

The Chair of the African Union

What prospect for institutionalisation?

THE EVOLVING PHENOMENA OF THE CHAIR

The chair of the Pan-African organisation is one position that can be scrutinised and defined with difficulty. Its real political and institutional significance can only be appraised through a historical analysis because it is an institution that has evolved and acquired its current shape and weight through practical engagements. The expansion of the powers of the chairperson is the result of a process dating back to the era of the Organisation of African Unity (OAU) and continuing under the African Union (AU).

Indeed, the desirability or otherwise of creating a chair position had been debated among members since the creation of the Pan-African organisation. These members included the pro-Monrovia group (the 'moderates'), the Casablanca group (the 'radicals') and the Brazzaville group (the 'pro-French'), each of which had their own visions of what continental leadership would entail. During the discussions held at the first summit of the organisation in Cairo, Egypt, in July 1964, Senegal, a former member of the Monrovia group, broached the issue from the perspective of the institutional relationship between two personalities with executive powers in the continent, namely the secretary general and the chairperson. The Senegalese delegation insisted strongly on the creation of 'a permanent moral and political authority of the Assembly of Heads of State and Government (the Assembly)' while arguing that an OAU without a chairperson would be an organisation manifesting a political vacuum that the secretary general would fill between the sessions of the summit, thus going beyond the strictly administrative functions as stated in the Charter.¹

While Morocco, a former member of the Casablanca group, supported the Senegalese proposal, the country viewed this phenomenon from the standpoint of the possibility for member states to adopt a united or identical position on issues and also for the capacity

of the Pan-African organisation to react timeously to continental and international events. The Moroccan delegation asserted that when an event occurred on the international scene, member states could fail to react as they would give priority to their national concerns, or would make a different assessment of such continental and international events, the reason being that, contrary to the United Nations, the OAU did not have any permanent representatives that could be convened at any time to make a timely decision on a given situation.²

The delegation from Sierra Leone, a former member of the Monrovia group, considered the hypothesis of the loss of powers of the chairperson³ by alluding to the effect of the possible political fragility of the continent on the so-called chair function.

The issue of the institutionalisation of the chair – that is to say the definition of its role and competency in the OAU Charter – was again brought to the attention of the Assembly of Heads of State and Government in the early 1980s. Proponents of this position argued for the need to clearly define the role of the chairperson in the constitutive text of the Pan-African organisation, including its powers to find efficient solutions to issues that it would face and to increase its competencies in the process of arbitration and follow-up of decisions. They argued further that the codification of the political and diplomatic role of the chairperson would give the latter more possibilities to boost the functioning of the OAU. On the other hand, opponents to this position insisted on the advantages of granting some flexibility to the function, and on the dangers of delegating powers to only one head of state who could abuse it if they turned out to be over-ambitious.⁴

Although the Charter contained no provision for its institutionalisation, the function of the chair emanated from the supreme organ of the Pan-African organisation – the Assembly – and it assumed in the OAU practice a recognition that was later legally formalised during the transformation of the OAU into the AU both in the Constitutive Act and the Assembly's Rules of Procedure.⁵

The election of the chairperson of the Pan-African organisation, held every year during the January summit, is now an event that is expected and followed widely by observers of the continental organisation. Indeed, this election, which is highly politicised because of its political and technical implications, generates a great deal of interest among member states of the Union's sub-regional organisations and the rest of the international community.

Although the Charter of the OAU contains no provision for its institutionalisation, the function of the chair was formalised in the Constitutive Act and the Rules of Procedure of the Assembly

Whereas in the past the chair had received little or occasional consideration in the political game, it started assuming a greater profile under the chairmanship of Nigeria's Olusegun Obasanjo (July 2004 – January 2006), with even more attention generated by Colonel Muammar Kaddafi who assumed the chair in February 2009. The fact that the Libyan leader plays a prominent role in African and international affairs has given the AU chair greater visibility, as did the election of Mali's Alpha Omar Konaré to the chair of the AU Commission from 2004 to 2007.

Given the significance bestowed on the function, does the chairperson of the Pan-African organisation have the capacity to orientate, or even influence for their benefit, the activities and policies of the organisation? Can they exclusively claim ownership of the whole or part of the organisation's agenda for the expression of their personal vision and priorities for the continent or, on the contrary, do they run the risk of being overtaken by the functioning of the organisation?

PROCESS FOR THE ELECTION OF THE CHAIRPERSON OF THE UNION

Linkage between the chair and the venue of the summit under the OAU

In the era of the OAU, the designation of the chairperson of the Pan-African organisation was traditionally linked to the hosting of the summit. There were two options:

the first one was to appoint the president of the host country of the OAU Assembly meeting; the second was to appoint, through consultation of the Heads of State Assembly, a consensus candidate prior to the opening of the meeting of the Assembly.⁶

By and large, it was sufficient that consensus be reached on the holding of a summit in a given country for the head of state of that country to be assured of assuming the chair of the organisation for one year. However, the choice of a chairperson could be problematic, such as when the heads of states refused to entrust the position of chair to a coup leader. This was the case on several occasions: firstly, the case of President Samuel Doe, who had just assassinated the President of Liberia, William Tolbert, then chairperson of the organisation in 1979-1980; the objection (twice) to the organisation of the summit by Colonel Kaddafi in 1982 by some heads of states opposed to the Libyan policy regarding Chad; and, finally, the refusal by some African heads of states, including the President of Tanzania, Julius Nyerere, to attend the Kampala (Uganda) summit, in July-August 1975, following the decision taken by the Mogadishu (Somalia) summit in June 1974, so that their presence would not convey a sense of legitimacy and support to the Idi Amin regime.⁷

In the early eighties, the high financial cost of organising meetings and of the ensuing movement of the personnel of the organisation led member states to put an end to the rotation of the summit venues; instead, annual summits were organised more regularly at the headquarters of the organisation in Addis Ababa, Ethiopia. But to avoid a recurrent designation of the Ethiopian ruler as the chairperson, the heads of states used the formula of election with a simple majority. In practice, the election gave way to a prior consensual selection of a chairperson by the heads of state.⁸

An AU option based on a balance between regional rotation and political considerations⁹

The Addis Ababa summit in July 2004 decided on holding two summits within the AU framework;¹⁰ this was the result of a loud advocacy by President Obasanjo, who argued that it would make for greater efficiency in the work of the organisation. Since then, the 'January Session' at the headquarters of the organisation is theoretically devoted to the election of the chairperson as well as to administrative and financial matters, and the 'June Session' – held in a member state – is devoted to the consideration of more political issues, but in practice is authorised to deal with any matter of concern.

The election of the AU chairperson is guided by both the principle of regional rotation and political

considerations, two components that informed the election of the Libyan leader in January 2009 at the Addis Ababa summit in Ethiopia.

The strict application of the rule of regional rotation

African heads of state have strictly applied article 15 of the Rules of Procedure of the Assembly of the Union, which provides for a rotation of the chair of the Union on a regional basis.¹¹ In 2009, it was the turn of the northern region, and the Libyan leader was the sole candidate.

In fact, the candidature of the north was guided by several considerations. First, Egypt had already had the chair of the organisation in 1993, Tunisia in 1994 and Algeria in 1999. Secondly, two countries could not qualify for candidacy; specifically, Mauritania, because it was still under suspension from the activities of the AU since the 6 August 2008 coup d'état, and the Sahrawi Arab Democratic Republic (SADR), because the Western Sahara affair was not yet settled, and all the more so because only 17 African heads of state against 27 had granted it recognition by 1984 at the time of its admission to the Pan-African organisation. Thirdly, Libya had the first vice-chair of the AU Bureau for 2008. And, according to the unwritten rule for succession within the Bureau, the first vice-chairperson of the region whose turn for chair comes up the following year should effectively be ready to assume the chair of the Union.

The introduction of the regional rotation led to a greater lack of predictability in the choice of the chairperson

Whereas the modalities for election of the chairperson were rather mechanical in character at the time of the OAU, the introduction of regional rotation by the AU has led to greater unpredictability in the determination of the chair, the suspense being kept up until the last minute.

