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**EXECUTIVE COUNCIL**  
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**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 Report is based on the provisions of the Rules of Procedure of the Assembly of the Union, 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 Addis Ababa, Ethiopia in January 2016 under decision EX.CL/Dec. 906(XXVIII).

2. The Commission is composed of ten (10) members, namely, the Chairperson, the Deputy Chairperson and eight (8) Commissioners.<sup>1</sup>

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) years.<sup>2</sup>

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.<sup>3</sup> Further, the Chairperson of the Commission and his/her Deputy shall not be from the same region.<sup>4</sup> 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. Furthermore, at least one (1) Member of the Commission from each region shall be a woman.<sup>5</sup>

6. It will be recalled that the current college of Commissioners were elected in Addis Ababa, Ethiopia in July 2012 for a four-year term. In this regard and in accordance with Executive Council decision EX.CL//Dec.906 (XXVIII) and the Modalities for Election of Members of the Commission in July 2016, the Commission informed Member States through its Note Verbal under reference number BC/OLC/256.16 and dated 4 February 2016 that the election of the Commissioners would be conducted during the Twenty Ninth Ordinary Session of the Executive Council scheduled for Kigali, Rwanda in July 2016. In addition, the Commission informed Member States and the regions that the

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<sup>1</sup> Article 2 of the Statutes of the Commission.

<sup>2</sup> Article 10 of the Statutes of the Commission.

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

<sup>4</sup> Article 38 (4) of the Rules of Procedure of the Assembly.

<sup>5</sup> Article 6 (3) of the Statutes of the Commission.

deadline for submission of candidatures for the posts of Commissioners was on or before 15 March 2016. Upon expiry of the deadline, the Commission subsequently convened a meeting of the Ministerial Panel for Election of Members of the Commission on 5 April 2016 in order for the Ministerial Panel to prepare a short-list of candidates and make appropriate recommendations to the Executive Council as required by Article 14(3) of the Statutes of the Commission. Further, the Commission, through its Note Verbal under reference number BC/OLC/217/603.16 and dated 12 April 2016 circulated the list of candidatures for the posts of Commissioner as finalized by the Ministerial Panel for Election of Members of the Commission to Member States.

7. During the Twenty Seventh Ordinary Session of the Assembly scheduled for Kigali, Rwanda in July 2016, no candidate for the position of Chairperson was able to obtain the required two-thirds majority votes, the Assembly through decision Assembly/AU/Dec.610 (XXVII), decided to suspend the elections and re-open the nomination process for the election of Members of the Commission which nomination process may include the former candidates, in conformity with Rule 42(5) of the Rules of Procedure of the Assembly. In this regard, on 26 July 2016 the Commission informed Member States through Note Verbal under reference BC/OLC/217/2076.16, that the deadline for submission of candidates was **on or before 16 September 2016**. Upon expiry of the said deadline, the Commission subsequently convened a meeting of the Ministerial Panel for Elections of Members of the Commission on 7 October 2016 in order for the Ministerial Panel to prepare a short-list of candidates and make appropriate recommendations to the Executive Council as required by Article 14 of the Statutes of the Commission. Further, the Commission, through its Note Verbal under reference number BC/OLC/217/2529.16 and dated 19 October 2016 circulated the list of candidatures for the post of Commissioners as finalized by the Ministerial Panel for Election of Members of the Commission to Member States.

8. The Commission received, on 10 November 2016, a Note Verbal under reference AA/AU/31 Note 416/2016 from the Permanent Mission of the Republic of Malawi withdrawing its candidate for the Post of Commissioner, Peace and Security, Mrs. Rose Tujilane Chizumila, following the circulation of list of candidates by the Commission to all Member States on 19 October 2016. In this regard, the Commission notified all Member States of the withdrawal of the above candidate through Note Verbal under reference BC/OLC/217/2718.16 and dated 11 November 2016.

## II. CRITERIA

9. 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.<sup>6</sup>

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<sup>6</sup> 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.

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.<sup>7</sup> Form the practice of the Union, the Members of 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.<sup>8</sup>
- d) Age:** A minimum age criteria of thirty-five (35) shall apply.<sup>9</sup>

### III. PORTFOLIOS 10

**10.** 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...);

<sup>7</sup> Article 6 of the Statutes of the Commission.

<sup>8</sup> 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.

<sup>9</sup> Article 15 (3) of the Statutes of the Commission.

<sup>10</sup> Article 12 of the Statutes of the Commission.

- 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**

11. 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”.

12. In accordance with Article 14 of the Statutes of the Commission, the Commission invited the Regional Deans of the African Union to carry out, within their respective regions, 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 2017. The Panel was constituted as follows:

|                  |   |
|------------------|---|
| Central Region:  | <b>Burundi and Cameroon</b>                     |
| Eastern Region:  | <b>Rwanda (Rapporteur) and Sudan</b>            |
| Northern Region: | <b>Algeria and Egypt</b>                        |
| Southern Region: | <b>Lesotho and Malawi (Chairperson)</b>         |
| Western Region:  | <b>Mali (Vice Chairperson) and Sierra Leone</b> |

13. The Ministerial Panel on Election of Members of the Commission, at its session held in Addis Ababa, Ethiopia on 27 and 28 January 2016, *inter alia*, 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/Dec.906 (XXVIII). 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;

- 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) make an analytical and objective determination of the suitability of each candidate for the respective portfolios;
- g) ensure equal regional representation and gender equality;
- h) shortlist at least two (2) candidates for each portfolio, for submission to the Executive Council for election; and
- i) make appropriate recommendations to the Executive on the election process of Members of the Commission.

