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**ASSEMBLY OF THE AFRICAN UNION  
TENTH ORDINARY SESSION  
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Addis Ababa, ETHIOPIA**

Assembly/AU/2 (X) - a

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

## **REPORT ON THE ELECTION OF THE CHAIRPERSON OF THE COMMISSION 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 of the Union and the Statutes of the Commission of the African Union adopted by the First Ordinary Session of the Assembly of the Union held in Durban, South Africa, in July 2002 as well as the Modalities for Election of the Members of the Commission of the African Union adopted by the Executive Council in Addis Ababa, Ethiopia in January 2007.

2. It will be recalled that the Chairperson of the Commission was elected in Maputo, Mozambique, in July 2003 for a four-year term. In this regard, the Commission informed Member States that the election of the Chairperson would be conducted during the Ninth Ordinary Session of the Assembly scheduled for Accra, Ghana in July 2007. The deadline for submission of candidatures was set as at 30 March 2007. Upon expiry of the said deadline, the Commission informed Member States that no candidature had been received for the post of Chairperson.

3. It will further be recalled that the Assembly meeting in Accra, Ghana, in July 2007 decided to defer the election of the members of the Commission to the forthcoming sessions of the policy organs scheduled for January 2008. The deadline for submission of candidatures was extended to 30 October 2007.

4. The Commission, upon expiry of the deadline communicated the status of candidatures for the post of Chairperson of the Commission to all Member States. It informed them that since July 2007, that it had received six (6) candidatures for the post of Chairperson of the Commission. The curriculum vitae of the candidates are annexed to this report.

### **II. COMPOSITION OF THE COMMISSION**

5. In terms of Article 2 of the Statutes of the Commission, the Commission shall consist of ten (10) members made up as follows:

- a Chairperson
- one Deputy Chairperson
- eight (8) Commissioners.

### **III. REQUIREMENTS FOR APPOINTMENT AS CHAIRPERSON**

6. The requisite qualifications and relevant experience for appointment as Chairperson are outlined in Rule 38(2) of the Rules of Procedure of the Assembly, which requires such candidates to be:

“competent women and men with proven experience in the relevant field, commensurate leadership qualities and good track record in government, parliament, international organizations or other relevant sectors of society”.

7. Furthermore, in conformity with Article 23(1) of the Constitutive Act as read with Rule 35 of the Rules of Procedure of the Assembly and Article 126 of the Financial Rules and Regulations of the African Union, Member States with arrears of contribution to the regular budget amounting to two (2) years or more are deprived of certain rights, including the right to present candidates for any position or post within the Union and the right to vote.

#### **IV. RESPONSIBILITIES OF THE CHAIRPERSON**

8. The core functions and responsibilities of the Chairperson are outlined in Articles 7 and 8 of the Statutes of the Commission. In essence, the Chairperson of the Commission is:

- the Chief Executive Officer;
- the legal representative of the Union; and
- the Accounting Officer of the Commission.

9. The functions of the Chairperson are to, inter-alia:

- a) chair all meetings and deliberations of the Commission;
- b) undertake measures aimed at promoting and popularising the objectives of the Union and enhancing its performance;
- c) promote cooperation with other organizations for the furtherance of the objectives of the Union;
- d) participate in and keep records of the deliberations of the Assembly, the Executive Council, the PRC, the Committees and any other organs of the Union as may be required;
- e) submit reports requested by the Assembly, the Executive Council, the PRC, the Committees and any other organs of the Union as may be required;
- f) prepare, in conjunction with the PRC, and submit the Staff Rules and Regulations to the Executive Council, for approval;
- g) prepare, together with the PRC, and transmit to Member States the Budget, Audited Accounts and Programme of Work at least one (1) month before the commencement of the sessions of the Assembly and the Executive Council;

