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**The EXECUTIVE COUNCIL
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**REPORT OF THE MINISTERIAL PANEL FOR THE ELECTION
OF COMMISSIONERS IN JANUARY 2012**

REPORT OF THE MINISTERIAL PANEL FOR THE ELECTION OF COMMISSIONERS IN JANUARY 2012

I. INTRODUCTION

1. In conformity with article 14 (2) and (3) of the Statutes of the Commission as well as Executive Council decision EX.CL/AU/Dec.661 (XIX) adopted by the Nineteenth Ordinary Session of the Executive Council held in Malabo, Equatorial Guinea, in June 2011, the Ministerial Panel on Election of Commissioners met in Malabo, Equatorial Guinea, on 24 November 2011 to consider the Report of the Team of Consultants to Assist the Ministerial Panel on the Election of Commissioners in January 2012, for submission to the Executive Council during its Twentieth Ordinary Session scheduled for January 2012 in Addis Ababa, Ethiopia .

II. ATTENDANCE

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

- i) Algeria
- ii) Chad
- iii) Ethiopia
- iv) Liberia
- v) Libya
- vi) Malawi
- vii) Namibia
- viii) Rwanda
- ix) Senegal

3. The following Consultants were also in attendance:

- i) H.E Mr. Anil Gayan (Mauritius)
- ii) Amb. Ibrahim Ali Hassan (Egypt)
- iii) Amb. Layi-Kayode Nahayo (Nigeria)
- iv) Amb. Adolphe Nahayo (Burundi)

III. OPENING REMARKS

4. In his opening remarks, the Chairperson of the Ministerial Panel, H.E. Dr Toga Gayewea McIntosh, Minister of Foreign Affairs of the Republic of Liberia welcomed and thanked the Members of the Panel and the Team of Consultants for attending the meeting.

5. The Chairperson of the Ministerial Panel expressed his appreciation to the Team of Consultants for the quality of the report and their commitment to the process. He also thanked the Office of the Legal Counsel for the support it has provided to the Consultants which has enable them discharge their mandate.

6. He concluded by indicating that he was confident that all members would assist him in extending their support.

IV. ADOPTION OF AGENDA

7. The meeting adopted the following Agenda:

- i) Opening Remarks
- ii) Adoption of the Agenda
- iii) Organization of Work
- iv) Presentation by the Deputy Legal Counsel
- v) Presentation of the Report of the Team of Consultants by the Facilitator of the Team
- vi) Consideration of the Report of the Team of Consultants
- vii) Adoption of the Report of the Ministerial Panel
- viii) Any Other Business
- ix) Closing Remarks

IV. PRESENTATION BY THE DEPUTY LEGAL COUNSEL

8. The Deputy Legal Counsel, Ms Djeneba Diarra gave an overview of the process since the outcome of the July 2011 Malabo meetings of the Panel and the Executive Council. In this regard, she informed the Panel that at the expiry of the deadline, the Commission received: two (2) candidatures for the position of Chairperson; one (1) candidature for the position of Deputy Chairperson; and thirty one (31) candidatures for the various portfolios of the Commissioners out of which one of the regions withdrew five (5) and the Consultants did not retain another for failing to meet the minimum requirement. She indicated that the continental pool stood at twenty-five (25).

9. She highlighted that each region was required to nominate two (2) candidates, including a woman for each portfolio thus a total of sixteen (16) candidates for the eight (8) portfolios. She further indicated that the five (5) regions namely, Central, East, North,

Southern and West were required to submit a total of eighty (80) candidates, forty (40) men and forty (40) women.

10. However, she drew the attention of the Panel to the fact none of the regions had complied with the rules and modalities for presentation of candidates. She also pointed out that the rules were silent on what needed to be done in cases where regions do not comply and that the Panel would have to deliberate on the matter.

11. She concluded by indicating that the Commission in consultation with the Permanent Representatives' of the Members of the Ministerial Panel had nominated ten (10) consultants to carry out the exercise, four (4) of which were present to present the report to the Panel through the Facilitator of the Team.