**14.** The Assembly Decision Assembly/AU/Dec.610 (XXVII) taken at the Twenty Seventh Ordinary Session of the Assembly scheduled for Kigali, Rwanda in July 2016 approved a supplementary budget of One Hundred and Twenty Thousand Dollars (\$120,000) for the work of the Ministerial Panel assisted by a Team of Consultants. Pursuant to Article 14(3) of the Statutes of the Commission, five (5) independent consultants, one from each region was engaged to assist the Ministerial Panel in accordance with Terms of Reference for the Team of Consultants.

**15.** The Ministerial Panel (Ambassadors Level) met on 2 September 2016 in Addis Ababa, Ethiopia to receive an update on the election process of Members of the Commission.

**16.** It should be recalled that the Terms of Reference for the Team of Consultants were to:

- a) assist the Ministerial Panel analyze and evaluate the curriculum vitae of all 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.

**17.** The Commission appointed the following members of the Team of Consultants to assist the Ministerial Panel:

- |    |   |                    |
|----|---|--------------------|
| a) | Ambassador Layi-Kayode IYANDA (Nigeria)       | Chairperson        |
| b) | Professor Shadrack B. O. GUTTO (South Africa) | Deputy Chairperson |
| c) | Roseline D.A. ODEDE (Kenya)                   | Rapporteur         |
| d) | Professor Hajer GUELDICH (Tunisia)            | Member             |
| e) | Mariam TCHERE TITIMBAYE (Chad)                | Member             |

**18.** The Report of the Team of Consultants was considered by the Ministerial Panel during its meeting held in Addis Ababa, Ethiopia, on 7 October 2016. The Ministerial Panel took note of the Report of the Team of Consultants and agreed that:

- a) Out of the forty-two (42) candidates evaluated by the Team of Consultants, forty-one (41) should be presented to the Executive Council for election and circulated to Member States at least three (3) months before the election in accordance with Article 16 (1) of the Statutes of the Commission;
- b) The CVs of the candidates should also be circulated to Member States;
- c) The list of the candidates should be presented in alphabetical order according to their surnames;
- d) The order of the elections should not be changed at this stage and that the practice which is based on the list presented in Article 12 of the Statutes of the Commission should be maintained.

**19.** In the light of the observations made by the Members of the Panel, the Deputy Legal Counsel, the Team of Consultants, and the Ministerial Panel decided to make the following recommendations for future elections to the Executive Council:

- a) There is a need for improvement in the nomination exercise by giving it wider publicity at continental, regional and national level;
- b) There is a need for the rules relating to the elections to be reviewed in accordance with the decisions already taken previously with a view of addressing the challenges faced. In this regard, the Sub Committee on Rules, Standards and Credentials should be urgently operationalized;
- c) There is a need for the Assembly to enforce its own rules that require the regions to submit two candidatures for each portfolio;

- d) The policy organs should establish firm modalities for the nomination of candidates at the regional level that will promote inclusivity, transparency and fair competition;
- e) In order to allow the Ministerial Panel to effectively consider the report of the consultants and the shortlisted candidates, in future Meetings should be held for a minimum of two (2) days;
- f) There is a need to revisit the criteria for the selection, and pre-selection of candidates which should clearly encapsulate factors that can lead to the nomination and selection of competent candidates;
- g) For an effective and efficient pre-selection process, the shortlisted candidates should be interviewed, and financial resources should be availed to this process;
- h) In preparation for the Ministerial Panel, CV's of candidates should be considered at the Ambassadorial level of the respective Panel Member States.

***b) Nominations of candidatures for the post of Commissioner***

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

**21.** 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.<sup>11</sup> 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.

**22.** However, it should be pointed out that Forty-two (42) candidates were submitted to the Team of Consultants for analysis and evaluation. 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.

**23.** 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.

**24.** In the course of evaluating the candidates, the Team of Consultants noted that no performance evaluation was provided on the four (4) Commissioners seeking re-election. Furthermore, some of the applicants did not submit sufficient information about

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<sup>11</sup> Articles 13 and 14 (3) of the Statutes of the Commission.



their education, age, vision, and strategic approach and other details as required by the relevant provisions of the Statutes of the Commission.

25. In view of the above, the final list of candidates for the posts of Commissioners is attached hereto as an Annex.

## **V. VOTING PROCEDURES**

26. 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.

27. 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**

28. 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.

**29.** 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 2017, and immediately thereafter, the Executive Council would reconvene in its ordinary session to elect the Commissioners.

