

AFRICAN UNION
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UNION AFRICAINE
UNIÃO AFRICANA

Addis Ababa, ETHIOPIA P. O. Box 3243 Telephone +251115- 517700 Fax : +251115- 517844
Website : www.africa-union.org

SC6345

EXECUTIVE COUNCIL
Twentieth Ordinary Session
23 – 27 January 2012
Addis Ababa, ETHIOPIA

EX.CL/714(XX)
Original: English

**REPORT OF THE COMMISSION ON THE ELECTION OF THE
COMMISSIONERS OF THE AFRICAN UNION**

REPORT OF THE COMMISSION ON THE ELECTION OF THE COMMISSIONERS OF THE AFRICAN UNION

I. INTRODUCTION

1. The information contained in this paper is based on the provisions of the Rules of Procedure of the Assembly, the Rules of procedure of the Executive Council, the Statutes of the Commission as well as the Modalities for Election of the Members of the Commission adopted by the Executive Council in Malabo, Equatorial Guinea in June 2011 under decision EX.CL/AU/Dec.661 (XIX).

2. The Commission is composed of ten (10) members: the Chairperson, the Deputy Chairperson and eight (8) Commissioners.¹

3. The term of office of the Members of the Commission shall be four (4) years. The Members may be eligible to compete for re-election for another term of four (4) years².

4. The region from which the Chairperson and the Deputy Chairperson are appointed shall be entitled to one (1) Commissioner each. All the other regions shall be entitled to two (2) Commissioners.³ Further, the Chairperson of the Commission and his/her Deputy shall not be from the same region⁴. The regional representation of the Members in the Commission is, therefore, as follows:

- Central: 2;
- East: 2;
- North: 2;
- South: 2; and
- West: 2.

5. At least one (1) Member of the Commission from each region shall be a woman.⁵

6. It will be recalled that the current Commissioners were elected in Addis Ababa, Ethiopia in January 2008 for a four-year term. In this regard, the Commission informed Member States that the election of the Commissioners would be conducted during the Twentieth Ordinary Session of the Executive Council scheduled for Addis Ababa in January 2012. In accordance with Executive Council decision EX.CL/AU/Dec.661 (XIX) and the Modalities for Election of Members of the Commission in January 2012, the Commission informed Member States and the regions by its Note Verbale reference BC/OLC/217/4761.11 dated 25 July 2011 that the deadline for submission of candidatures for the posts of Commissioners was 15 September 2011. Upon expiry of

¹ Article 2 of the Statutes of the Commission.

² Article 10 of the Statutes of the Commission.

³ Articles 37 (1) and 6 (2) of the Rules of Procedure of the Executive Council and Statutes of the Commission respectively.

⁴ Article 38 (4) of the Rules of Procedure of the Assembly.

⁵ Article 6 (3) of the Statutes of the Commission.

the deadline, the Commission informed Member States of the candidatures that had been received for the post of Commissioner. Further, the Commission, through its Note Verbale reference BC/OLC/217/5186.11 dated 21 October 2011 circulated the tentative list of candidatures for the posts of Commissioner to Member States.

II. CRITERIA

7. In electing the Members of the Commission, due consideration should be given to the following criteria:

- a) **Regional distribution:** The regions from which the Chairperson and the Deputy Chairperson are appointed shall be entitled to one (1) Commissioner each. All other regions shall be entitled to two (2) Commissioners.⁶ Furthermore, the Chairperson and the Deputy Chairperson shall not be from the same region. It should be noted that only nationals of Member States are eligible for appointment as Commissioners, provided that no two (2) Commissioners shall be nationals of the same Member State. Therefore, each of the five (5) regions is entitled to two (2) members in the Commission.
- b) **Gender equality:** At least one (1) member of the Commission from each region must be a woman.⁷ Therefore, the Commission will be composed of five (5) men and five (5) women.
- c) **Qualifications and Experience:** the Commissioners shall possess minimum educational qualification not below the first degree, or equivalent from a recognized university. They shall also be competent women or men with proven experience in the relevant field, commensurate leadership qualities and a good track record in government, parliament, international organizations or other relevant sectors of society.⁸
- d) **Age:** A minimum age criteria of thirty-five (35) shall apply.⁹

⁶ Articles 6 (2) and 15 (3) of the Statutes of the Commission. Rule 38 (4) and 39 (1) of the Rules of Procedure of the Assembly of the Union. Rule 37 (1) of the Rules of Procedure of the Executive Council.

