

Past Chairs of the African Union Commission. A Wholesome Legacy? By Dr. Yitih Simbeye¹

Introduction

In the previous article the role and function of the Chair of the African Union (AU) Commission was articulated. The Commission as the organisation's administrative arm needs to act independently of states and, the position of its Chair, an important one, requires the incumbent to manage the organisation and guide its work to ensure that programmes are realised. A powerful position, it requires an individual capable of balancing the needs of the states, that is their national interests against the needs of the organisation (the culminated interests of all the states). This careful balancing act requires individuals who are independent, resilient and resourceful.

Since inception the position has been filled by three men and one woman. The first Chair was Amara Essy from the Ivory Coast, from 9 July 2002 to 16 September 2003. He was followed by Alpha Oumar Konaré from Mali. His term in office was from 16 September 2003 to 28 April 2008. Jean Ping from Gabon took office thereafter until 16 October 2012. The next Chair; Nkosazana Dlamini-Zuma from South Africa, the first woman, is currently the Chair, and her term ends July this year. Just how independent, resolute, resilient and resourceful have they been, and if they have failed to be, is that failure a reflection on their capability or the flawed set up of the organisation?

As mentioned in the previous article the crucial importance for the AU is to '...move away from the overly state-centric character of the OAU and its concomitant lack of civil participation...';² This is 'achievable by having a '...strong AU Commission or Authority, endowed with the necessary political clout, capacities and resources...' to enable it to '...to assume a driving role in the continental integration process...';³ and indeed, to help the organisation meet the needs of the African people. Arguably, the Commission is only as strong as its Chair. Although a mere senior civil servant,⁴ is it possible for the chair to act independently of states so as to influence the course of policy and events? Powerful leaders and regimes have purportedly wielded '...disproportionate influence...' over the Commission and its Chair on occasion,⁵ with some chairs displaying bias towards national interests.⁶

According to the AU Audit of 2007, under the leadership of Alpha Konaré between 2003 and 2008, the Commissioners acted as if they were accountable to the national leaders who had elected them rather than to the Commission's Chair.⁷ Thus it is arguable that as a commissioner Konaré failed to retain control and maintain

¹ Independent international law expert

² Edo & Olanrewaju An Assessment of the Transformation of the Organisation of African Unity (O.A.U.) to the African Union (A.U.) 1963 - 2007 (2012) Vol. 21 Journal of the Historical Society of Nigeria 41, 62

³ Laporte & Mackie Eds, Building the African Union. An Assessment of Past Progress and Future Prospects for the African Union's Institutional Architecture (2010) 18 Policy and Management Report, p.10 www.ecdpm.org/pmr18 (visited 16 May 2016)

⁴ Thabo Mbeki, The African Union at 10 Years Old. A Dream Deferred!

[http://www.unisa.ac.za/contents/colleges/docs/THE%20AFRICAN%20UNION%20AT%2010%20YEARS%20OLD1%20\(3\)%20\(Recovered\).pdf](http://www.unisa.ac.za/contents/colleges/docs/THE%20AFRICAN%20UNION%20AT%2010%20YEARS%20OLD1%20(3)%20(Recovered).pdf) (visited 17 May 2016)

⁵ The African Union at Ten: Problems, Progress, and Prospects, International Colloquium Report, Berlin, Germany (30-31 August 2012) Friedrich Ebert Stiftung, p.15. According to this report, this is not a problem unique to the AU, but appears to be a problem for other African organisations.

⁶ AU Audit 2007

⁷ AU Audit 2007

independence of the AUC.⁸ In contrast, however, it is arguable that Ping as a chair showed a certain level of independence in that he was quoted as saying that he felt ‘...free to condemn coups and state violence against protesters, as in Tunisia, without feeling obliged first to consult Africa's leaders.’⁹ This shows a level of independence that is encouraging. Not consulting African leaders before acting is truly a show of utmost independence and strength of character. Using these two chairs as examples it can be asked: Why would one be more resolute and independent than the other? Surprisingly, Konaré was a head of state. It can be assumed that as a African head of state he acted independently in that role and that such experience would translate to his conduct whilst chair of the AUC. Ping was never a president. Both operated under the same structural constraints. Perhaps the answer lies in the peculiar nature of the chairs – their personal traits. Strength of character that displays resoluteness, resiliency, resourcefulness and independence must be a requisite requirement when a chair is sought. Individual lacking such character will not assist the AU achieve its goals, especially where commissioners act in their nations interest. Thus the selection process for new chairs must be scrutinized.