VII. PRESENTATION OF THE REPORT OF THE TEAM OF CONSULTANTS BY THE FACILITATOR OF THE TEAM

12. In presenting the Report, Mr. Anil Gayan, the Facilitator of the Team of Consultants informed the Ministerial Panel that they met in Addis Ababa, Ethiopia from 14 to 19 November 2011.

13. He pointed out the challenges faced by the Team in particular in relation to the limited number of candidatures that could be an impediment to the potential of selecting the most competent candidates for the portfolios. He further drew attention to the fact that no appraisal performance report was submitted for the incumbent Commissioners seeking reelection.

14. The Facilitator concluded by highlighting that the decline in the number of candidatures from more than seventy (70) during the 2003 election and forty-five (45) in the 2008 election to twenty-six (26) for the 2012 election was a source of serious concern that needed to be addressed in order to ensure that during the next election the problem does not arise.

VIII. CONSIDERATION OF THE REPORT OF THE TEAM OF CONSULTANTS

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

- i) Member States and the Regions did not comply with the rules and the modalities for submission of candidatures which has resulted in an insufficient number of candidatures thus impeding on the short listing exercise;
- ii) The need to develop mechanisms to ensure that Member States and the regions would submit candidatures in required number and gender;
- iii) The need for Member States and the regions in presenting candidatures to comply with all statutory requirements namely, education, experience,

leadership, achievements, format of CVs and others such as the vision and strategic approach;

- iv) The need to submit a performance appraisal report for incumbent Commissioners applying for reelection;
- v) The need for wider advertisement of vacancies in order to attract higher number of candidatures;
- vi) The need for candidates to submit certified copies of their certificates in order to facilitate evaluation;
- vii) The need to carry out interviews of all shortlisted candidates by the Team of Consultants.

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

- i) All the observations made were pertinent but came too late and therefore could not be taken into account for the forthcoming elections in January 2012;
- ii) The Team of Consultants discharged their duties in line with its terms of reference and based on the practice of the Union;
- iii) The mandate of the Panel is to shortlist for submission to the Executive Council for election but that it was faced with a difficulty due to the fact that the regions did not comply with the requirements thus the limited number of candidatures;
- iv) The Member States and the Regions were in violation of the modalities and the rules and procedures contained in the relevant AU legal instruments;
- v) The candidatures are submitted by the regions and therefore it has been stressed in the past that it was their responsibility to ensure that the certificates presented by the candidates were genuine and from recognized universities;
- vi) The exercise carried out by the Consultants was based on the practices of 2003 and 2008 and they did not innovate;

17. At the end of its discussions, the Ministerial Panel was of the view that the Member States and the regions should have ensured that they complied with the requirements to enable short-listing. In this regard, the Panel decided that in view of the number of candidatures, e.g. twenty-five (25), it could not proceed to a further short-listing and therefore all the candidatures presented would be submitted to the Executive Council for election.

18. The Ministerial Panel, in the light of the observations made by the Members of the Panel, the Deputy Legal Counsel and the Consultants and in particular taking into account the imperative need to ensure that required number of candidatures is submitted, decided to make recommendations to the Executive Council on the way forward **for future elections** as follows:

- i. Member States should comply with the modalities and rules;
- ii. Where there is only one (1) candidate, the position should be advertised again.
- iii. The need to review the whole process of elections with a view to addressing the challenges, gaps and new developments in order to strengthen it, including through the review of the existing rules and procedures.

VII. ANY OTHER BUSINESS

19. No issue was raised under this item.

VIII. CLOSING REMARKS

20. The Chairperson of the Ministerial Panel thanked the members of the Panel for their contributions. He also thanked the Commission, the Team of Consultants, interpreters, translators and all the technical staff for their support

21. He advised the Commission to send the finalized report to all the members of the Panel for their comments within a period of four (4) days failing which the Report will be considered final.

22. The Ministerial Panel then adjourned its meeting.

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