⁷ Article 6 of the Statutes of the Commission.

⁸ Rules 38 (2) and 39 (2) of the Rules of Procedure of the Assembly of the Union. Rule 37(2) of the Rules of Procedure of the Executive Council, Articles 15 (1) and 15 (2) of the Statutes of the Commission. It should be noted that the female members of the Commission are not charged with the responsibility for mainstreaming gender in the African Union. The ultimate responsibility for promoting gender equality in the Union rests on the Chairperson of the Commission with the technical backstopping from the Office of the Gender and Equality Promotion under his Office.

⁹ Article 15 (3) of the Statutes of the Commission.

III. PORTFOLIOS ¹⁰

8. The portfolios, as set out in Article 12 of the Statutes of the Commission, on the basis of which Commissioners will be elected are as follows:

- a) PEACE AND SECURITY (Conflict Prevention, Management and Resolution, and Combating Terrorism...);
- b) POLITICAL AFFAIRS (Human Rights, Democracy, Good Governance, Electoral Institutions, Civil Society Organizations, Humanitarian Affairs, Refugees, Returnees and Internally Displaced Persons);
- c) INFRASTRUCTURE AND ENERGY (Energy, Transport, Communications, Infrastructure and Tourism...);
- d) SOCIAL AFFAIRS (Health, Children, Drug Control, Population, Migration, Labour and Employment, Sports and Culture...);
- e) HUMAN RESOURCES, SCIENCE AND TECHNOLOGY (Education, Information Technology Communication, Youth, Human Resources, Science and Technology...);
- f) TRADE AND INDUSTRY (Trade, Industry, Customs and Immigration Matters...);
- g) RURAL ECONOMY AND AGRICULTURE (Rural Economy, Agriculture and Food Security, Livestock, Environment, Water and Natural Resources and Desertification...);
- h) ECONOMIC AFFAIRS (Economic Integration, Monetary Affairs, Private Sector Development, Investment and Resource Mobilization...).

IV. MODALITIES FOR SELECTION OF CANDIDATES

- a) **The Ministerial Panel on Election of Members of the Commission and Team of Independent Consultants to Assist the Ministerial Panel**

9. Article 14 of the Statutes of the Commission stipulates, inter alia, “A panel consisting of two (2) representatives from each region shall be established for the central selection exercise. Further, “the panel shall be made up of Ministers assisted by a team of independent consultants”.

10. In accordance with Article 14 of the Statutes of the Commission, the Commission sent out a Note Verbale on 3 March 2011 to the Deans of the African Diplomatic Corps to the African Union inviting them to carry out, within their respective regions,

¹⁰ Article 12 of the Statutes of the Commission.

consultations and submit two (2) names of their respective representatives to sit on the Ministerial Panel for the Central Pre-Selection Process for the Election of Members of the Commission in January 2012. The Panel was constituted as follows:

| | |
|------------------|-----------------------------------|
| Central Region: | Equatorial Guinea and Chad |
| Eastern Region: | Ethiopia and Rwanda |
| Northern Region: | Algeria and Libya |
| Southern Region: | Malawi and Namibia |
| Western Region: | Liberia and Senegal |