The game of political considerations

The AU member states did not want to object repeatedly to the candidature of the Sudanese head of state, President Omar Hassan Al-Bashir, as the chair of the Union in 2006, 2007 and 2008. Indeed, the Darfur conflict had completely destabilised the scheme of the chair of the Union. While it was not the turn of Central Africa,

Congolese President Denis Sassou Nguesso was elected at the Khartoum (Sudan) summit in January 2006 in order to prevent Al-Bashir from becoming chairperson. He was informed that a solution to the Darfur crisis would be a prerequisite to his being appointed chairperson at the January 2007 summit scheduled to be held in Addis Ababa.¹² Then, contrary to the promise made to the Sudanese head of state, Ghanaian President John Kufuor was designated chairperson during this Addis Ababa summit on the ground of celebrating the 50th anniversary of the independence of Ghana and the heritage of Kwame N'Krumah's Pan-Africanism; West Africa was given that turn.¹³ Finally, the turn came back to East Africa at the Addis Ababa summit in January 2008, with the election of President Jakaya Mrisho Kikwete of Tanzania.

A continental consensus was finally reached on the lack of merit of a debate on the candidature of Libya during the Addis Ababa summit in February 2009. Following this logic, the Libyan leader was unanimously designated by the heads of state gathered in a closed session the very day of the official opening of this summit.

Insofar as the candidature to the chair is to be introduced by a region, which has thus at its disposal a margin of manoeuvre, thus giving it the leeway to sway the choice in its favour, some consider that the Libyan leader would have been elected by the continent because of the non-presentation of any other candidatures from the northern region.¹⁴

THE AU COMMITMENT TO NEW VALUES FOR THE PROMOTION OF BETTER WELLBEING FOR THE AFRICAN PEOPLES

In principle, the non-election of President Al-Bashir reflected the will of the AU: first, by showing a strict application of the rules, procedures and practices established to affirm the credibility of its functioning and its true commitment to the promotion of human rights, good governance and democracy; second, by avoiding, as much as possible, negative manifestations of the reputation of the AU in view of the massive human rights violations in Darfur; and, last, by projecting the image of an organisation effectively capable of solving African problems.¹⁵

Moreover, at that time, a number of African leaders wanted to send a strong signal to the president of the Sudan that they were not indifferent to the massive human rights violations in Darfur. This political message from the Assembly of Heads of States to their peer Al-Bashir was then deemed to be an illustration of the major change in the leadership style from the OAU to the AU approach, signalling a change of attitude regarding the principle of 'non-interference' in the internal

affairs of member states to provide a wider space for the Union to apply the principle of non-indifference. This introduced the possibility that the Pan-African organisation could intervene in the internal affairs of member states, which was in accordance with article 4, paragraph h of the Constitutive Act, which established ‘the right of the Union to intervene in the internal affairs of member states’ pursuant to a decision of the Assembly of Heads of States and Government in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity, and article 4, paragraph j, which established ‘the right of member states to request intervention from the Union in order to restore peace and security’.¹⁶

In this regard, at a donors’ conference organised at the headquarters of the African Union Commission in Addis Ababa, Ethiopia on 26 May 2005, a call was made to partners and member states to support the African Union mission in the Sudan, and the then chairperson of the Commission, Professor Alpha Omar Konaré from Mali, underscored the stakes raised by the Darfur issue; namely, Africa’s capacity to translate into concrete actions some fundamental principles contained in the Constitutive Act such as the duty of non-interference, assistance and solidarity¹⁷, in other words the responsibility to protect African populations.

How can the non-election of President Al-Bashir be seen vis-à-vis the AU position on the rejection of the warrant of arrest issued by the International Criminal Court on the ground that the AU has the right to find ‘an African solution to an African problem’?

Furthermore, the political option of the organisation was already established right from the days of the OAU, with the adoption of the African Charter on Human and Peoples’ Rights in 1981. The Charter stipulates, in its article 58 paragraph 3, that the chairperson can, if the matter is brought to his attention, request an investigation into serious human rights violations.¹⁸

Then, it would have been difficult, if not impossible, for the AU to request an AU chairperson elected by his peers to carry out objective investigations relating to massive human rights violations in his own country because he would – in this precise case – have been judge and party. Therefore, there would have been a ‘conflict of interest’¹⁹ as was pointed out by several African diplomats during the negotiations on the Union chair at the Khartoum summit. The rhetorical question raised was: How can you ask somebody who is himself facing a conflict to settle all other conflicts raging on the continent?²⁰ In this regard, some consider that his election to the chair would have undoubtedly protected him from probable indictment and led to the paralysis of the organisation.²¹

Indeed, how can the non-election of President Al-Bashir as chairperson of the Union for reasons of grave human rights violations in Darfur and the protection of the image of the organisation²² be seen vis-à-vis the AU position on the rejection of the warrant of arrest issued by the ICC against the president of the Sudan on the ground that the AU has the right to find ‘an African solution to an African problem’?

FUNCTIONS OF THE CHAIRPERSON

There is evident need to analyse the function of the chairperson closely, given its evolving nature.

Is the chair an organ or an institution of the organisation?

The chair of the Pan-African organisation is not an organ actually created by its Charter, but an institution established *de facto* and personified by a supreme political personality of the continent, specifically a head of state.

There was no reference to the chair in the OAU Charter. ‘The term – and even the concept does not exist!’ said the former OAU Secretary General (1978-1983), Edem Kodjo, in the foreword to Edmond Jouve’s book on the Pan-African organisation.²³ The Charter simply specified a shortlist of four ‘institutions’ of the Pan-African organisation.²⁴ Only Rule 9 (‘elections’) of the Rules of Procedure of the Assembly mentioned the chairperson of the Assembly (‘At the beginning of each Session, the Assembly shall elect the chairperson of the Assembly’).²⁵ The AU Constitutive Act refers explicitly to the chair in paragraph 4 of article 6 on the Assembly as follows: ‘The Office of the chairperson of the Assembly shall be held for a period of one year by a Head of State or Government elected after consultations among the Member States.’²⁶

Of all the texts of the Pan-African organisation, only the Rules of Procedure of the Assembly of Heads of

States and Government give details on the functioning of the chair, making a reference to modalities of action of the chairperson (article 15) and to his attributions (article 16).²⁷

The texts do not mention explicitly the chair of the organs of the Union. In fact, article 5 of the AU Constitutive Act specifies the non-exhaustive list of the organs of the Union in which the chair is not specifically mentioned, although the Act provides that the Assembly can create other organs.²⁸ The drafters of the Constitutive Act – after the fashion of those who wrote the OAU Charter – deliberately did not confer the statute of organ to the chair of the organisation. This was somehow designed to avoid institutionalising a single continental executive.²⁹

The personality of the chairperson shapes the function beyond ceremonial and procedural duties stipulated in article 16 of the Rules of Procedure of the Assembly

The chair constitutes an institution of the Pan-African organisation with powers and attributes, and the mandate and means to execute them. It is a product of the Assembly. The chairperson is the representative of the Assembly – which is the supreme organ of the organisation – in the intersession between two summits.

The chair is an agent of the Assembly with delegation of powers during the intersession. Therefore, the chairperson's role is to complement and act on behalf of the Conference.

But, in practice, the personality of the chairperson shapes the function beyond the ceremonial and procedural duties stipulated in article 16 of the Rules of Procedure of the Assembly.³⁰

The functions of the chairperson and their limits

In his book on the OAU, Professor Edmond Jouve underscores the continuous effective widening of the chairperson's remit; this pattern still persists even in the AU:

Basically therefore the chairperson's remit appears to be ordinary. However, he can exert high-level influence between the holding of Assemblies. He is the

embodiment of the organisation to which he appears to be its main interlocutor, or even its prime mover. Thus, even though the chairperson's function is theoretically limited to chairing the meeting of the Assembly, he can act beyond the provisions of the basic texts. Indeed, each and every chairperson would wish his mandate to reflect his own footprint.³¹

The AU chairperson first and foremost plays a procedural role in the meetings of the Assembly, by chairing them (paragraph 1) and by taking care of the progress during the course of the meetings (paragraph 2), in terms of Rule 16 of the Rules of Procedure of the Assembly ('Duties of the chairperson'). He shall convene the sessions of the Assembly (paragraph 1a), open and close the sessions (paragraph 1b), guide the proceedings (paragraph 1d), submit to a vote, when required, matters under discussion and announce the results of the vote taken (paragraph 1e), rule on points of order (paragraph 1f), and submit for approval the records of the sessions (paragraph 1c).³²

The chairperson controls speakers' right (Rule 20 paragraph 2, paragraphs 3a & b)³³ and time (Rule 20 paragraph 3d)³⁴. He has power to 'call to order any speaker whose statement deviates from the issue under discussion' (Rule 20 paragraph 3b). For example, at the close of the Sirte (Libya) summit in July 2009, the Minister of Foreign Affairs of Botswana, Phandu Skelemani, expressed objections to the management of the floor by Colonel Kaddafi, who was chairing the debates, accusing him of refusing to give him the floor, thus stalling the discussions on the position to be adopted by the AU on the desirability or otherwise of cooperating with the ICC on the Al-Bashir issue. He was reported to have said: 'At the Summit, not everybody has spoken. We had our hands raised, but one member asked for closing the session.'³⁵

