

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

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EXECUTIVE COUNCIL
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EX.CL/1289(XXXIX)
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**REPORT OF THE COMMISSION ON THE ELECTION AND
APPOINTMENT OF TWO (2) COMMISSIONERS OF
THE AFRICAN UNION COMMISSION**

REPORT OF THE COMMISSION ON THE ELECTION AND APPOINTMENT OF TWO (2) COMMISSIONERS OF THE AFRICAN UNION COMMISSION

I. INTRODUCTION

1. The election process of Commissioners of the African Union Commission (the Commission) is based on : Rules of Procedure of the Assembly of the Union; Rules of Procedure of the Executive Council; Statute of the Commission; Decision **EX.CL/Dec.906(XXVIII)** on the Modalities for Election of the Members of the Commission, adopted by the Executive Council in January 2016, in Addis Ababa, Ethiopia; and Assembly Decision **Ext/Assembly/AU/Dec.1(XI)** on the Institutional Reform of the Commission adopted by the 11th Extra Ordinary Session of the Assembly in November 2018, Addis Ababa, Ethiopia.

2. The Commission is composed of eight (8) members, namely, the Chairperson, the Deputy Chairperson and Six (6) Commissioners.¹

3. In accordance with Article 10 of the Statute of the Commission, the terms 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) years.

4. It will be recalled that the Executive Council, vide Decision **EX.CL/Dec.1125(XXXVIII)** adopted in February, 2021, postponed the elections of two Commissioner portfolios, to its 39th Ordinary Session as follows:

***DECIDES** that the Commissioners for Education, Science, Technology and Innovation and Health, Humanitarian Affairs and Social Development will be elected at the June/July 2021 Ordinary Session of the Executive Council and the outgoing Commissioners, H.E. Sarah Anyang Agbor and H.E. Amira Elfadil Mohamed Elfadil shall be acting in the said positions.*

***DECIDES** that the candidates to be elected shall be amongst male candidates from the Northern Region and female candidates from the Western Region, respectively, in accordance with the provisions of the Statutes of the Commission as well as the Rules of Procedure of the Assembly.*

II. MODALITIES FOR SELECTION OF CANDIDATES

a) The Panel of Eminent Africans

5. The Assembly, in Decision **Ext/Assembly/AU/Dec.1(XI)**, provided for the establishment of the Panel of Eminent Africans to oversee the pre- selection process of candidatures for the senior leadership of the Commission as follows:

***HEREBY ESTABLISHES** a Panel of Eminent Africans, composed of five (5) eminent personalities, one per region, to oversee the pre-selection of candidatures of the senior leadership of the Commission;*

¹ Para 3 of the Decision

REQUESTS Member States to propose their regional nominations for the Panel of Eminent Africans to the Commission by January 2019. The Commission shall present such nominations to the 32nd Ordinary Session of the Assembly from 10 to 11 February 2019 in Addis Ababa, Ethiopia;

DECIDES that the Panel of Eminent Africans shall be technically assisted by an independent African consultancy firm, to be selected by the Panel;

6. Accordingly, the Commission invited the Regional Deans of the African Union to carry out, within their respective regions, consultations and submit one (1) name per region to constitute the Panel of Eminent Africans.

7. The Panel was endorsed by the Assembly vide Decision **Assembly/AU/Dec. 761(XXXIII)** adopted by the 33rd Ordinary Session of the Assembly on 10 February 2020 in Addis Ababa, Ethiopia. It is composed as follows:

- a) Central Africa: H.E Yang Philemon (**Cameroon**)
- b) East Africa: Amb. Konjit Sinegiorgis (**Ethiopia**)
- c) Southern Africa: Amb. Tuliameni Kalomoh (**Namibia**)
- d) West Africa: Hon. Hassan Bubacar Jallow (**The Gambia**)

8. In the same Decision, the Assembly urged the Northern Region to conclude their consultations and nominate an Eminent Person to the Panel, however, the Northern Region did not manage to nominate a representative.

9. Pricewaterhouse Coopers Associates Limited (Mauritius) is the independent African consultancy firm that was selected by the Panel of Eminent Africans, through an open tender process, to provide technical assistance.

10. The Terms of Reference for the Panel as contained in the Decision are as follows:

- i. Development of job profiles and competency requirements for the senior leadership of the Commission.²
- ii. Undertake skills and competency-based assessment and shortlisting of candidates to generate a ranked pool of pre-qualified candidates.³

11. Through Decision **EX.CL/Dec.1125(XXXVIII)**, adopted in February, 2021, the Executive Council **RECALL(ED) Ext/Assembly/AU/Dec.1 (XI) and Assembly/AU/Dec.761 (XXXIII)**, which established the Panel of Eminent Personalities and **REQUEST(ED)** the Eminent Personalities to continue their work, assisted when necessary, by the same independent African consultancy firm in accordance with the timelines set in this Decision.