11. The Ministerial Panel on Election of Members of the Commission, at its first session held in Malabo, Equatorial Guinea on 25 June 2011, adopted the Modalities on Election of Members of the Commission which were submitted thereafter to the Executive Council. The Executive Council adopted the Modalities on Elections of Members of the Commission by virtue of its decision EX.CL/AU/dec.661(XIX) adopted at its Nineteenth Ordinary Session held in Malabo, Equatorial Guinea. The Terms of Reference for the Ministerial Panel as contained in the Modalities on Elections of Members of the Commission were as follows:

- a) approve a format of the curriculum vitae to be submitted by the candidates;
- b) analyze and evaluate the curriculum vitae of the eighty candidates for the Commissioners submitted to the Ministerial Panel by the five regions for Central Pre-selection Process, taking into account their continental and strategic experience;
- c) ascertain and establish the equivalence of academic qualifications of the candidates;
- d) evaluate and compare the educational background and the work experience with respect to the relevant portfolio for each candidate;
- e) establish an evaluation of the performance of the incumbent Commissioners who have applied for re-consideration for a further term of office;
- f) conduct interviews for the shortlisted candidates, if resources and time permits;
- g) make an analytical and objective determination of the suitability of each candidate for the respective portfolios;
- h) ensure equal regional representation and gender equality.

12. The Ministerial Panel also requested the Permanent Representatives to the African Union of the Members of the Panel and the Commission to finalize the Terms of Reference for the Team of Consultants as well as the budget for all activities relating to the elections in Addis Ababa, Ethiopia. The Terms of Reference for the Consultants were accordingly finalized during a meeting held in August 2011 and the budget in October 2011 in Addis Ababa, Ethiopia.

13. Following the finalization of the Terms of Reference for the Team of Consultants, the Commission appointed the following members of the Team of independent consultants to assist the Ministerial Panel:

| | <u>Country</u> | <u>Gender</u> |
|----------------------------------|-----------------------|----------------------|
| <i>Central Region</i> | | |
| 1. Amb. Adolphe Nahayo | (Burundi) | Male |
| 2. Dr. Viviane Ondoua Biwole | (Cameroon) | Female |
| <i>Eastern Region</i> | | |
| 3. Mr. Paul Nyaga Mbatia | (Kenya) | Male |
| 4. Mr. Anil Gayan | (Mauritius) | Male |
| <i>Northern Region</i> | | |
| 5. Mr. Abdelmajid Benkhalifa | (Tunisia) | Male |
| 6. Amb. Ibrahim Ali Hassan | (Egypt) | Male |
| <i>Southern Region</i> | | |
| 7. Dr. Welcome Siphamandla Zondi | (South Africa) | Male |
| 8. Amb. Anna Nemba | (Mozambique) | Female |
| <i>Western Region</i> | | |
| 9. Mr. Augustin Loada | (Burkina Faso) | Male |
| 10. Amb. Layi-Kayode Iyanda | (Nigeria) | Male |

b) Nominations of candidatures for the post of Commissioner

14. In conformity with Article 13 of the Statutes of the Commission, the election process commenced with a pre-selection of candidates at the regional level.

15. Each region was required to elaborate its own modalities for short-listing and selection of Commissioners and nominate two (2) candidates including a woman for each portfolio.¹¹ For the eight (8) portfolios, each region was expected to nominate sixteen (16) candidates [eight (8) men and eight (8) women], making a continental pool of eighty (80) candidates.

16. However, it should be pointed out that at the end of the deadline for submission of candidatures, a total of thirty-one (31) candidatures were received by the Commission

¹¹ Articles 13 and 14 (3) of the Statutes of the Commission.

and none of the regions had complied fully with the provisions of Article 13 of the Statutes in terms of submission of candidatures in the required number for each portfolio and gender. A number of the candidatures were not supported by curriculum vitae or by the vision statement as required. Out of the thirty-one (31) candidates, five (5) were withdrawn by the region which had submitted them and leaving a total of twenty six (26) candidates out of the eighty (80) required for the continental pool. Further, in the course of evaluating the candidates, the team of consultants did not retain one (1) candidate for lack of basic educational qualification.