The chairperson shall also represent the Assembly in all areas of its competences as stipulated in Rule 4 of the Rules of Procedure ('Power and functions'). Indeed, Rule 16 paragraph 3 of the Rules of Procedures stipulates that 'in between sessions, the chairperson, in consultation with the chairperson of the Commission, shall represent the Union in conformity with the fundamental objectives and principles enshrined in the Constitutive Act'.³⁶

Thus, the functions of the Assembly are extremely wide insofar as they cover the whole gamut of activities of the AU. These include, on the one hand, highly political issues (among others, the determination of common policies; the monitoring of the implementation of policies and decisions of the Union; the acceleration of the political and socio-economic integration of the continent; the directives to the Executive Council, the PSC and the Commission on the management of conflicts; the

determination of the sanctions to be imposed on any member state in the case of unconstitutional change of government; and the adoption of the budget of the Union). Activities also include much more administrative issues (namely, the adoption of the budget of the Union; the elaboration and the monitoring of directives on financial issues of the Union; and the establishment of committees, specialised organs, ad hoc committees and special working groups).³⁷ Thus the chairperson has a good overview of the work of the Commission, which is the Secretariat of the inter-governmental Pan-African organisation.

Indeed, a deep analysis of the Rules of Procedure shows that the chairperson has real duties that they can perform more or less actively. The significance of the chairperson's duties depends on the level of commitment of the incumbent to their function. Therefore, the incumbent's personality dictates their ability to carry out the functions stipulated in the texts and to shape their performance as a chairperson. The chair, which is a mechanism fully integrated into the decision-making process of the Pan-African organisation, is therefore an effective instrument of political control that successive incumbent member states can avail themselves of. Moreover, where the incumbent chairperson has a predetermined position on an issue, that could mean that part of the Assembly's mission has been facilitated.

This position has more influence
where the chairperson is the
president of a rich country

CHAIR STYLES

Personality and country of origin as determining factors

Ibrahima Jane, a Senegalese lawyer in charge of AU affairs at the Open Society Institute (Nairobi), considers that 'the powers of the chairperson of the Union depend not only on his personality, but also on his country of origin. If the chairperson comes from a rich country, their national profile will weigh on their position, as is the case for Kaddafi, and as it was for former President Obasanjo of Nigeria.'³⁸

Obasanjo's style – pragmatism

Nigerian President Olusegun Obasanjo's chair was remarkable in many respects. He articulated his mandate

around a Pan-Africanist vision and a clear agenda. Endowed with a strong personality, he enjoyed the respect and confidence of the international community; he showed strong determination to move African issues forward, in particular those concerning Africa and United Nations reform,³⁹ as well as the Union government and the idea of a united states of Africa⁴⁰, over which he was holding regular meetings and consultations with Colonel Kaddafi.⁴¹ He undoubtedly used his position as chairperson of the AU to put forward Nigeria's interests. He was also really keen on fostering a good relationship with the AU partners, in particular the European Union (EU), and led a series of negotiations with the world's industrialised countries (G20). He worked closely with the then-chairperson of the Commission, Alpha Omar Konaré, with the noticeable exception of the Togolese crisis about which the two men had divergent opinions.⁴² Obasanjo was not hesitant to make decisions.

The lynchpin of his initiatives was probably the strong support he enjoyed from his colleagues and co-founders of the New Economic Partnership for the Development of Africa (NEPAD), the South African Thabo Mbeki, the Algerian Abdellaziz Bouteflika, Ethiopian Prime Minister Meles Zenawi and the Senegalese Abdoulaye Wade.

The extension of his mandate for six additional months, at the Abuja summit (Nigeria) in January 2005, for a total duration of 18 months (6 July 2004 to 24 January 2006) instead of the one year stipulated in article 6 paragraph 4 of the Constitutive Act and Rule 15 paragraph 1 of the Rules of Procedure, could be explained by strong continental and extra-continental reluctance to support the candidature of President Al-Bashir for the chair of the Union,⁴³ his own dynamism, his personal ambitions, and his commitment to the necessary follow-up of the issues relating to files on the Union government, and on Africa and the United Nations Reform, as well as to the weight of his country on the international scene.

Sassou Nguesso's style – a very classical approach

Congolese President Sassou Nguesso took over the chair of the AU in January 2006. His chair of the Union coincided with his chair of the Economic Community of Central African States (ECCAS), a position he had held since 2004. At the time he also became a non-permanent member of the Security Council of the United Nations for two years, starting from January 2006. In an interview given to the weekly *Jeune Afrique*, one month after his take-over of the chair of the Union, the Congolese head of state talked about his 'heavy responsibility' and

'his first challenge being the peace, security and stability of the continent'.⁴⁴

During his chair of the AU, the Congolese head of state directed diplomats posted in Addis Ababa to hold monthly meetings of the Permanent Representatives Committee (PRC), consultation meetings of the Bureau of the PRC, and, where necessary, experts' meetings prior to meetings of the Bureau and of the PRC. President Sassou Nguesso had regular consultations with his peers and with the chairperson of the Commission, President Konaré, and instructed his Minister of Foreign Affairs, Rodolphe Adada, to do the same with his own counterparts.

Facing an initial refusal of the AU offer of mediation in the Kenyan post-electoral conflict, the chairperson had to prove his creativity

Certainly, President Sassou Nguesso did not travel regularly to Addis Ababa to meet the chairperson of the Commission, but he had given a mandate to his permanent representative in Addis Ababa to work in close collaboration with the Commission on all issues on the Union's agenda, in particular the AU/UN negotiations relating to the deployment of a 'Hybrid Mission of the African Union and the United Nations in Darfur' (UNAMID) to replace the African Union Mission in the Sudan (AMIS).⁴⁵

The Congolese President therefore carried out his chair duties of the Union in the classical manner of a head of state, travelling around the continent, and attending meetings of the United Nations and other international meetings.

Kufuor's style – a chair under risk

Ghanaian President John Kufuor's chair was characterised by, among other events, the Accra (Ghana) Grand Debate on the Union government in July 2007 and post-electoral violence in Kenya in late 2007 and early 2008.

Facing an issue that strongly divided the continent, the Ghanaian head of state at that time had to do anything both to bring the project to a close and to maintain the cohesion of the organisation while avoiding splitting the Pan-African organisation into two: those states that wanted immediately to create a Union

government endowed with a limited number of ministries, and those that had chosen to remain outside of this institutional venture. The 'Grand Debate' resulted in a 'Declaration of Compromise' that called for the setting-up of a ministerial committee of ten members in charge of brainstorming sessions on five key themes; namely: defining the concept of the Union government and its relationship with national governments; identifying the areas of competence and the impact of the creation of a Union government on the sovereignty of member states; comprehending the relationship between the Union government and the Regional Economic Communities (RECs); elaborating a roadmap with a framework for the establishment of the Union government; and, finally, identifying the additional resources required for financing the activities of the Union.⁴⁶

Facing an initial refusal of the AU offer of mediation in the Kenyan post-electoral conflict that brought him into conflict with his rival Raila Odinga, the chairperson of the Union and the team of the Peace and Security Department of the AU Commission were not welcomed by the Kenyan authorities in December 2007, who argued that 'there was no crisis'. The chairperson of the Union had to prove his creativity by requesting the creation of a Group of African eminent personalities led by the former General Secretary of the United Nations, Kofi Annan.

Kikwete's style – a quiet, but efficient diplomacy

The particularly full agenda of the Tanzanian chair included, among others, the military expedition of the 'Group of friends of Comoros' on the Anjouan Island; the electoral and humanitarian crisis in Zimbabwe as well as its xenophobic path; the August 2008 coup in Mauritania; the difficulties and pressures weighing down the African Mission in Somalia (AMISOM); the project for the EU neighbourhood policy, which failed to persuade the EU to treat Africa as a united entity, contrary to the wishes of the AU leadership; the pushes of Colonel Kaddafi for an immediate adoption of a Union government; and also the undermining of the position of the South African president, Thabo Mbeki.

