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EXECUTIVE COUNCIL
Thirtieth Ordinary Session
22 - 27 January 2017
Addis Ababa, ETHIOPIA

EX.CL/1005XXX)

**REPORT OF MINISTERIAL PANEL ON
ELECTIONS OF MEMBERS OF THE COMMISSION**

REPORT ON THE MINISTERIAL PANEL FOR THE ELECTION OF MEMBERS OF THE COMMISSION IN JANUARY 2017

I. INTRODUCTION

1. The Assembly at its Twenty-Seventh Ordinary Session in Kigali, Rwanda in July 2016 adopted decision Assembly/AU/Dec.610 (XXVII) on Election of the Members of the Commission and inter alia decided to re-open the nomination process for the election of Members of the Commission which, may include the former candidates. The Assembly further decided to hold the elections for the Members of the Commission during the next Ordinary Session of the Assembly in January 2017.

2. In view of the above, the Ministerial Panel for the Election of Members of the Commission in January 2017 met in Addis Ababa, Ethiopia on 7 October 2016 to do the shortlisting of candidates and make appropriate recommendations for consideration by the Executive Council during its Thirtieth Ordinary Session scheduled for January 2017 in Addis Ababa, Ethiopia. The meeting was held pursuant to Article 14 (2) and (3) of the Statutes of the Commission, as well as Executive Council decision EX.CL/Dec.906 (XXVIII) adopted by the Twenty Eighth Ordinary Session of the Executive Council held in Addis Ababa, Ethiopia in January 2016.

II. ATTENDANCE

3. The following Members of the Ministerial Panel attended the meeting:

Algeria	Malawi
Burundi	Mali
Cameroon	Rwanda
Egypt	Sierra Leone
Lesotho	The Sudan

4. The following members of the Independent Team of Consultants were also in attendance:

- i) Amb. Layi-Kayode Iyanda (Nigeria)
- ii) Ms. Roseline Odede (Kenya)
- iii) Mme. Mariam Tchere Titimbaye (Chad)

III. OPENING REMARKS

5. In his opening remarks, the Chairperson of the Ministerial Panel, Hon. Mr. Francis Kasaila M.P., Minister of Foreign Affairs and International Cooperation of the Republic of Malawi, welcomed and thanked the Members of the Ministerial Panel and the Team of Consultants for attending the meeting.

6. He expressed his appreciation to the Team of Consultants for the quality of work done and for delivering the report on time. He also thanked the Office of the

Legal Counsel and the Commission for the support provided to the Consultants in discharging their mandate.

IV. ADOPTION OF THE AGENDA

7. After some brief consideration of the draft Agenda, the meeting adopted the following Agenda:

- i) Opening Remarks;
- ii) Adoption of the Agenda;
- iii) Presentation on the implementation of the Kigali Decision and on the Election Process;
- iv) Presentation of the Report of the Team of Consultants;
- v) Consideration of the Report of the Team of Consultants;
- vi) Any Other Business;
- vii) Adoption of the Report of the Ministerial Panel; and
- viii) Closing Remarks

V. PRESENTATION BY THE LEGAL COUNSEL ON THE ELECTION PROCESS

8. The Deputy Legal Counsel, Ms. Gaspar Constancia Adelina, stated that the central pre-selection process was initiated following the Assembly decision, Assembly/AU/Dec.610 (XXVII) on the Election of the Members of the Commission which decided to suspend the election of the members of the commission and reopen the nomination process. In this regard, she informed the Ministerial Panel that the Commission notified Member States on 26 July 2016 through Note Verbal, which outlined the Assembly Decision and called for nomination of candidatures.

9. The Deputy Legal Counsel informed the meeting that the Ministerial Panel (at Ambassadors Level) met on 2 September 2016 and received an update from the Office of the Legal Counsel on the actions taken in the implementation of the Assembly decision and it was at this meeting that it was agreed that due to the increased budget approved by the Assembly, a total of five (5) consultants representing the five (5) AU regions were engaged to assist the Ministerial Panel and that the meeting of the Ministerial Panel should take place on 7 October 2016.