17. The Rules of Procedure of the Assembly, the Rules of Procedure of the Executive Council, the Statutes of the Commission as well as the Modalities on Election of Members of the Commission are silent on what should be done by the Commission when a region does not comply with the requirements on submission of candidatures.

18. The candidates so selected at the regional level were submitted to the Team of Consultants which met from 14 to 19 November 2011 in Addis Ababa, Ethiopia to evaluate and shortlist the candidatures received for the post of Commissioner. The Terms of Reference for the Team of Consultants were as follows:

- a) Assist the Ministerial Panel analyze and evaluate the curriculum vitae of all nominated candidates for commissioners as submitted to the Panel from the five regions of the AU;
- b) Assist in ascertaining and establishing the equivalency of academic qualifications of candidates;
- c) Assist in evaluating and comparing the work experience of each candidate in the relevant portfolio;
- d) Assist in making a comprehensive and objective analytical report to the Ministerial Panel on all the candidates; and
- e) Perform any other tasks as may be requested by the Ministerial Panel.

19. The Team of Consultants produced a Report on the evaluation of the candidates. They also made the following recommendations:

- a) Improvement of the recruitment by giving it wider publicity at continental, regional and national level;
- b) As part of the pre-selection process, the shortlisted candidates should be interviewed;
- c) African consultants could, if needed, be hired to help with the short-listing of candidates at regional level;

- d) As part of the application process, candidates should be required to provide certified copies of educational qualification;
- e) The Commission should enforce the rules that require the regions to submit two candidatures for each portfolio; and
- f) The Commission should supply the performance appraisal of a commissioner re-applying for their posts.

20. The Report of the Team of Consultants was considered by the Ministerial Panel during its meeting held in Malabo, Equatorial Guinea, on 24 November 2011. The Ministerial Panel took note of the Report of the Team of Consultants including the fact that one (1) candidate was not evaluated because the candidate did not possess the minimum education criteria as provided in the Statutes of the Commission resulting in a total number of twenty-five (25) candidatures being retained. In view of the limited number of candidatures, twenty-five (25) against an expected continental pool of eighty (80), the Ministerial Panel decided not to further short-list the evaluated candidates. The Ministerial Panel further decided to submit the twenty five (25) candidates who met the minimum criteria to the Executive Council for election and subsequent appointment by the Assembly.

21. The Final List of candidates for the posts of Commissioners is attached in the Annex.

22. Considering the challenges faced by the Team of Consultants and the Ministerial Panel due to non-compliance by the Regions with the rules on submission of candidates, the Ministerial Panel made the following recommendations for future elections (after the January 2012 elections):

- a) Member States should comply with the modalities and the rules;
- b) Where there is only one (1) candidate, the position should be re-open for more candidates;
- c) 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 and more reliable, including through the review of the existing rules and procedures.

V. VOTING PROCEDURES

23. Rule 42 (1) of the Rules of Procedure of the Assembly provides that voting shall commence with the election of the Chairperson and the Deputy Chairperson; thereafter, the Assembly shall appoint Commissioners elected by the Executive Council.

24. The voting procedure is governed by Rule 38 of the Rules of Procedure of the Executive Council, which stipulate:

- "1. In any election of the Commissioners, the balloting for each portfolio shall continue until one of the candidates obtains the two-thirds majority required. Provided that, if the third ballot remains inconclusive, the next ballot shall be restricted to the two (2) candidates who obtain the highest number of votes in the third ballot.
2. If after three (3) further ballots neither of the two (2) candidates obtains the majority required, the candidates with fewer votes shall withdraw.
3. Where there are only two (2) candidates initially and neither candidate obtains the majority required after the third ballot, the candidate with fewer votes shall withdraw and the remaining candidate shall proceed to the next round.
4. If the remaining candidate fails to obtain the two-thirds majority required in that round, the Chairperson shall suspend the election.
5. Where there is only one (1) candidate initially and he or she fails to obtain the two-thirds majority required after the third ballot the Chairperson shall suspend the election.
6. This voting procedure shall be applicable to all elections conducted by the Executive Council in respect of other Organs of the Union."