Heads of state and government elect the chair by way of a secret ballot. Before getting to this stage, nominations of suitable individuals from member states go through a ministerial panel, the Executive Council. In the Assembly, seven rounds of votes see nominees with fewer votes eliminated until only one remains where a two-thirds majority is required for that single nominee to be elected. Nominees are initially put forward by member states. The question thus arises: How are they selected nationally? Who is considered suitable? Is demonstrated strength of character a prerequisite? Irrespective of the fact that the nominees are vetted by a team of independent experts taken on as consultants by the Legal Counsel for the task, it is contended that the initial nominations by states taints the entire process. States select their candidates without recourse to a continental-wide criteria that articulates education, work experience, skills and personal attributes (which should include demonstrated strength of character) required.

All previous chairs have been involved in politics and/or government in their countries prior to becoming chairs.¹⁰ Perhaps this is where the lack of independence, resoluteness, resourcefulness and impartiality has its roots. Perhaps the continental-wide criteria should specifically exclude anyone who has worked in government. This will perhaps reduce the influence that states have over chairs.

However, it has been noted irrespective of how independent the Chair is the current structural set-up of the AU creates a powerless chair who is a ‘...largely irrelevant bureaucrat...’¹¹ A key structural hindrance is the fact that:

⁸ He was an instrumental in his country's removal of the army from power and the first leader in that country to relinquish power. Perhaps a consummate democrat he was unable to wield dictatorial authority over his commissioners? See his profile on: <http://www.worldpress.org/Africa/1515.cfm> (visited 16 June 2016)

⁹ <http://www.economist.com/node/18014076> (Visited 15 June 2016)

¹⁰ Essy – Minister of Foreign Affairs, 1990-1999

Konaré- Minister of Youth, Sports and Culture ,1978-1980

Ping - Minister of Information, Posts and Telecommunications, Tourism and Recreation, and Reform of the Parastatal Sector 1990, Minister of Mines, Energy, and Hydraulic Resources 1990-1991, Minister of Mines, Energy, and Hydraulic Resources 1992, 1994, Minister of Foreign Affairs, Cooperation, and La Francophonie 1994- 1994, Minister Delegate to the Minister of Finance, the Economy, the Budget, and Privatisation 1994- 1997, Minister of Planning, the Environment and Tourism 1997-1999, Minister of State for Foreign Affairs, Cooperation, La Francophonie, and Regional Integration 1999-2008.

Dlamini-Zuma - Minister of Health 1994 -1999, Minister of Foreign Affairs 1999 - 2009, Minister of Home Affairs 2009 - 2012.

¹¹ [Babatunde Fagbayibo](http://www.babatunde.fagbayibo.com), Why it doesn't matter who the next chair of the African Union Commission is Posted May 23, 2016, <http://africanarguments.org/2016/05/23/why-it-doesnt-matter-who-the-next-chair-of-the-african-union-commission-is/> (Visited 16 June 2016)

‘...the AU Assembly ... picks the deputy chair and eight commissioners that complete the secretariat. These officials’ roles are to support the Chair, yet the Chair is not permitted to nominate or assign portfolios to them. This remains a function of the Assembly, and the Chair has no official power to reassign, reshuffle, or fire any of the commissioners.¹²

Thus it can be concluded that the selection criteria and some structural issue must be addressed in order to strengthen the position of the Chair of the Commission, to give the individual sourced by way of a more defined and transparent criteria, power to act for the benefit of the organisation and the people.

¹² *Ibid*