- h) act as depository of all Union and OAU Treaties and other legal instruments of the Union and perform depository functions thereof;
- i) act as a depository for instruments of ratification, accession or adherence of all international agreements concluded under the auspices of the Union and communicate information in this respect to Member States;
- j) receive copies of international agreements entered into between or amongst Member States;
- k) receive the notification of Member States which may desire to renounce their membership in the Union as provided for in Article 31 of the Constitutive Act;
- l) communicate to Member States, and include in the Agenda of the Assembly, as provided in Article 32 of the Constitutive Act, written requests of Member States for amendments or revisions to the Constitutive Act;
- m) circulate the provisional agenda of sessions of the Assembly, the Executive Council and the PRC to Member States;
- n) receive proposals, together with explanatory notes, for the inclusion of items on the agenda of the Assembly and the Executive Council at least sixty (60) days prior to the session;
- o) receive and circulate requests which conform to the correct Rules of Procedure of the Assembly or the Executive Council, from any Member State, for the convening of an extraordinary session of the Assembly or the Executive Council;
- p) in conjunction with the PRC, assess the need for branches, administrative and technical offices as may be considered necessary for the adequate functioning of the Commission, and create or abolish them as necessary, with the approval of the Assembly;
- q) consult and coordinate with the Governments and other institutions of Member States and the RECs, on the activities of the Union;
- r) appoint the staff of the Commission in accordance with the provisions of Article 18 of these Statutes;
- s) assume overall responsibility for the administration and finances of the Commission;
- t) prepare an Annual Report on the activities of the Union and its organs;
- u) carry out diplomatic representations of the Union;

- v) liaise closely with the organs of the Union to guide, support and monitor the performance of the Union in the various areas to ensure conformity and harmony with agreed policies, strategies, programmes and projects;
- w) carry out such other functions as may be determined by the Assembly or the Executive Council;
- x) supervise the functioning of the Headquarters and other offices of the Union;
- y) coordinate all activities and programmes of the Commission related to gender issues.

The Chairperson may delegate any of his/her functions to the Deputy Chairperson of the Commission.

10. The Chairperson plays an important role regarding conflict prevention, management, resolution and mediation since the entry into force of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union. In this regard, the Chairperson of the Commission, under the authority of the Peace and Security Council, and in consultation with all parties involved in a conflict, should deploy efforts and take all initiatives deemed appropriate to prevent, manage and resolve conflicts. To this end, the Chairperson of the Commission is expected to:

- a) bring to the attention of the Peace and Security Council any matter, which, in his/her opinion, may threaten peace, security and stability in the Continent;
- b) bring to the attention of the Panel of the Wise any matter which, in his/her opinion, deserves their attention;
- c) use his/her good offices, either personally or through special envoys, special representatives, the Panel of the Wise or the Regional Mechanisms, at his/her own initiative or when so requested by the Peace and Security Council, to prevent potential conflicts, resolve actual conflicts and promote peace-building and post-conflict reconstruction.

11. The Chairperson of the Commission is also expected, with regard to issues of conflict prevention, management and resolution to:

- a) ensure the implementation and follow-up of the decisions of the Peace and Security Council, including mounting and deploying peace support missions authorized by the Peace and Security Council. In this respect, the Chairperson of the Commission shall keep the Peace and Security Council informed of developments relating to the functioning of such missions. All problems likely to affect the continued and effective functioning of these

missions shall be referred to the Peace and Security Council, for its consideration and appropriate action;

- b) ensure the implementation and follow-up of the decisions taken by the Assembly in conformity with Article 4 (h) and (j) of the Constitutive Act;
- c) prepare comprehensive and periodic reports and documents, as required, to enable the Peace Security Council and its subsidiary bodies to perform their functions effectively.

## V. TERM OF OFFICE

12. The term of office of the Chairperson is four (4) years. In terms of Article 10(1) of the Statutes, members of the Commission are eligible to compete for re-election for another term of four (4) years.

### *Election of Chairperson*

13. The procedure for the election and appointment of the Chairperson is set out in Rule 38 of the Rules of Procedure of the Assembly, which states *inter alia* that:

- "1. *The Assembly shall elect the Chairperson of the Commission and his or her Deputy by secret ballot and two thirds majority of Members eligible to vote.*
- 2. *The Chairperson of the Commission and his/her Deputy shall be competent women or men with proven experience, commensurate leadership qualities and a good track record in government, parliament, international organizations, or other relevant sectors of society.*
- 3. *Candidatures for the Office of the Chairperson of the Commission shall be circulated to Member States at least three (3) months before the election.*
- 4. *The Chairperson of the Commission and his/her Deputy shall not be from the same region."*

### *Candidatures for the post of Chairperson*

14. In conformity with the aforementioned provisions of the Constitutive Act, Rules of Procedure of the Assembly and Statutes of the Commission, the Commission informed Member States, vide Note Verbales reference BC/OLC/217/20/Vol.IV dated 16 February 2007 and BC/OLC/217/25/Vol.IV dated 15 March 2007(Reminder), that the election for the Chairperson of the Commission of the African Union would be conducted during the Ninth Ordinary Session of the Assembly of the Union scheduled for Accra, Ghana in July 2007. The Commission invited nominations to that effect.