10. The Deputy Legal Counsel informed the Ministerial Panel that by 16 September 2016, the deadline for submitting candidates for the posts of Commissioners, the Commission received forty-two (42) candidates for the eight (8) portfolios for the position of Commissioners from the Regional Deans. She highlighted that while each region was required to nominate two (2) candidates, including a woman for each portfolio, in accordance with Article 13 of the Statutes of the Commission, thus, making a total of 80 candidates, none of the regions had

complied with the modalities for presentation of candidates. Against this, there was only slightly over 50 per-cent of the expected number of submissions which was notably higher than the number of nominations received in the previous round where there were only 37 candidates.

11. In conclusion, the Deputy Legal Counsel thanked the consultants for completing their work in a timely manner and enabling the Office of the Legal Counsel to distribute the report on 4 October 2016 to the Permanent Missions of the Ministerial Panel, which was two days prior to their meeting as agreed in the Modalities for the Election of the Members of the Commission in January 2017. She reminded the Ministerial Panel that the list of candidates, at least two for each portfolio shall be submitted to the Executive Council in accordance with Article 14 (3) of the Statutes of the Commission.

VI. PRESENTATION OF THE REPORT OF THE TEAM OF CONSULTANTS BY THE CHAIRPERSON OF THE TEAM

12. In presenting the Report of the Team of Consultants, Ambassador Layi-Kayode Iyanda, the Chairperson of the Team informed the Ministerial Panel that they met in Addis Ababa, Ethiopia from 26 September to 04 October 2016. He introduced the members of the Team, composed of consultants from the five (5) regions namely Ms. Mariam Tchere Titimbaye from Chad, Ms Roseline D.A. Odede from Kenya, Professor Ms. Hajer Gueldich from Tunisia and Professor Shadrack B. O. Gutto from South Africa. He informed the Ministerial Panel that the Legal Counsel gave them a detailed briefing on their Terms of Reference and the process of election of Commissioners. Amb. Iyanda also emphasized that the election process is highly sensitive and that the team were mindful of the need for confidentiality of all information assessed.

13. He indicated that the Office of the Legal Counsel submitted a total of forty-two (42) candidate profiles for analysis and evaluation.

14. Regarding the criteria for analysis and evaluation, Amb. Iyanda informed the Ministerial Panel that the Team decided to retain the five (5) criteria used in the last exercise for the elections of Members of the Commission in 2012 and in April 2016, namely: education, experience, leadership, achievement and vision and strategy. He also emphasized that the team was guided by the provisions of the Statute of the Commission, particularly Article 15 relating to the minimum requirements a candidate must possess.

15. Regarding the vision and mission, the Chairperson of the Team of Consultants submitted that in lieu of interviews, the criteria used was the most reliable and practicable method of assessment. He regretted the fact that some of the candidates either did not submit their vision and mission or submitted poorly articulated statements.

16. He then informed the Ministerial Panel that the 42 curricula vitae of candidates submitted were meticulously and rigorously analyzed and evaluated one by one, with the consultants working collectively to award marks in order to achieve an objective and uniform assessment of the candidates. The scoring was arrived at by consensus.

17. Amb. Lyanda went on to speak on the recommendations of the team which the members considered pertinent to the recruitment process, in particular, the decrease in the number of the candidates being presented for election over the years means that the target number of at least eighty (80) candidates as stipulated in Article 13 of the Statute of the Commission has never been achieved. He further commented on the lack of representation of candidates from the multinational organizations or private sector as envisaged in Article 15 (2).

18. In light of the above shortfalls, the Team of Consultants recommended, among others, a drastic reform in the nomination process for candidates as has been pointed out by successive Teams of Consultants in their respective reports.

19. Amb. Lyanda thanked the Ministerial Panel for presenting the Team of Consultants with the opportunity to serve the African Union and the African Continent as a whole.