Indeed, President Kikwete had a reputation for perfectly managing meetings through a proper timing of the debate, for having a sense of the trend of the debate, for summing up discussions in an objective manner, and for knowing how to take timely initiatives to reach a consensus. In short, he always acted with tact and skill, and was noted for his classical approach to managing the summit with strict adherence to the Rules of Procedures.⁴⁷

The military intervention in Comoros was authorised by the Heads of State and Government at the Addis

Ababa summit in January 2008⁴⁸ subsequent to very active lobbying carried out by Comorian President Ahmed Abdallah Mohamed Sambi, who had made an astonishing call soon after the thematic debate held at the beginning of the summit. Indeed, he made the declaration that ‘if the other Heads of State did not want to help him, he could go to war alone against Bacar’.⁴⁹ And, as a smart politician, the Tanzanian president then made the most of his chair of the AU to mobilise the African heads of state to grant a political sponsorship to the ‘Group of the friends of Comoros’, under the leadership of his country, with the purpose of organising a military intervention aimed at removing Colonel Mohammed Bacar.⁵⁰ Finally, President Kikwete was tactical enough to capitalise on his chair to score goals on the Tanzanian domestic front, as well as on the East-African regional scene.

Kaddafi’s style – unconventional activism⁵¹

The Libyan leader set the tone of his chair right from the first speech he made as chairperson of the Union at the Addis Ababa summit: ‘President Kikwete was an excellent manager of the AU meetings. He chaired them admirably. But me, I do not know the rules of procedures of the AU. You have to know that I am going to look after the Union with 100 per cent of my time during my Chair.’⁵² Colonel Kaddafi thus made the promise to devote his full time to the affairs of the AU while at the same time admitting that he needed time to familiarise himself with the procedures.

Regarding the Mauritanian issue, the question to ask is whether Colonel Kaddafi had acted within or outside his mandate as a chairperson of the Union

Soon after his election at the AU summit, Colonel Kaddafi came to meet and address the AU personnel, the commissioners and directors directly, without going through the PRC. It can be questioned whether this was to provide his guidelines or to give his instructions regarding the functioning of the chair of the Union. In any case, on several occasions he brought together the leadership of the Commission to attend brainstorming sessions in Sirte (Libya).⁵³

On the other hand, Colonel Kaddafi – in the framework of his duties (‘The chairperson shall give directives to the Executive Council, the Peace and Security Council or the Commission on the management of conflicts’ in the terms of Rule 4 paragraph d of the Rules of Procedure) – energetically reinvested himself in the management of conflicts. For example, he undertook a conspicuous ‘mediation’ role in Mauritania by opposing the implementation of sanctions against the junta of coup leader General Mohamed Ould Abdel Aziz. His stance was contrary to the position of the PSC, which had previously decided at its 168th session, held on 5 February 2009, to apply targeted sanctions against the civilian and military members. The proposed sanctions were to include a travel ban and a bank account freeze for members of the junta.⁵⁴ Colonel Kaddafi declared at the end of his trip to Nouakchott: ‘I have confirmed that the military authorities (the junta) are determined to organise the Presidential elections on June 6, so, the issue of sanctions is over.’⁵⁵ Referring to the coup d’état, he added the following statement: ‘What is over is over, the deposed head of state – Sidi Ould Cheickh Abdallah – has to accept the fait accompli and we have to look forwards, towards the new Mauritania which is going to emerge after June 6.’ The chair of the Union and the PSC therefore held completely contrary positions.

At the end of the 182nd meeting of the PSC, held on 24 March 2009, the monthly chair of the Council, the ambassador of Benin, Edouard Aho-Glélé, then declared: ‘We have reiterated our decision on imposing sanctions against the people in power, civilians and militaries, involved in the downfall of the regime. The PSC is an organ that has powers to take its own decisions, based on its understanding of facts available to it, and to get such decisions implemented. However, within the context of the AU, Colonel Kaddafi is viewed as an institution on his own, having his own stance on issues. Mention should, however, be made that we are not aware of a decision or the position of M. Kaddafi in that regard.’⁵⁶ Has Colonel Kaddafi acted inside or outside the remit of his mandate of chairperson of the AU?

Indeed, this incident between an institution (the chair of the Union) and an organ (the PSC) raised the issue of cohesiveness and the steps needed to brainstorm the decisions of the so-called Council. It is true that, in principle, there should be no contradiction between the decisions of the Assembly, which is the supreme organ of the Union; the decision making of the chairperson, which ensures the continuity of the Union between the sessions; and the PSC’s decisions, which can be the product of the chairperson’s directives. In the case mentioned, two different positions were manifested that could be explained by the nature of the

two 'organs': that of the PSC, which was required to implement the AU texts systematically, and that of the chairperson of the Union, who has the leverage to make political decisions.

The chairperson can make amendments to the agenda of the organisation and convene extraordinary summits. But his influence is determined by his initiative and the extent of his activism

Initially different, the positions of the two organs, however, harmonised later at the occasion of the PSC meeting held on 29 and 30 June 2009 at the Sirte summit. The meeting resulted in the decision of the PSC to lift sanctions against the Mauritanian junta on the grounds that the establishment of a transitional government of national unity and the voluntary departure of President Sidid Mohamed Ould Cheikh Abdullahi were deemed to be various manifestations of the determination to return to constitutional order, and a strong signal had to be sent to Mauritania a few weeks before the elections.⁵⁷ Indeed, the tenuous initial debates between advocates (Algeria, Burkina Faso, Benin and Angola) and opponents (Nigeria, Uganda and Ethiopia) on the lifting of sanctions⁵⁸ resulted in a consensus largely influenced by the chairperson of the Union (Kaddafi), supported by the chairperson of the Commission (Ping) and his commissioner for peace and security, the Algerian ambassador Ramtane Lamamra, whose views on this issue were finally similar.

In any case, the phenomenon of the chair has to be observed by dissociating two periods, 'before Kaddafi', a period characterised by low visibility, and 'after Kaddafi' (2009), a period characterised by high visibility.

DOES THE CHAIRPERSON HAVE THE POWER TO IMPOSE THEIR AGENDA AND PRIORITIES AND CHANGE THE COURSE OF EVENTS OF THE PAN-AFRICAN ORGANISATION?

It seems that the chairperson cannot really influence the course of events of the Pan-African organisation.

However, they have the potential to influence the situation by introducing amendments to existing provisions or convening extraordinary meetings to address the issues of interest to them. In short, all depends on their ability to take initiative and demonstrate activism.

Normally, the chairperson is not expected to impose their viewpoint during the meeting, as their duty is to conduct and manage the debate and summarise the conclusion reached. However, in practice, being a head of state, they are in a position to influence the debate through the intervention of their peers or through circumlocutory interventions.

The chairperson can influence events in two ways. First, we might expect that the chairperson cannot take a stand in the Assembly meetings as they are only authorised to take the floor, arbitrate debates and summarise the general trend of views expressed by the meeting. However, in practice the chairperson, who is by definition a head of state, has the capacity to influence the debates indirectly by having the delegate from their country with them in the room, who is qualified to present their country's stand authoritatively.

The chairperson, being the representative of the Assembly between two sessions, acts in line with the AU's decision-making process. Generally, heads of state take decisions on the basis of recommendations submitted to them by the PRC. Therefore, 'subsidiary organs' carry out a preliminary consideration of issues listed on the agenda before submitting them for the Assembly's decision. That is why it is rare to see divergent views being expressed at the level of the Assembly, as most of these would have been resolved by the Executive Council. Furthermore, where divergent views are held over a given issue, the Heads of State and Government Assembly automatically sends the issue back to the Executive Council for further consideration. For example, at the Addis Ababa (Ethiopia) summit in January 2009, given the divide between proponents of immediate adoption of the Union government and proponents of the 'gradual approach', during the debate held on the special day devoted to the Union government, the Heads of State and Government Assembly, at the instance of the then chairperson, President Kikwete of Tanzania, directed the Executive Council and the Commission to meet on the sidelines of the Assembly to work out a consensus document that would be resubmitted to them for adoption by the Assembly.⁵⁹

Secondly, the chair cannot singlehandedly present their own agenda as that of the AU, since member states collectively have the last word on issues under consideration. However, where there is division among member states, the chairperson can lead the debates to a new focus, in this way bringing the debates to a close over a compromise position.