b) Timelines for elections

² Para 16 of the Decision

³ Para 19 of the Decision

12. **The Executive Council, in the Decision EX.CL/Dec.1125(XXXVIII)**, approved the following timelines for the election processes:

- a) Commission to communicate call to Member States to submit Candidates (February - March 2021)
- b) Submission of Candidates by Member States (March -April 2021)
- c) Assessment of Candidates by the Panel (April -May 2021)
- d) Circulation of pre-qualified candidates to Member States (June 2021).

c) **Nominations of candidates for the Two (2) Commissioner Portfolios**

13. The Commission, through Note Verbal No. **BC/OLC/217/10390.21** dated 25 February, 2021 informed Member States that the election of the Two (2) remaining Commissioners would be conducted during the 39th Ordinary Session of the Executive Council in July 2021.

14. In the same Note Verbal, the Commission circulated job profiles as generated by the Panel of Eminent Persons; and competency requirements including the need for candidates to provide curriculum vitae, along with vision statements outlining how they intend to address the most pressing issues facing the AU as mandated by Para 18(a) of Decision **Ext/Assembly/AU/Dec.1(XI)**.

15. In conformity with Article 13 of the Statute of the Commission, the Commission requested that candidates be submitted **through the regional deans**, on or before 26 March, 2021.

16. Upon expiry of the deadline, the Commission through Note Verbal No. **BC/OLC/217/10536.21** dated 31 March, 2021 circulated the list of all admissible candidates to Member States.

17. The Commission further informed Member States that the list of admissible candidates would be forwarded to the Panel of Eminent Africans for a competency based assessment and shortlisting process and that the final ranked pool of prequalified candidates would be circulated to all Member States, once shortlisting was complete.

18. The Commission, through Note Verbal No. **BC/OLC/42.23/10874.21** dated 10 June 2021 circulated the ranked pool of prequalified candidates as generated and transmitted by the Panel of Eminent Africans.

19. In view of the above, the final list of candidates for the Commissioner Positions, namely: and *curricula vitae* are attached hereto as Annexes.

III. **KEY PRINCIPLES**

20. In electing the Members of the Commission, due consideration should be given to the following key principles as provided for under paragraph 12 of Decision **Ext/Assembly/AU/Dec.1(XI)**:

- a) **Equitable regional representation:** The six (6) Commissioner level posts shall be equally distributed by gender and across the three regions that are not represented at Chairperson and Deputy Chairperson level.⁴ The regions with candidates that are elected to the position of the Chairperson or the Deputy Chairperson shall not be eligible for consideration for the six remaining Commissioner posts.⁵
- b) **Gender parity:** The six (6) Commissioner level posts shall be equally distributed by gender and across the three regions that are not represented at Chairperson and Deputy Chairperson level.⁶ Accordingly the members of the Commission will be composed of three (3) men and three (3) women.
- c) **Predictable inter and intra-regional rotation following the English alphabetical order;**⁷
- d) **Attracting and retaining Africa's top talent;**⁸
- e) **Accountable and effective leadership and management;**⁹ and
- f) **Transparent and merit-based selection.**¹⁰

IV. VOTING PROCEDURES

21. The voting procedure is governed by Rule 38 of the Rules of Procedure of the Executive Council, which stipulates as follows:

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 Para 12(iii) of the Decision

⁵ Para 12(iv) of the Decision

⁶ Para 12(iii) of the Decision

⁷ Para 12 (i)(b) of the Decision

⁸ See Para 12 (i)(c) of the Decision.

⁹ Para 12(i) (d) of the Decision.

¹⁰ Para 12(i) (e) of the Decision.

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.”

V. APPOINTMENT OF THE ELECTED COMMISSIONERS

22. The elected Commissioners will be appointed by the Executive Council in accordance with Decision **Assembly/AU/Dec.799(XXXIV)** adopted by the 34th Ordinary Session of the Assembly, whereby the Assembly delegated its powers to appoint Commissioners to the Executive Council.

ANNEX I

**FINAL LIST OF RANKED POOL OF PREQUALIFIED CANDIDATURES FOR
THE TWO (2) POSITIONS OF COMMISSIONERS OF THE COMMISSION**

ANNEX 2

CVS OF THE RANKED POOL OF PREQUALIFIED CANDIDATURES FOR THE
TWO (2) POSITIONS OF COMMISSIONERS OF THE COMMISSION

**DRAFT DECISION ON THE ELECTION AND APPOINTMENT OF TWO (2)
COMMISSIONERS OF THE AFRICAN UNION COMMISSION**

The Executive Council,

1. **TAKES NOTE** of the Report of the Commission on the Election and Appointment of Two(2) Commissioners of the African Union Commission;
2. **ELECTS** and **APPOINTS** the following as Commissioners of the African Union Commission for a term of four(4) years:

No.	NAME	GENDER	COUNTRY	REGION	PORTFOLIO

3. **CONGRATULATES** the newly elected Commissioners.

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