VII. CONSIDERATION OF THE REPORT OF THE TEAM OF CONSULTANTS AND THE WAY FORWARD

20. After presentation of the Report of the Team of Consultants, the Ministerial Panel made the following observations:

- a) It was regrettable that all the regions did not comply with the rules, particularly on the number and gender configuration of candidates as per Article 14 of the Statute of the Commission;
- b) The Union should in future consider interviewing candidates for election as part of the selection process, in addition to the evaluation of their CVs;
- c) The team of Consultants should conduct detailed research into the background of candidates using online databases and could also contact Embassies of candidates for information where required;
- d) Member States should pay particular attention to the credentials of candidates they are nominating for election within the Union before submitting candidatures at the regional level;
- e) The scoring was only to assist the Members of the Ministerial Panel in considering the candidatures to be submitted to the Executive Council;
- f) Some Members States sought clarification on the scoring of the candidates;
- g) In the future, the implementation of the evaluation of the performance of incumbent candidates should be considered;
- h) Member States and the regions should be committed to the process as the future of the organization depends on it. In this regard, it was pointed out that the process should be made public so that Africans in Diaspora and other private sectors can apply;

- i) The primary objective should be to get the best qualified candidates for the job and that the Rules and Procedures should be evaluated to accommodate this objective. In this regards, the Office of the Legal Counsel was requested to follow up on the operationalization of the Sub-Committee on Rules, Standards and Credentials of the PRC;
- j) The order of the candidates should be presented alphabetically according to their surnames.

21. The Deputy Legal Counsel and the Team of Consultants provided clarifications as follows:

- a) That Article 15 (2) of the Statue of the Commission requires that candidates should “possess a significant and wide-ranging working experience”. This requirement is vague and does not allow for scrutiny. In this regard, it was recommended that the Sub-Committee on the Rules, Standards and Credentials of the PRC evaluate the procedures on election;
- b) That the scoring was done in an objective manner and based on the documents submitted. It was also pointed out that the final list should not include the scores.

VIII. RECOMMENDATIONS OF THE MINISTERIAL PANEL

22. At the end of its discussions, the Ministerial Panel agreed to the following recommendations regarding the presentation of candidates for the January 2017 elections:

- a) Out of the forty-two (42) evaluated candidates, forty-one (41) will be presented to the Executive Council for election and circulated to Member States at least three (3) months before the election in accordance with Article 16 (1) of the Statutes of the Commission;
- b) The CVs of the candidates for each portfolio should also be circulated to Member States;
- c) The list of the candidates for each portfolio should be presented in alphabetical order according to their surnames;
- d) The order of the elections should not be changed at this stage and that the practice which is based on the list presented in Article 12 of the Statutes of the Commission should be maintained.
- e) The Ministerial Panel should in future refrain from making comments in regards to candidate from their State running for election.

23. The Ministerial Panel also decided to make the following recommendations for future elections:

- a) As earlier highlighted in the reports of the previous Teams of Consultants in 2011 and April 2016, there is need for improvement in the nomination exercise by giving it wider publicity at continental, regional and national level;
- b) The Assembly should enforce its own rules that require the regions to submit two candidatures for each portfolio;
- c) The policy organs should establish firm modalities for the nomination of candidates at the regional level that will promote inclusivity, transparency and fair competition;
- d) In order to allow the Ministerial Panel to effectively consider the report of the consultants and the shortlisted candidates, in future Meetings should be held for a minimum of two (2) days;
- e) There is need to revisit the criteria for the selection, and pre-selection of candidates which should clearly encapsulate factors that can lead to the nomination and selection of competent candidates;
- f) For an effective and efficient pre-selection process, the shortlisted candidates should be interviewed, and financial resources should be availed to this process;
- g) In preparation for the Ministerial Panel, CV's of candidates should be considered at the Ambassadorial level of the respective Panel Member States.

IX. ANY OTHER BUSINESS

- 24.** No issue was raised under this item.

X. ADOPTION OF THE REPORT

- 25.** The Panel considered the draft Report and adopted it for submission to the Executive Council.

XI. CLOSING REMARKS

- 26.** The Chairperson of the Ministerial Panel thanked the members of the Ministerial Panel for their meaningful participation and constructive contributions. He commended the Team of Consultants for their efficient work in preparing the report for the Panel. He also thanked the Office of the Legal Counsel for their assistance. In conclusion, the Chairperson wished all the delegates a safe trip back to their capitals.

- 27.** The Ministerial Panel then adjourned its meeting.

Rapport du Comité Ministériel pour l'Élection des Membres de la Commission en Janvier 2017

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