Thus, on the occasion of debates on the Union government at the Sharm El-Sheikh (Egypt) summit in July 2008, the chairperson, President Kikwete of Tanzania, directed that a committee of experts be immediately set up to work on the definition of a consensual position that would obviate the tendency to have a two-track Pan-African organisation. This two-track organisation was in accordance with President Abdoulaye Wade's proposal for the immediate creation of a continental government with only a few states on board, leaving the possibility for member states in the 'gradualists group' to join later. The fact is that no AU chairperson would wish to bear the responsibility of such a decision likely to lead to the splitting of the organisation. This issue, which was raised earlier under the chair of the President of Ghana, John Kufuor, at the Accra (Ghana) summit in July 2007, was thus to be handled by President Kikwete.⁶⁰

Thirdly, the international community would usually grant greater recognition to AU decisions taken by consensus than to the way the chairperson conducted the debate on the issues put on the agenda of the Assembly or the way he led the meeting to a consensus position. That is the reason why the AU chairperson cannot utilise their functions to promote ideas that would not be agreeable to other member states of the organisation. The chairperson is only the *primus inter-pares*, and is not invested with the power to impose their own views or decisions on a given issue.⁶¹ In that respect, the former OAU Secretary General (1978-1983), Edem Kodjo, underlined, in the foreword to Professor Jouve's book, that 'for about a decade the position of chairperson has been effectively imposed with a sense of total or mitigated acceptance, thus leading to a greater potential of politicising issues considered. The OAU chairperson who has imposed himself as a cardinal institution of the organisation is however not the President of Africa. He is answerable before his peers and can sometimes be criticised by them.'⁶²

The relationship between the chairperson of the Union and the chairperson of the Commission is not stipulated in the texts

Besides, none of the heads of state, whoever they are, can pretend to be the president of the continent and make other heads of state adopt what they do not wish to accept. A chairperson can, at any time, be constrained by the disapproval of their peers.

AU CHAIRPERSON VS CHAIRPERSON OF THE COMMISSION

Between cohabitation and institutional rivalries

The relationship between the chairperson of the Union and the chairperson of the Commission is not considered at all in policy texts of the organisation. Can one assume that this was an oversight or omission by the drafters of these texts in so far as it is normally difficult to make all desirable provisions when drafting the documents? Is it evident that the chairperson of the Commission is subordinate to the chairperson of the Union? Is it a deliberate policy to let practice configure the contents of this relationship in the most constructive manner, thus developing the capacity to confront continental issues efficiently, irrespective of the nature of the problem or of the interests at stake, whether continental or extra-continental? Is this pragmatic approach meant to allow one or the other official some room to manoeuvre, given their respective personalities?

The chairperson of the Union is, between the summits, the representative of the Assembly, which is, according to article 6 of the Constitutive Act, 'the supreme organ of the Union'.⁶³ The chairperson of the Commission is 'the Chief executive of the Commission and the legal representative of the Union', while 'being directly answerable to the Executive Council for the efficient execution of his/her functions' (article 7 paragraphs 1 and 2 of the Statutes of the Commission).

For some people, the chairperson of the Commission is therefore seen to be the agent of the Assembly of Heads of State and Government as well as the supreme decision maker of the Union that is represented by the chairperson between two summits. For them, the chairperson of the Commission has a subordinate relationship to the chairperson of the Union. On the other hand, others hold the view that the chairperson of the Commission, as the legal representative of the Union, has to be 'the strong man of the organisation' to build an 'integrated Union' in which the chairperson only has a symbolic function of representation and wields neither political nor extensive legal powers.

President Kikwete applied AU rules and decisions while exercising his chair, in support of the work of the Commission. His activities were in line with the advice provided by Chairperson Ping, who relied on him to push some issues forward.⁶⁴

Furthermore, the clash of opinions between the then chairperson, Olusegun Obasanjo of Nigeria, and the then chairperson of the Commission, Alpha Omar Konaré of Mali, around the appointment, by the latter, of the former Head of State of Zambia, Kenneth Kaunda,

as his special envoy to Togo, without prior consultation with the former, in the course of managing the Togolese crisis in Spring 2005 was an indication of the potential institutional power tussles between these two key actors of the AU.

The chairperson of the Union then declared the so-called appointment 'null and void', while arguing as follows: 'If the new Togolese authorities fulfil the conditions of participation, if the Community of West African States (ECOWAS) is pursuing its good offices to facilitate the dialogue between Togolese parties, what is the interest of the appointment of an AU Special Envoy?'⁶⁵

The clash between Obasanjo and Konaré in the framework of the Togolese crisis is an illustration of the institutional power tussles between these two key actors of the AU

Some observers, who were supporters of a strong chairperson of the Commission vis-à-vis the chairperson of the Union, had asserted, at that time, that 'the texts [were] clear enough (...), that there was no relation of subordination between the chairperson of the Commission and the chairperson, and that according to the Rules of Procedure, the chairperson of the Commission [was] exclusively answerable to the Assembly of Heads of States'.⁶⁶ This assertion is, however, wrong in so far as a reading of the relevant texts reveals that 'the chairperson of the Commission is directly answerable to the Executive Council' (article 7 paragraph 2 – entitled 'The chairperson' – of the Statutes of the Commission) 'who can give him some tasks' (article 5 – entitled 'Powers and Attributions' – of the Rules of Procedures of the Executive Council); and the 'Executive Council is answerable to the Assembly of Heads of States and Government' (article 2 – entitled 'Statutes' – of the Rules of Procedure of the Executive Council), whose chairperson is the representative between summits.

The same observers wondered whether 'it was conceivable that Kofi Annan, the UN Secretary General, was obliged to seek the involvement of Jean Ping, then Head of the Gabonese diplomacy then current chair of the General Assembly, supreme organ of the United Nations, in his decision on the choice of his special envoys or personal representatives?'⁶⁷ The cohabitation

between a former head of state as chairperson of the Commission, Alpha Omar Konaré, and a sitting head of state and current AU chairperson, Olusegun Obasanjo, was characterised by peculiar circumstances in which the two actors probably perceived each other as *primus inter-pares*.

In any case, the case of the AU special envoy in the Togolese crisis also showed that the AU chairperson could use their functions to promote the interests of their own country on the continental scene. Some thought that 'that case was more than a simple conflict of prerogatives or an opposition of styles: there was mainly the reaction of Obasanjo who had the feeling that Konaré was compromising his mediation in Togo'.⁶⁸ For them, 'the democratic will of Konaré was in contradiction with the process embarked upon by the Head of States of the ECOWAS region, very impatient to find a quick and realistic solution to the Togolese crisis, for a country for which the stability of its neighbours is essential for his landlocked neighbours, already bearing the brunt of the Ivorian crisis which deprived them access to the use of the Abidjan Port. The complexity of the Togolese case, the low weight of Mamadou Tandja (President of Niger and then chairperson of ECOWAS), coupled with the low interest given by the international community, led Obasanjo to be on the forefront'.⁶⁹

In fact, the AU chairperson and the chairperson of the Commission are both authorised to use their good offices in the management of African crisis: the former acting according to article 16 paragraph 3 and article 4 of the Rules of Procedure of the Assembly;⁷⁰ the latter acting according to article 10 paragraph 1 of the PSC Protocol and article 26 paragraphs 1 and 2 of the Rules of Procedure of the so-called Council.

Furthermore, the current chairperson of the Commission, Jean Ping,⁷¹ formerly minister of foreign affairs of Gabon, considers himself to be at the service of member states whose heads of state are represented by the chairperson during inter-sessions. Out of a sense of pragmatism, the 'diplomatic chairperson' Ping opted for a style of cohabitation that would obviate at any cost an institutional crisis with an extremely active Libyan chairperson.

In this regard, Chairperson Ping, who is a strong proponent of strict adherence to procedural matters and implementation of decisions of the organisation, has to deal on a daily basis with a very active chairperson who is constantly trying to impose his way on him and on the organisation. For example, during the meeting of the Executive Council in Sirte in June 2009, Colonel Kaddafi instructed Chairperson Ping to read, in the presence of the secretary of state for African affairs of Libya, Ali Trikki, his amendments to the conclusions of the Extraordinary Executive Council held in Tripoli

(Libya) in April 2009 on the prerogatives of the authority conceived to replace the Commission, which he naturally did.⁷²

'BRAINSTORMING' ON THE REINFORCEMENT AND THE INSTITUTIONALISATION OF THE AU CHAIR

Already in 1984, former Secretary General of the OAU, Edem Kodjo, argued for a clearer presentation and eventually an institutionalisation of the position of chairperson of the Union: 'The emergence of this authority (the chair) at the apex of the organisation, in any case, calls for an update of the Charter which implies a clear definition of his role and his function vis-à-vis other organs.'⁷³

Much later, in his statement to the February 2009 summit held in Addis Ababa (Ethiopia) as the outgoing AU chairperson, President Jakaya Mrisho Kikwete of Tanzania made three proposals.

The first proposal was to have the Union chairperson as a full member of the PSC for the duration of the term, on the grounds that currently the chairperson (as a non-member of the PSC) cannot work closely with the Council on conflict management.