VI. ELECTION PROCESS

25. In conformity with Rule 42 of the Rules of Procedure of the Assembly of the Union, the voting shall commence with the election of the Chairperson of the Commission, followed by the election of the Deputy Chairperson; thereafter the Assembly shall endorse the Commissioners elected by the Executive Council.

26. The practical implementation of this approach would mean that the Assembly will elect the Chairperson and the Deputy Chairperson on the first day of its Ordinary Session in Addis Ababa, Ethiopia, in January 2012, and immediately thereafter, the Executive Council would reconvene in its ordinary session to elect the Commissioners.

27. This approach would also mean that the Assembly of the Union would continue with consideration of its agenda items in the Plenary, whilst Council will be meeting in another room conducting the elections of Commissioners. The names of the candidates elected by the Executive Council shall be submitted to the Assembly for appointment.

28. The final list of candidatures for Commissioners is attached hereto as annex.

**THE FINAL LIST OF CANDIDATES FOR THE POSITION OF COMMISSIONERS AS
DECIDED BY THE MINISTERIAL PANEL ON THE ELECTION OF COMMISSIONERS**

| POST | | PEACE AND SECURITY | |
|------|--------------------|--------------------|--------|
| | | REGION | GENDER |
| 1 | Ramtane LAMAMRA | North | Male |
| 2 | Pius MOKGWARE | South | Male |
| 3 | Kongit SINEGIORGIS | East | Female |

| POST | | POLITICAL AFFAIRS | |
|------|-------------------------|-------------------|--------|
| | | REGION | GENDER |
| 1 | Nagoum YAMASSOUM | Central | Male |
| 2 | Clotilde NIRAGIRA | Central | Female |
| 3 | Aïsha L. ABDULLAHI | West | Female |
| 4 | Faida Maramuke MITIFU | Central | Female |
| 5 | Mustaq MOORAD | South | Male |
| 6 | Hesphina RUKATO | South | Female |
| 7 | Genevieve Delali TSEGAH | West | Female |

| POST | | INFRASTRUCTURE AND ENERGY | |
|------|---------------------|---------------------------|--------|
| | | REGION | GENDER |
| 1 | Elham MAHMOUD | North | Female |
| 2 | Ufei Chinje MELO | Central | Female |
| 3 | Vishnu Dutt PURBHOO | East | Male |

| POST | | SOCIAL AFFAIRS | |
|------|-------------------------------|----------------|--------|
| | | REGION | GENDER |
| 1 | Charles Bikoi BINAM | Central | Male |
| 2 | Marie-Pierre LLOYD | East | Female |
| 3 | Ngarmbatina Soukate ODJIMBEYE | Central | Female |
| 4 | Rudo CHITIGA | South | Female |
| 5 | Mustapha Sidiki KALOKO | West | Male |

| POST | | HUMAN RESOURCES, SCIENCE AND TECHNOLOGY | |
|------|---------------------|---|--------|
| | | REGION | GENDER |
| 1 | Jean-Pierre O. EZIN | West | Male |

| POST | | TRADE AND INDUSTRY | |
|------|-------------------|--------------------|--------|
| | | REGION | GENDER |
| 1 | Teodora Ondo MBA | Central | Male |
| 2 | Fatima Haram ACYL | Central | Female |

| POST | | RURAL ECONOMY AND AGRICULTURE | |
|------|-------------------------|-------------------------------|--------|
| | | REGION | GENDER |
| 1 | Rhoda P. TUMUSIIME | East | Female |
| 2 | Ogomoditse B. MARUAPULA | South | Male |

| POST | | ECONOMIC AFFAIRS | |
|------|------------------------|------------------|--------|
| | | REGION | GENDER |
| 1 | N'guettia Rene KOUASSI | West | Male |
| 2 | Okah-Atenga XAVERIE | Central | Female |

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