**30.** 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.

**31.** As indicated in paragraph 24 above, the final list of candidatures for Commissioners is attached hereto as Annex I.

**ANNEX I****FINAL LIST OF CANDIDATES FOR THE POSITION OF COMMISSIONERS AS DECIDED BY THE MINISTERIAL PANEL ON THE ELECTION OF COMMISSIONERS****A. CANDIDATES FOR THE POST OF COMMISSIONERS****I. Peace and Security**

| No | Name                            | Country    | Gender | Region   |
|----|---------------------------------|------------|--------|----------|
| 1  | Ba, Diye                        | Mauritania | Female | Northern |
| 2  | Chergui, Smail                  | Algeria    | Male   | Northern |
| 3  | Mohammed, Fatima Kyari          | Nigeria    | Female | Western  |
| 4  | Mvula, Geoffrey Lufu James      | Malawi     | Male   | Southern |
| 5  | Ntamwana-Kabushemeye, Epiphanie | Burundi    | Female | Central  |

**II. Political Affairs**

| No | Name                      | Country      | Gender | Region   |
|----|---------------------------|--------------|--------|----------|
| 1  | Antonio, Tete             | Angola       | Male   | Southern |
| 2  | Cessouma, Minata Samate   | Burkina Faso | Female | Western  |
| 3  | Ewumbue-Monono, Churchill | Cameroon     | Male   | Central  |
| 4  | Osman, Rahamtalla Mohamed | Sudan        | Male   | Eastern  |
| 5  | Rukato, Hesphina          | Zimbabwe     | Female | Southern |
| 6  | Youssouf, Hawa Ahmed      | Djibouti     | Female | Eastern  |

**III. Infrastructure and Energy**

| No | Name                    | Country       | Gender | Region   |
|----|-------------------------|---------------|--------|----------|
| 1  | Abou-Zeid, Amani        | Egypt         | Female | Northern |
| 2  | Balde, Bah Kadiatou     | Guinea        | Female | Western  |
| 3  | Kouassi, René N'Guettia | Cote d'Ivoire | Male   | Western  |
| 4  | Maalim, Mahboub M.      | Kenya         | Male   | Eastern  |
| 5  | Makhlouf, Amel          | Tunisia       | Female | Northern |

**IV. Social Affairs**

| No | Name                            | Country      | Gender | Region   |
|----|---------------------------------|--------------|--------|----------|
| 1  | Chigwedere, Pride               | Zimbabwe     | Male   | Southern |
| 2  | Elfadil, Amira Elfadil Mohammed | Sudan        | Female | Eastern  |
| 3* | Kaloko, Mustapha Sidiki         | Sierra Leone | Male   | Western  |
| 4  | Naamara, Warren                 | Uganda       | Male   | Eastern  |
| 5  | Ntakarutimana, Sabine           | Burundi      | Female | Central  |
| 6  | White, Seodi Venekai-Rudo       | Malawi       | Female | Southern |

**V. Human Resources, Science and Technology**

| No | Name                      | Country    | Gender | Region   |
|----|---------------------------|------------|--------|----------|
| 1  | Bouraoui, Chahida Fraj    | Tunisia    | Female | Northern |
| 2  | Djibo, Mamoudou           | Niger      | Male   | Western  |
| 3  | Kibeya, Saidi             | Burundi    | Male   | Central  |
| 4  | Mawoko, Philippe Kuhutama | DRC        | Male   | Central  |
| 5  | Milat, Toufik             | Algeria    | Male   | Northern |
| 6  | Saleck, Fatimetou Mohamed | Mauritania | Female | Northern |
| 7  | Tchuenta, Maurice         | Cameroon   | Male   | Central  |

**VI. Trade and Industry**

| No | Name                 | Country | Gender | Region   |
|----|----------------------|---------|--------|----------|
| 1* | Acyl, Fatima Haram   | Chad    | Female | Central  |
| 2  | El-Garf, Mona Toema  | Egypt   | Female | Northern |
| 3  | Mdezo, Balness Ngina | Malawi  | Female | Southern |
| 4  | Muchanga, Albert M.  | Zambia  | Male   | Southern |

**VII. Rural Economy and Agriculture**

| No | Name                            | Country    | Gender | Region   |
|----|---------------------------------|------------|--------|----------|
| 1  | Dione, Josue                    | Mali       | Male   | Western  |
| 2  | Ekoko, François Ekanga          | Cameroon   | Male   | Central  |
| 3  | Moustache, Antoine Marie Joseph | Seychelles | Male   | Eastern  |
| 4  | Sacko, Josefa Leonel Correa     | Angola     | Female | Southern |
| 5  | Sichinga, Austin Charles Job    | Zambia     | Male   | Southern |

**VIII. Economic Affairs**

| No | Name                     | Country | Gender | Region   |
|----|--------------------------|---------|--------|----------|
| 1* | Maruping, Anthony Mothae | Lesotho | Male   | Southern |
| 2  | Nubukpo, Kako Kossivi    | Togo    | Male   | Western  |

\* *Seeking re-election*

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