The second proposal involved establishing a troika delegation for international meetings in order to remedy the fact that, after AU summits, not even an informal meeting can be organised to enable the chairperson to discuss issues and make the appropriate decisions. According to the head of state of Tanzania, such an arrangement, which is common in other institutions, would enable the chairperson to carry out their responsibilities and not act alone during the inter-sessions between the January and July summits.

Would the AU chairperson have a deliberative voice within the Council? Would he/she attend the PSC meetings *intuit personae* or representing his/her country?

The third proposal was to allocate special funds to cover some expenses related to the performance of the chairperson's duties that would not be a burden on the budget of the state that carries such a responsibility. For Kikwete, failure to make provisions for a dedicated

budget for the Union chairperson would deter states not in a position to provide adequate resources for this purpose from putting forward a candidate for chair.⁷⁴

The chairperson of the Union as the 16th member of the PSC?

The PSC, the AU organ in charge of conflict management, comprises 15 elected member states on a regional basis for mandates of two and three years' duration.⁷⁵

The chairperson is explicitly and fully authorised to exercise their duties in areas of preventive diplomacy, management and the resolution of conflicts. More precisely, according to article 4 of the Rules of Procedure of the Assembly, the chairperson as the representative of the Union could, in the course of its sessions, 'give directives to the Executive Council, the PSC or the Commission on the management of conflicts, wars, acts of terrorism, emergency situations and restoration of peace' (alinea (d) of the Rules of Procedure of the Assembly), and they could 'determine the sanctions to be imposed on any member state for non-payment of assessed contributions, violation of the principles enshrined in the Constitutive Act and these rules, non-compliance with the decisions of the Union and unconstitutional changes of government' (alinea (g) of the Rules of Procedure of the Assembly).

Some consider that the harmonisation of the role of the AU chair with those of the PSC could lead to a more efficient management of continental conflicts.

A seat on the PSC for the duration of his chair (one year) would afford the AU chairperson the opportunity to follow the activities of the Council on a day-to-day basis. The AU chairperson as a full member of the PSC would then share their experience with other members of the Council, contribute to the debates in a valuable way and coordinate their activities with the different AU organs.

However, some questions have to be raised regarding the performance of an AU chairperson as a member of the PSC: would the chairperson have a deliberative voice within the Council? Would the AU chairperson attend the PSC meetings *intuit personae* or representing their country? The issue is raised because the AU chair is given to a country to be personified by its head of state whereas those who sit on the PSC are member states. Finally, could the presence of the AU chair at the PSC meetings jeopardise the impartiality of the Council?

Some argue that giving a deliberative voice to the AU chairperson would constitute a serious interference in the work of an institution of the Union. Without having a full seat on the Council, the AU chairperson has other tools at their disposal to make their voice heard: the chairperson can write to the PSC chair of the month; they can make a request to communicate with the PSC members in the manner of the UN, the ICC,

the International Red Cross Committee (ICRC) and the *Organisation internationale de la francophonie* (OIF); they can also manoeuvre through an REC to which their country belongs. But, in the latter case, the PSC could have the feeling of being pressured by a given region in its decision-making process.

In addition to that, others argue that giving a seat on the PSC to the AU chairperson for a mandate of one year, which is shorter than the mandates of other members that are elected for two and three years, could have several effects: it could disturb the regional balance of the Council, and it could increase the complementarity or the rivalry between the AU chairperson and the chairperson of the Commission, which could allow the AU chairperson to abuse their power or be guilty of political manipulation. For these others, the threat of a regional over-representation requires a viable participation formula that would not negatively impact on the AU chairperson taking part in the Council's debates. Without this formula, one would wonder whether the chairperson is defending their country's interest or those of the Pan-African organisation.

In the final analysis, if the AU chairperson really intends to contribute to the PSC's work, they can still act through their region, which would then play the role of a counsel defending its interests. The chairperson can also write to the PSC chairperson requesting the inclusion of an item on the Council's agenda.

In any case, behind the issue of giving a seat in the PSC to the AU chairperson lies the issue of the added value of the Council's work on the international scene.

The chairperson, member of an African troika in international fora?

Commenting on the OAU chair, the political scientists Jean-Emmanuel Pondi and Dodo Boukaru A. Karimou argued that 'during the year of his mandate, the chairperson is the prototypical African diplomat, one of the main interlocutors of the Pan-African organisation in its dealings with outsiders during inter-sessions of the meeting of the Assembly'. Their statement was made in a reference in support of the view expressed by Professor Maurice Ahanhanzo Glélé, who wrote thus: 'On the international scene, the chairperson ensures the representation (of the Pan-African organisation) and serves as a foremost interlocutor in contacts with major international organisations, major powers and States capable of providing financial support for the development of Africa.'⁷⁶

In that regard, during the Addis Ababa (Ethiopia) summit in February 2009, President Yoweri Museveni of Uganda made the proposal to send an extended African Troika composed of the current AU chairperson (Muammar Khaddafi of Libya), the outgoing chairperson

of the Union (Jakaya Mrisho Kikwete of Tanzania) and the chairperson of NEPAD (Meles Zenawi of Ethiopia) to the G20 meeting on the management of the international financial crisis that was scheduled to take place on 2 April 2009 in London (United Kingdom). The African heads of state were of the opinion that the Libyan leader should be accompanied by two of his peers to avoid the perception that the views he expressed reflected the continental position rather than his personal views.⁷⁷

Besides, can the opening of an office for the chairperson at the headquarters of the AU Commission in Addis Ababa be considered a possibility? By comparison, the chairperson of the General Assembly of the United Nations – always a minister – has an office at the UN headquarters in New York and is supported by a light secretariat team. But such an arrangement would be difficult to conceive of in the context of the AU chair in so far as it is difficult to imagine that a head of state – the supreme authority in charge of a country – would be ready to 'quit' their national duties and settle in Addis Ababa for the time of their chair.

Should the Union make special budgetary provisions for the AU chairperson?

The chair of the Union has a substantial cost that weighs on the budget of the state that discharges this function. The allocation of a specific budget to the chairperson of the Union would call for in-depth discussions between member states, as this would lead to an increased share of their contribution.

Incidentally, the duty of a chairperson requires frequent travels across the continent and to the rest of the world, and an up-scaling of the staff complement and duties of their embassy and of activities of the ministries of foreign affairs of the country concerned because of the increased workload related to the chair.

Opponents of the idea of allocating a special budget assert that any country that can seek to put forward a candidate for the AU chair should be able to afford the wherewithal to achieve its vision. Besides, no debate was held on this issue at the Addis Ababa summit in January 2009. The Assembly only recognised that the proposal was relevant, but argued that the annual budget had already been adopted, and that it was impossible to open a debate on an issue fraught with heavy financial implications.

CONCLUSION

A chairperson deeply absorbed indeed in the functioning of the Commission ...

Finally, the chairperson can only partially influence the course of events of the AU, for instance through their

ability to make amendments to the agenda or through calling for extraordinary meetings. In fact, the short duration of the term (one year extendable) tends to be overwhelmed by the long-running functioning of the AU Commission (for example, the realisation after several years of Alpha Omar Konaré (2004-2007) and Jean Ping's (2009-2012) strategic plans).

Even if a legal document defining the role and the mandate of the chair, and proposing the creation of a cabinet, was presumably under preparation within the AU, the institutionalisation of the chair still remains an equation with multiple unknown data.

First unknown fact: Are member states ready to accept a two-headed continental executive? Do they have the political will to work to a new repartition of powers and attributions between the AU chairperson and the chairperson of the Commission? The decision that was taken by the Heads of State and Government Assembly at the Syrte summit in July 2009 to substitute an authority with reinforced powers for the AU Commission implies first and foremost a reshaping of the continental executive, including, among other things, the replacing of the commissioners by secretaries with enlarged portfolios.⁷⁸

Second unknown fact: Do member states have the will to start the required modifications of the Constitutive Act to make the chair a full AU organ? Indeed, delays related to the process of amending the Constitutive Act stipulated in its article 32 are more or less long: at best a little bit more than a year; at worst, several years, notably depending on the processes of ratification of member states.⁷⁹

Third unknown fact: Are member states really ready to add weight to the burden of their respective contributions in order to allocate its own functioning budget to the chair? The constant reluctance of the member states to increase the budget of the Organisation⁸⁰ and the *sine die* postponing of discussions related to Kikwete's proposals suggest that they are not.⁸¹

After all, what are the member states expecting from the chairperson's contributions to the day-to-day activities of the Pan-African organisation? They probably expect that the chairperson understands the member states, that he respects their views and doesn't express opinions in the names of the states, and that he doesn't encroach on the prerogatives of the states. And vice versa for what the member states do not expect from the chairperson ...

