AFRICAN UNION
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ASSEMBLY OF THE AFRICAN UNION
Nineteenth Ordinary Session
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Addis Ababa, ETHIOPIA

Assembly/AU/3(XIX)
Original: English

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

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ASSEMBLY OF THE AFRICAN UNION
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I. INTRODUCTION

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

2. It will be recalled that the current Chairperson of the Commission was elected by the Tenth Ordinary Session of the Assembly [Decision Assembly/AU/Dec.189 (X)] in Addis Ababa, Ethiopia in January 2008 for a four (4)-year term. In this regard, the Commission informed Member States that the election of the Chairperson would be conducted during the Eighteenth Ordinary Session of the Assembly scheduled for Addis Ababa, Ethiopia in January 2012.

3. In accordance with Executive Council Decision EX.CL/AU/Dec.661 and the Modalities for Election of Members of the Commission in January 2012, the Commission informed Member States by its Note Verbal BC/OLC/217/4761.11 dated 25 July 2011, that the deadline for submission of candidatures for the post of Chairperson was 15 September 2011.

II. COMPOSITION OF THE COMMISSION

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

a) a Chairperson
b) one Deputy Chairperson
c) eight (8) Commissioners.

III. REQUIREMENTS FOR APPOINTMENT AS CHAIRPERSON

5. 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*".

6. In conformity with Article 30 of the Constitutive Act of the African Union, Member States whose governments shall come to power through unconstitutional means shall not be allowed to participate in the activities of the Union and are deprived of certain

rights including the right to present candidates for any positions or posts within the Union. 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 also deprived of certain rights, including the right to present candidates for any positions or posts within the Union.

IV. RESPONSIBILITIES OF THE CHAIRPERSON

7. 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.

8. 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.

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

9. 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.

10. 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

11. 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

12. 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. …..

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. …."

13. Furthermore, Rule 42 of the Rules of Procedure of the Assembly states, *inter alia*:

1. The voting shall commence with the election of the Chairperson of the Commission, followed by the Deputy Chairperson, thereafter the Assembly shall appoint the Commissioners elected by the Executive Council.

2. …

3. …

4. Where there are only two 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.

5. If the remaining candidate fails to obtain the two-thirds majority required in that round, the Chairperson shall suspend the election.

6. ...

7. The Deputy Chairperson of the Commission shall take over the Chairmanship of the Commission on an interim basis until new elections are held. ….

8. ….

VI. CANDIDATURES FOR THE POSITION OF CHAIRPERSON

14. The Commission, upon expiry of the deadline of 15 September 2011 for submission of candidates as indicated in paragraph 3 above, communicated the status of candidatures for the post of Chairperson of the Commission to all Member States under its Note Verbal BC/OLC/217/5065.11 dated 21 September 2011. The Commission informed Member States that it had received the following two (2) candidatures for the post of Chairperson of the Commission, in the English alphabetical order:

1. ***Dr. Jean Ping (Gabon)***
2. ***Dr. Nkosazana Dlamini Zuma (South Africa)***

15. The curriculum vitae of the candidates are annexed to this report.

Annex: Curriculum Vitae of Candidates

ANNEX: CURRICULUM VITAE OF THE CANDIDATES

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