15. By its Note Verbale reference BC/OLC/217/40/Vol.IV dated 02 April 2007, the Commission informed Member States that the process of receipt of candidatures officially closed on 30 March 2007 and that no candidatures were received for the post of Chairperson of the Commission.

16. Vide its Note Verbale BC/OLC/217/5/Vol.V dated 12 July 2007 and BC/OLC/217/6/Vol.V dated 8 October 2007, the Commission informed Member States that pursuant to decision Assembly/AU/Dec. 168 (IX) adopted by the Ninth Ordinary Session of the Assembly of the Union, the election of members of the Commission was deferred to the forthcoming sessions of the policy organs scheduled for Addis Ababa, Ethiopia in January 2008 and that the deadline for submission of candidatures was extended to 30 October 2007.

17. Vide its Note Verbale reference BC/OLC/217/8/Vol.V dated 31 October 2007, the Commission informed Member States that on the basis of the nominations received by the Commission, the candidates for election to the Office of the Chairperson of the Commission of the African Union are as follows in the English alphabetical order:

<u>Name</u>	<u>Country</u>	<u>Date Received</u>
1. Mrs. Antoinette BATUMUBWIRA	Burundi	26/10/2007
2. Mr. Abdulai Osman CONTEH	Sierra Leone	30/10/2007
3. Mr. Barnabas Sibusiso DLAMINI	Swaziland	26/10/2007
4. Mrs. Inonge MBIKUSITA-LEWANIKA	Zambia	05/09/2007
5. Mr. Jean PING	Gabon	26/10/2007
6. Mr. Cassam UTEEM	Mauritius	17/09/2007

18. Subsequently, Burundi, Mauritius and Swaziland withdrew their candidatures. Accordingly, the candidatures remaining for election are as follows in English alphabetical order:

<u>Name</u>	<u>Country</u>
1. Mr. Abdulai Osman CONTEH	Sierra Leone
2. Mrs. Inonge MBIKUSITA-LEWANIKA	Zambia
3. Mr. Jean PING	Gabon

**ANNEX 1: CURRICULUM VITAE OF THE CANDIDATES**

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**REPORT ON THE ELECTION OF THE DEPUTY  
CHAIRPERSON OF THE COMMISSION  
OF THE AFRICAN UNION**

## **REPORT ON THE ELECTION OF THE DEPUTY CHAIRPERSON OF THE COMMISSION 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 of the Union and the Statutes of the Commission of the African Union adopted by the First Ordinary Session of the Assembly of the Union held in Durban, South Africa, in July 2002 as well as the Modalities for Election of the Members of the Commission of the African Union adopted by the Executive Council in Addis Ababa, Ethiopia in January 2007.
2. It will be recalled that the Deputy Chairperson of the Commission was elected in Maputo, Mozambique, in July 2003 for a four-year term. In this regard, the Commission informed Member States that the election of the Deputy Chairperson would be conducted during the Ninth Ordinary Session of the Assembly scheduled for Accra, Ghana in July 2007. The deadline for submission of candidatures was set as at 30 March 2007. Upon expiry of the said deadline, the Commission informed Member States that it had received two (2) candidatures for the post of Deputy Chairperson of the Commission.
3. During the last session of the Assembly of the Union held in Accra, Ghana, in July 2007, the Heads of State and Government decided to defer the election of the members of the Commission to the forthcoming sessions of the policy organs scheduled for Addis Ababa, Ethiopia in January 2008. The deadline for submission of candidatures was extended and set as at 30 October 2007. The Commission, upon expiry of the deadline informed Member States that it had not received any new candidatures for the post of Deputy Chairperson of the Commission. The curriculum vitae of the candidates are annexed to this report.

### **II. COMPOSITION OF THE COMMISSION**

4. In terms of Article 2 of the Statutes of the Commission, adopted by the First Ordinary Session of the Assembly of the Union, in Durban, South Africa in July 2002, the Commission shall consist of ten (10) members made up as follows:

- a Chairperson
- one Deputy Chairperson
- eight (8) Commissioners.