TABLES

List of the chairpersons of the Pan-African organisation

Table 1 Chairpersons of the Organisation of African Unity

Name of the chairperson	Country of origin	Beginning of term	End of term
Hailé Sellassié I	Ethiopia	25 May 1963	17 July 1964
Gamal Abdel Nasser	Egypt	17 July 1964	21 October 1965
Kwamé N'Krumah	Ghana	21 October 1965	24 February 1966
Joseph Arthur Ankrah	Ghana	24 February 1966	5 November 1966
Hailé Sellassié I	Ethiopia	5 November 1966	11 September 1967
Mobutu Sésé Séko	Congo-Kinshasa	11 September 1967	13 September 1968
Houari Boumédiène	Algeria	13 September 1968	6 September 1969
El-Hadj Ahmadou Ahidjo	Cameroon	6 September 1969	1 September 1970
Kenneth Kaunda	Zambia	1 September 1970	21 June 1971
Moktar Ould Daddah	Mauritania	21 June 1971	12 June 1972
Hassan II	Morocco	12 June 1972	27 May 1973
Yakubu Gowon	Nigeria	27 May 1973	12 June 1974
Muhammad Siad Barré	Somalia	12 June 1974	28 July 1975
Idi Amin Dada	Uganda	28 July 1975	2 July 1976
Seewosogur Ramgoolam	Mauritius	2 July 1976	2 July 1977
Omar Bongo	Gabon	2 July 1977	18 July 1978
Gaafar El Nimeiri	Sudan	18 July 1978	12 July 1979
William R. Tolbert	Liberia	12 July 1979	12 April 1980
Léopold Sédar Senghor	Senegal	28 April 1980	1 July 1980
Siaka Stevens	Sierra Leone	1 July 1980	24 June 1981
Daniel Arap Moi	Kenya	24 June 1981	6 June 1983
Mengistu Hailé Mariam	Ethiopia	6 June 1983	12 November 1984
Julius Nyerere	Tanzania	12 November 1984	18 July 1985
Abdou Diouf	Senegal	18 July 1985	28 July 1986
Denis Sassou Nguesso	Republic of Congo	28 July 1986	27 July 1987
Kenneth Kaunda	Zambia	27 July 1987	25 May 1988
Moussa Traoré	Mali	25 May 1988	24 July 1989
Hosni Mubarak	Egypt	24 July 1989	9 July 1990
Yoweri Museveni	Uganda	9 July 1990	3 June 1991
Ibrahim Babangida	Nigeria	3 June 1991	29 June 1992
Abdou Diouf	Senegal	29 June 1992	28 June 1993
Hosni Mubarak	Egypt	28 June 1993	13 June 1994
Zine El Abidine Ben Ali	Tunisia	13 June 1994	26 June 1995
Meles Zenawi	Ethiopia	26 June 1995	8 July 1996
Paul Biya	Cameroon	8 July 1996	2 June 1997
Robert Mugabe	Zimbabwe	2 June 1997	8 June 1998

Name of the chairperson	Country of origin	Beginning of term	End of term
Blaise Compaoré	Burkina Faso	8 June 1998	12 July 1999
Abdelaziz Bouteflika	Algeria	12 June 1999	10 July 2000
Gnassingbé Eyadéma	Togo	10 June 2000	9 July 2001
Frederick Chiluba	Zambia	9 July 2001	2 January 2002
Levy Mwanawasa	Zambia	2 January 2002	9 July 2002

Source African Union

Table 2 Chairpersons of the African Union

Name of the chairperson	Country of origin	Beginning of term	End of term
Thabo Mbeki	South Africa	9 July 2002	10 July 2003
Joaquim Chissano	Mozambique	10 July 2003	6 July 2004
Olusegun Obasanjo	Nigeria	6 July 2004	24 January 2006
Denis Sassou Nguesso	Congo-Brazzaville	24 January 2006	29 January 2007
John Kufuor	Ghana	29 January 2007	31 January 2008
Jakaya Mrisho Kikwete	Tanzania	31 January 2008	2 February 2009
Muammar Kaddafi	Libya	February 2009	February 2010
Bingu wa Mutharika	Malawi	Since February 2010	

Source African Union

NOTES

- 1 C.O.C. Amate, *Inside the OAU: Pan-Africanism in practice*, London & Basingstoke: Macmillan Publishers, 1986, 73.
- 2 Ibid. 73.
- 3 Ibid. 74.
- 4 Jean-Emmanuel Pondi et Dodo Boukari A. Karimou, L'évolution de la fonction de Président en exercice, in Maurice Kamto, Jean-Emmanuel Pondi and Laurent Zang (eds), *L'OUA: rétrospective et perspectives africaines*, Paris: Economica, 1990, 66–70.
- 5 See *Infra*.
- 6 Pondi et Karimou, *Op.cit.*, 54.
- 7 Ibid. 56–57.
- 8 Ibid. 57–58.
- 9 This section is mostly extracted from one of the ISS' publications on the Institute for Security Studies of the European Union's website to which some additions were made. See Delphine Lecoutre, *La présidence Kadhafi de l'Union africaine: enjeux et perspectives pour l'Afrique et l'Europe*. *ISS opinion*, Paris : Institut d'études de sécurité de l'Union européenne, June (2009), 2-3. Available on http://www.iss.europa.eu/uploads/media/La_presidence_Kadhafi_Union_africaine.pdf (Accessed on 15 June 2009).
- 10 African Union. Assembly/AU/dec.53 (III). Decision on the frequency of Ordinary Sessions of the Conference. In *Decisions and declarations*, Assembly of the African Union, Third Ordinary Session, 6-8 July 2004, Addis Ababa (Ethiopia). Addis Ababa: African Union.
- 11 African Union. Rules of Procedure of the Assembly adopted by the First Ordinary Session of the Assembly, held in Durban, South Africa, July 2002 and amended by the Eighth Ordinary Session of the Assembly, held in Addis Ababa, Ethiopia, January 2007. Addis Ababa: African Union. Note that the African continent is divided in five regions: Northern Africa, West Africa, Central Africa, East Africa and Southern Africa.
- 12 At the Khartoum (Sudan) summit in January 2006, a Commission composed of five AU member states (Gabon, Ethiopia, Algeria, Botswana and Nigeria) was set up to deal with the issue of the succession of the Union chair that Sudan was coveting. See Ouasti Morad, African Union: Denis Sassou N'Guesso succède à Olusegun Obasanjo, *Afrik.com*, 24 January 2006. Available on <http://www.afrik.com/article9366.html> (Accessed on 15 April 2009).
- 13 Secrets d'Addis, *Jeune Afrique*, 2402, 4–10 February 2007, 24–25.
- 14 Interview with a diplomat from the Northern African region, Addis Ababa, 2 February 2009.
- 15 Kofi Oteng Kufuor, The chair of the African Union, *African Journal of International and Comparative Law* 15(2) (2007), 277.
- 16 African Union. Constitutive Act of the African Union, Lomé (Togo), 11 July 2000. African Union: Addis Ababa.
- 17 Speech of the chairperson of the Commission, *Alpha Omar Konaré, at the occasion of the Call Conference for Funds from partners and Member States for the African Union Mission in Sudan (AMIS)*, Addis Ababa (Ethiopia), 26 May 2005. Not written verbatim. Personal notes of the author.
- 18 Kufuor, *Op. cit.*, 281–282.
- 19 Union Africaine: la succession d'Obasanjo divise le continent, *Le messenger* (Cameroun), 23 January 2006. Available on http://www.cameroon-info.net/cin_reactions.php?s_id=17228. (Accessed on 5 June 2009).

