

AFRICAN UNION

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

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I. INTRODUCTION

1. The election process of the Chairperson of the African Union Commission is based on the provisions of the Rules of Procedure of the Assembly of the Union, the Statute of the Commission of the African Union, Modalities for Election of the Members of the Commission of the African Union vide Decision **EX.CL/Dec.906 (XXVIII)** adopted by the Executive Council, January 2016, 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, November 2018, Addis Ababa, Ethiopia.

2. In accordance with Article 10 of the Statutes of the Commission, 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.

3. It will be recalled that the current Chairperson of the Commission was elected in Addis Ababa, Ethiopia in January 2017 for a four-year term.

II. COMPOSITION OF THE COMMISSION

4. In November 2018, the 11th Extraordinary Session of the Assembly, meeting in Addis Ababa, Ethiopia, adopted Decision **Ext/Assembly/AU/Dec.1(XI)** on the Institutional Reform, hereinafter referred to as “the Decision”. Through this Decision, the Assembly introduced new modalities for the election of senior leadership of the Commission.

5. First, the Assembly revised the structure and portfolios of the Senior Leadership of the AU Commission and decided as follows:

- (i) That the new structure of the AU Commission shall be composed of eight (8) members as follows: Chairperson, Deputy Chairperson and six (6) Commissioners;¹

6. According to Para 12(iv) of the Decision, the regions with candidates that are elected to the position of the Chairperson and the Deputy Chairperson shall not be eligible for consideration for the six remaining Commissioner posts.

III. 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:

- a) the Chief Executive Officer;

¹ Para 3 of the Decision

- b) the legal representative of the Union; and
 - c) 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 popularizing 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.

9. 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.

IV. MODALITIES FOR SELECTION OF CANDIDATES

a) The Panel of Eminent Africans

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

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;

13. 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.

14. 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**)

15. 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.

16. Price water house 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.

17. With regards to the election of the Chairperson, the main Term of Reference for the Panel, as contained in the Decision, is the development of job profiles and competency requirements for the position.²

b) Nominations of candidatures for the post of Chairperson

18. The Commission through Note Verbal No. **BC/OLC/217/5031.20** dated 4 June 2020 informed Member States that the election of the Chairperson would be conducted during the January/February Summit in 2021.

19. In the same Note Verbal, the Commission circulated the job profile as generated by the Panel of Eminent Persons; and specified 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 the Decision.

² Para 16 of the Decision

20. The Commission informed Member States that the deadline for submission of candidatures was on or before 04 September 2020.

21. The Commission, through Note Verbal No. **BC/OLC/217/6052.20** dated 13 August, 2020, reminded Member States of the call for submission of candidatures and the fixed deadline of 4 September 2020.

22. Upon expiry of the deadline, the Commission, through Note Verbal No. **BC/OLC/217/7014.20** dated 09 September 2020 circulated a list of all admissible and candidates to Member States.

23. The final list of candidates for the post of Chairperson of the Commission and curricula vitae is attached hereto as Annexes.

V KEY PRINCIPLES

24. In electing the Chairperson of the Commission, due consideration should be given to the following key principles as provided for under paragraph 12 of the Decision:

- a) **Equitable regional representation:** 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;³
- b) **Rotational gender parity:** if the Chairperson is male then the Deputy Chairperson shall be a female and vice versa;⁴
- c) **Predictable inter and intra-regional rotation following the English alphabetical order;**⁵
- d) **Attracting and retaining Africa's top talent;**⁶
- e) **Accountable and effective leadership and management;**⁷
- f) **Transparent and merit-based selection.**⁸

VI ELECTION OF THE CHAIRPERSON

25. Rule 38 of the Rules of Procedure of the Assembly, as amended by the Decision provides as follows:

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*

³ Para 12(iv) of the Decision

⁴ Para 12 (ii) of the Decision

⁵ Para 12 (i)(b) of the Decision

⁶ See Para 12 (i)(c) of the Decision

⁷ Para 12 (d) of the Decision

⁸ Para 12(e) of the Decision

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 and his/her Deputy shall be circulated to Member States at least ten (10) months before the election.⁹*
4. *The Chairperson of the Commission and his/her Deputy shall not be from the same region.*
5. *The selection process should ensure the appointment of the best possible candidate who embodies the highest standards of efficiency, competence and integrity as well as demonstrating a firm commitment to Pan-Africanism and the objectives, principles and values of the AU, proven managerial abilities, extensive experience in international relations and strong diplomatic and communications skills.¹⁰*
6. *Further, the Decision provides as follows:*
 - (a) *All candidates for the position of the Chairperson of the Commission shall participate, at least six months before the election, in a public debate which shall be broadcasted live on the AU website during which they shall present their visions and ideas on the implementation of Agenda 2063. AU Member States shall be encouraged to broadcast this on their national outlets;¹¹*
 - (b) *Prior to election, each candidate shall make a formal presentation to the AU Assembly outlining their vision and the proposed priorities for their term of office.¹²*

IV. VOTING PROCEDURES

26. Rule 42 of the Rules of Procedure of the Assembly provides as follows:

- (i.) *The voting shall commence with the election of the Chairperson of the Commission, followed by the Deputy Chairperson, thereafter the Assembly shall appoint Commissioners elected by the Executive Council.*
- (ii.) *In any election of the Chairperson of the Commission or his/her deputy, the balloting shall continue until one (1) 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.*

⁹ Para 17(3) of the Decision

¹⁰ Para 17(5) of the Decision

¹¹ Para 18(b) of the Decision

¹² Para 18(c) of the Decision

- (iii.) *If after three (3) further ballots neither of the two (2) candidates obtains the majority required, the candidates with fewer votes shall withdraw.*
- (iv.) *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.*
- (v.) *If the remaining candidate fails to obtain the two-thirds majority required in that round, the Chairperson shall suspend the election.*
- (vi.) *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.*
- (vii.) *The Deputy Chairperson of the Commission shall take over the Chairmanship of the Commission on an interim basis until new elections are held. If the impasse is in respect of the Deputy Chairperson, the most senior Commissioner by length of tenure, or by age where length of tenure is the same, shall be designated to act as the Deputy Chairperson until new elections are held...”.*

ANNEX 1

CANDIDATES FOR THE POST OF CHAIRPERSON OF THE COMMISSION

ANNEX 2

Curriculum Vitae of Candidates

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