### **III. REQUIREMENTS FOR APPOINTMENT AS DEPUTY CHAIRPERSON**

5. The requisite qualifications and relevant experience for appointment as Deputy Chairperson are outlined in Article 15 of the Statutes, as read with Rules 38(2) of the Rules of Procedure of the Assembly, which requires such persons to be:

“competent women and men with proven experience in the relevant field, commensurate leadership qualities and good track record in government, parliament, international organizations or other relevant sectors of society”.

6. Furthermore, in conformity with Article 23(1) of the Constitutive Act as read with Rule 35 of the Rules of Procedure of the Assembly and Article 126 of the Financial Rules and Regulations of the African Union, Member States with arrears of contribution to the regular budget amounting to two (2) years or more are deprived of certain rights, including the right to present candidates for any position or post within the Union and the right to vote.

#### ***Responsibilities of the Deputy Chairperson***

7. In terms of Article 9 of the Statutes, the Deputy Chairperson shall be accountable to the Chairperson. He/She shall have the following functions:
  - a) assist the Chairperson in the exercise of his/her functions;
  - b) exercise the functions delegated to him/her by the Chairperson;
  - c) be in charge of the administration and finance of the Commission;

d) act as Chairperson in case of death or permanent incapacity of the Chairperson, pending the appointment of a new Chairperson;

e) act as Chairperson in the absence or in case of temporary incapacity of the Chairperson.

#### IV. TERM OF OFFICE

8. The term of office of the Deputy Chairperson is four (4) years. In terms of Article 10(1) of the Statutes, members of the Commission are eligible for re- election for another term of four (4) years.

#### V. ELECTION OF DEPUTY CHAIRPERSON

9. The procedure for the election and appointment of the Deputy Chairperson is set out in Rule 38 of the Rules of Procedure of the Assembly, which states inter alia that:

***"1. The Assembly shall elect the...Deputy Chairperson by secret ballot and two thirds majority of Members eligible to vote.***

***2. The Deputy Chairperson...shall 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.***

***3. Candidatures for the Office of the Deputy Chairperson of the Commission and his/her Deputy shall be circulated to Member States at least three (3) months before the election.***

***4. The Chairperson of the Commission and his/her Deputy shall not be from the same region."***

#### VI. CANDIDATURES FOR THE POST OF DEPUTY CHAIRPERSON

10. In conformity with the aforementioned provisions of the Constitutive Act, Rules of Procedure of the Assembly and Statutes of the Commission, the Commission informed Member States, vide Note

Verbales reference BC/OLC/217/20/Vol.IV dated 16 February 2007 and BC/OLC/217/25/Vol.IV dated 15 March 2007(Reminder), that the election for the Deputy Chairperson of the Commission of the African Union would be conducted during the Ninth Ordinary Session of the Assembly of the Union scheduled for Accra, Ghana in July 2007.The Commission invited nominations to that effect.

11. By its Note Verbale reference BC/OLC/217/40/Vol.IV dated 02 April 2007, the Commission informed Member States that the process of receipt of candidatures officially closed on 30 March 2007 and that two (2) candidatures had been received for the post of Deputy Chairperson of the Commission.
12. Vide its Note Verbale BC/OLC/217/5/Vol.V dated 12 July 2007 and BC/OLC/217/6/Vol.V dated 8 October 2007, the Commission informed Member States that pursuant to decision Assembly/AU/Dec. 168 (IX) adopted by the Ninth Ordinary Session of the Assembly of the Union, the election of members of the Commission was deferred to the forthcoming sessions of the policy organs scheduled for Addis Ababa, Ethiopia in January 2008 and that the deadline for submission of candidatures was extended to 30 October 2007.
13. Vide its Note Verbale reference BC/OLC/217/8/Vol.V dated 31 October 2007, the Commission informed Member States that no new candidatures were received for the post of Deputy Chairperson and that on the basis of the nominations received by the Commission, the candidates for election to the Office of the Deputy Chairperson of the Commission of the African Union are as follows in the English alphabetical order:

<u>Name Received</u>	<u>Country</u>	<u>Date</u>
Mr. Khair Eldin Abdel Latif MOHAMED	Egypt	29/03/2007
Mr. Erastus J. O. MWENCHA 29/03/2007	Kenya	

**ANNEX 1: CURRICULUM VITAE OF THE CANDIDATES**

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