- 20 Sudan loses African leadership post over Darfur, *Sudan Tribune*, 29 January 2007. Available on <http://www.sudantribune.com/spip.php?article20007> (Accessed on 10 April 2009).
- 21 Interview with an African diplomat, Addis Ababa, 15 May 2009.
- 22 Sudan wants AU chair, critics see it hurting Africa, *Sudan Tribune*, 19 January 2006. Available on <http://www.sudantribune.com/spip.php?article13626> (Accessed on 10 April 2009).
- 23 Edem Kodjo, Foreward, in Edmond Jouve, *L'Organisation de l'unité africaine*, Paris: Presses universitaires de France, 1984, 11.
- 24 Article VII of the OAU Charter stipulated that the Assembly of Heads of State and Government, the Council of Ministers, the Secretary General, and the Commission of Mediation, Conciliation and Arbitration.
- 25 Rules of Procedures, Op. cit.
- 26 African Union, *Constitutive Act*, 2000. African Union: Addis Ababa.
- 27 Rules of Procedure of the Assembly, Op. cit.
- 28 The organs are listed as follows: (a) The Assembly of the Union; (b) The Executive Council; (c) The Pan-African Parliament; (d) The Court of Justice; (e) The Commission; (f) The Permanent Representatives Committee; (g) The specialised technical committees ; (h) The Economic, Social and Cultural Council; and (i) the financial institutions.
- 29 See Supra.
- 30 Constitutive Act, Op. cit.
- 31 Jouve, Op. cit. 57.
- 32 Rules of Procedure of the Assembly, Op. cit.
- 33 Rule 20 paragraph 2 of the Rules of Procedure of the Assembly stipulates that a delegation shall not have the floor without the consent of the chairperson. Its Rule 20 paragraph 3 (a) stipulates that the chairperson may read out the list of speakers and declare the list closed and in its paragraph 3 (b) that 'he may call to order any speaker whose statement deviates from the issue under discussion'.
- 34 Rule 20 paragraph 3 (d) of the Rules of Procedure specifies that the chairperson may limit the time allowed to each delegation irrespective of the issue under discussion, subject to sub Rule 4 of this Rule which stipulates that, on procedural questions, the chairperson shall limit each intervention to a maximum of five (5) minutes.
- 35 Le Botswana coopérera avec la CPI sur le dossier el-Béehir, *Jeune Afrique*, 6 July 2009. Available on <http://www.jeuneafrique.com/Article/DEPAFP20090705T170425Z/-CPI-UA-justice-droits-de-l-homme-Le-Botswana-cooperera-avec-la-CPI-sur-le-dossier-el-Bechir.html> (Accessed on 7 July 2009). "Afrique : Le Botswana se rebelle, *Le Pays* (Burkina Faso), 6 July 2009. Available on *AllAfrica.com* <http://fr.allafrica.com/stories/200907070237.html> (Accessed on 7 July 2009).
- 36 Constitutive Act, Op. cit.
- 37 Rules of Procedure of the Assembly, Op. cit.
- 38 Union africaine, une année mouvementée, *BBCAfrique.com*, 28 March 2009. Available on www.bbc.co.uk/.../2009/.../090328_khadafionionafricaine.shtml (Accessed on 10 April 2009).
- 39 For an analysis of Nigeria's role in the elaboration of an African position on United Nations reform, see Delphine Lecoutre, *L'Afrique et la réforme des Nations unies*, *Le Monde diplomatique*, July 2005 and Delphine Lecoutre, *L'Afrique et la réforme de l'ONU*, *Géopolitique africaine*, January–March 2007, 63–100.
- 40 For Nigeria's role see Delphine Lecoutre, *Vers un gouvernement de l'Union africaine? Maximalistes vs gradualistes*, *Occasional Paper*, Pretoria: Institute for Security Studies, June 2007.
- 41 Fin de la visite du Président Obasanjo en Libye, *Panapress*, 23 August 2005.
- 42 See Infra.
- 43 See Supra.
- 44 Interview given by President Denis Sassou Nguesso to François Soudan, *Jeune Afrique /L'Intelligent*, 2354, 22 February 2006.
- 45 Interview with an African diplomat, Addis Ababa, 15 May 2009.
- 46 Delphine Lecoutre, Reflections on the 2007 Accra grand debate on a Union Government for Africa. In Timothy Murithi (ed), *Towards a Union Government of Africa: Challenges and opportunities*, Addis Ababa: Institute for Security Studies, 2008, 53–57.
- 47 Interview with an African diplomat, Addis Ababa, 10 June 2009.
- 48 See African Union. Assembly/AU/Dec.186 (X). Decision on the situation in the Comoros Islands. In *Décisions et déclarations*. Assembly of the African Union, Ordinary Session, 31 January–2 February, 2008, Addis Ababa (Ethiopia).
- 49 Interview with an African diplomat, Addis Ababa, 5 February 2008.
- 50 It was not so difficult for President Kikwete to rally influential powers to this cause and get their support for the military intervention insofar the interest of France and the United States in that issue was guided by the Indian Ocean's strategy, and this was emphasised by the rapprochement between Iran and President Sambi.
- 51 This section is extracted from Lecoutre, *La présidence Kadhafi de l'Union africaine ...*, Op. cit.
- 52 As Colonel Muammar Kaddafi said before his peers, Addis Ababa, 2 February 2009.
- 53 Interview with an African diplomat, Addis Ababa, 10 April 2009.
- 54 African Union. PSC/PR/(CLXVIII). Communiqué of the 168th meeting of the Peace and Security Council. Addis Ababa (Ethiopia), 5 February 2009. Addis Ababa: African Union.
- 55 Kaddafi entame son mandat de président de l'UA dans la confusion, *Jeune Afrique* (website), 13 March 2009. Available on http://jeuneafrique.com/Articleimp_ARTJAWEB20090313130228 (Accessed on 15 March 2009).
- 56 L'Union africaine maintient les sanctions contre la junte malgré Kaddafi, *Jeune Afrique* (website), 25 March 2009. Available on http://jeuneafrique.com/Articleimp_ARTJAWEB20090325133029_ (Accessed on 28 March 2009).
- 57 African Union. PSC/MIN/COMM (CXCVI). *Communiqué of the 196th meeting of the PSC*. 29 June 2009, Sirte (Libya). Addis Ababa: African Union.

- 58 Jean-Karim Fall, La Mauritanie au cœur des débats du CPS, *Radio France Internationale* (RFI), 30 June 2009.
- 59 Delphine Lecoutre, Le Sommet spécial d'Addis Abeba de février 2009 sur le gouvernement de l'Union: un pas vers un véritable renforcement de l'exécutif de l'Union ou un simple changement de nom?, *Géopolitique africaine*, April 2009.
- 60 Delphine Lecoutre, Vers un gouvernement de l'Union africaine? Gradualisme et statu quo v. immédiatisme *Politique étrangère*, 3 (2008), 635.
- 61 Kamto, Pondi & Zang, Op. cit, 65.
- 62 Kodjo, Op. cit. 11.
- 63 See Supra.
- 64 Interview with an African diplomat, Addis Ababa, 10 June 2009.
- 65 Chérif Ouazani, Mésentente cordiale, *Jeune Afrique/L'Intelligent*, 2318, 12–18 June 2005, 33.
- 66 Ibid. 32.
- 67 Ibid. 32.
- 68 Ibid. 32.
- 69 Ibid. 32–33.
- 70 See Supra.
- 71 Since February 2008.
- 72 Interview with an African diplomat, Addis Ababa, 10 May 2009.
- 73 Kodjo, Op. cit.
- 74 Statement by His Excellency Jakaya Mrisho Kikwete, the outgoing African Union chairperson and the president of the United Republic of Tanzania at the 12th summit of the Head of State and Government of the African Union, Addis Ababa, Ethiopia, 1-3 February 2009, 14–15.
- 75 For an in-depth analysis of the Peace and Security Council, see Delphine Lecoutre, Le Conseil de paix et de sécurité de l'Union africaine, clef d'une nouvelle architecture de stabilité en Afrique?, *Afrique contemporaine*, Winter 2004, 131–162; Delphine Lecoutre, Les premiers pas du Conseil de paix et de sécurité de l'UA, *Géopolitique africaine*, October 2005, 271–281.
- 76 Kamto, Pondi & Zang, Op. cit., 49–50.
- 77 Kadhafi est resté sous sa tente, *Radio France Internationale* (RFI), 3 February 2009.
- 78 African Union Assembly/AU/Dec.263 (XIII). Decision on the transformation of the African Union Commission into the African Union Authority. In *Decisions and declarations*. Assembly of the African Union, 13th Ordinary Session, 1–3 July 2009, Sirte (Libya). Addis Ababa: African Union.
- 79 Constitutive Act, Op. cit.
- 80 Delphine Lecoutre, Le budget de l'Union africaine: entre ambition et réalisme, *Géopolitique africaine*, April 2005, 209–224.
- 81 See Infra.



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ABOUT THIS PAPER

This paper is an in-depth analysis on the chair of the African Union. After providing a historical overview, the author explains the modalities for the election of AU chairs and their functions. She then compares different styles of chairmanship in order to evaluate their influence on the evolution of the Pan-African organisation. She also analyses the institutional relations between the AU chairperson and the chairperson of the AU Commission. Finally, she provides an analysis of the prospects for its institutionalisation.

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FUNDER

This publication was made possible through funding provided by the German Foreign Office and Humanity United (USA). In addition, general Institute funding is provided by the governments of Denmark, the Netherlands, Norway and Sweden.



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Pretoria, South Africa
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