purpose of establishing a quorum, taking a decision or voting on a matter.
7. A member experiencing a technical problem while participating in the proceedings virtually shall inform the Presiding Officer or the Committee Chairperson.
8. A Member who is unable to participate in a virtual sitting or meeting shall, in writing and as soon as practicable, inform the President or the Committee Chairperson.

### 5. Quorum

Whenever a sitting of the Plenary or a Committee is held virtually – (a) the quorum requirements shall be as specified under the Rules of Procedure; (b) a Member who has accessed the sitting or meeting virtually shall be deemed present for the purposes of establishing a quorum, taking a decision or voting on a matter and (c) the Bureau shall, in the case of a hybrid sitting, designate such number of Members, as the circumstances may allow, to attend the sitting in person.





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### 6. Voting

1. Voting during a virtual sitting shall be as specified under Rule 59 of the Rules of Procedure provided that– (a) a Member shall cast their vote by roll call or electronically; (b) the procedure to be followed for purposes of casting a vote shall be determined by the President and communicated to the Members at the commencement of the voting process; (c) only Members who are present in person or virtually when a vote is called shall be permitted to vote; (d) votes shall be taken at a fixed time previously communicated by the President and where debate is not concluded at the time appointed, the President shall appoint a new time for voting; (e) the results of a vote shall be communicated from the Chair; and (f) the names of Members and how they voted shall be recorded in the Hansard and the Votes and Proceedings.
2. Where a decision is to be made by way of secret ballot, a Member shall cast their vote by – (a) roll call; or (b) electronically, as shall be determined by the President.
3. Where technology is used to make a decision, measures shall be put in place to ensure that – (a) the system is capable of verifying the votes cast either electronically or manually; (b) the integrity and confidentiality of the vote is maintained; and (c) the technology is simple, accurate, verifiable, secure and transparent.
4. The provisions of these Rules shall, with necessary modification, apply to a virtual meeting of a Committee under this Part.

### 7. Access, public participation and witnesses

1. A virtual sitting of the Plenary or meeting of a Committee shall ensure public Participation and access as specified under the Rules of Procedure. Parliament shall facilitate – (a) a witness to attend and participate in a meeting of a Committee virtually and (b) a person assisting a witness including a translator to participate in a virtual meeting.



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### 8. Broadcast of virtual sittings

1. A virtual sitting of the Plenary or a meeting of Committee may be livestreamed.
2. Virtual proceedings shall be published by the Hansard and may be broadcasted pursuant to Rule 35 of the Rules of Procedure (Meetings to be open)





# Pan-African Parliament

One Africa,  
One Voice



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