



THE ELECTION OF DR DLAMINI-ZUMA AS AU CHAIRPERSON

Towards Pan-Africanism and African Renaissance?

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EXECUTIVE SUMMARY

The election of Dr Nkosazana Dlamini-Zuma as the Chairperson of the African Union (AU) Commission was a surprise. Importantly, it brought to an end the electoral deadlock experienced during the January 2012 AU Summit between Dr Dlamini-Zuma and the incumbent, Mr Jean Ping. This brief considers the hard-won victory of Dr Dlamini-Zuma, its implication for the global image of African states and the prospect of the new AU Commission leadership being able to promote a more effective AU.

The jury will continue to debate the reasons why Dr Dlamini-Zuma gained more than 60 per cent of confidence votes from AU member states after the initial electoral deadlock six months earlier. Yet her election suggests that AU member states can transcend some of the continent's colonially inherited divisions, especially those along linguistic lines. Dr Dlamini-Zuma's triumph also represents the ostensible commitment of African states to gender equality. Her election should be perceived as the well-deserved recognition of a capable, highly-respected and hard-working woman following her previous and current roles as South Africa's Minister of Foreign Affairs and of Home Affairs respectively. There are, however, huge challenges confronting the new leadership of the AU Commission.

This brief highlights three main challenges: first, the priority of promoting the implementation of, and adherence to, the numerous policies formulated by the AU and its predecessor, the Organisation of African Unity (OAU) during the last half-century. Second, there is a need to address the difficulty of increasing the number and quality of the AU Commission staff. Third, the AU must

revisit its reliance on external funding and the location of power among the 'Friends of the AU' instead of with the Commission itself. In summary, the election of Dr Dlamini-Zuma provides an additional opportunity to promote cooperation between African states, move towards the greater relevance of the AU globally, and improve stability and economic development in Africa through an invigorated top management at the helm of the AU Commission.

HARD-WON VICTORY

To many observers, the election victory of Dr Dlamini-Zuma as Chairperson of the AU Commission in July 2012 against Mr Ping was a surprise. After several delays to the original starting time for the elections, Dr Dlamini-Zuma secured a simple majority in the first three rounds of the elections before clinching victory in the fourth and final round. Unofficial election results indicate that Dr Dlamini-Zuma achieved 27 votes to Mr Ping's 24 in the first round, 29 votes to Ping's 22 in the second round and 33 votes to 18 in the third round. In the confidence vote, during which the candidate with the least number of votes is required to withdraw, Dlamini-Zuma achieved more than two-thirds with a respectable 37 out of 51 votes.

Commentators will continue to debate the reasons for this unexpected victory after the initial electoral deadlock during the January 2012 Summit. For instance, it has been speculated that Dr Dlamini-Zuma's victory was an outcome of South Africa and the South African Development Community's (SADC) persistent lobbying efforts, involving extensive travel by senior officials to various countries across the continent. There has been much speculation that South Africa used 'economic diplomacy' to muster support from states that initially

supported Mr Ping, especially to gain support from Francophone Central and West Africa. It is, however, important that these perceptions be laid to rest as rapidly as possible. Our analysis of the voting during January and July indicates that it was only necessary for two or three countries that had voted for Mr Ping in January to change their votes to Dr Dlamini-Zuma for her to triumph. Whereas 53 countries had voted then, only 51 were able to vote in July since an additional two countries (Guinea Bissau and Mali) were under sanctions and barred from participating in the elections. Furthermore, neither Nigerian President Goodluck Jonathan nor Ethiopian Prime Minister Meles Zenawi, both opposed to the South African candidature, attended, possibly providing something of a leadership vacuum that eventually turned a potential stalemate to triumph. Timing is everything and, above all, African leaders provided the best possible outcome for a beleaguered AU Commission – a clear result that sees a highly capable, hard-working and respected female candidate assume the leadership of the AU Commission.

SIGN OF PROGRESS IN AFRICA?

The electoral outcome is also positive for the global image of African states. It demonstrates that African countries are able to overcome some of the starker colonially inherited divisions that are often used to characterise the continent – particularly those between so-called Francophones and Anglophones.

Heads of State did not amend or technically appear to violate the Rules of procedure for the election of the Chairperson, although the failure to elect commissioners following the initial electoral deadlock in January led to a lame-duck Commission and strident calls by many to amend the Rules or to resort to a 'political' solution.¹

The election of the first female Chairperson of the AU Commission is a hugely positive development. It highlights Africa's commitment to the promotion of gender equality within the AU Commission – and hence will impact nationally, where much work remains to be done in this regard. Eventually the election of two of the remaining Commissioners (Economic Affairs, and Human Resources, Science and Technology) was deferred because of the limited availability of male candidates for these positions and the need to maintain the AU's gender equality and regional representation.

Beyond these immediate gains, the election of Dr Dlamini-Zuma has set a precedent for the future interests of Africa's 'big powers' in putting forward their own

candidates for the top position within the AU Commission. One controversial aspect has been the 'unwritten rule' that big powers do not seek election for the position of Chairperson of the AU Commission – a view contested by South Africa. In the wake of the outcome it is possible that influential countries such as Nigeria, Algeria, Egypt, Kenya and Senegal may all nominate candidates for the ten Commission seats in future elections. As a result smaller countries may struggle for representation and relevance and have to seek more innovative ways to remain relevant within the AU Commission and the AU in general. This is a trend to watch in the future.

Accordingly, it appears that the foremost task confronting the newly elected Chairperson is to promote reconciliation with AU member states that did not vote for her. Without doubt, such divisions contributed to the electoral deadlock that characterised the January Summit when South Africa led the anti-Ping alliance and refused to vote for Mr Ping even after he had gained more votes than Dr Dlamini-Zuma in each of the first three rounds. Eventually Mr Ping could only garner 32 votes during the fourth and final 'confidence round' – three short of the required 35. These divisions were compounded by allegations of negative campaigning by both camps. Although Dr Dlamini-Zuma received the support of the majority of AU member states, the 14 countries that failed to endorse her candidacy during the confidence vote constitute a significant minority. This limited support for Dr Dlamini-Zuma contrasted with the full endorsement by the Assembly of Heads of State and Government accorded to Mr Erastus Mwencha in his re-election as Deputy Chairperson of the AU Commission. Mr Mwencha, a Kenyan, was, admittedly, the only candidate and held in universal high regard, but according to some his election violated a second unwritten rule, namely that either the Chair or the Deputy should be Francophone – although this 'rule' has also previously been violated by the mercurial former AU Chairperson Alpha Konare. The spectre that haunts is that linguistic divisions may be replaced by extreme regionalism.

MOVING THE AU REFORMIST AGENDA FORWARD

Ironically one of the most celebrated qualities of Dr Dlamini-Zuma is that she is one of the few survivors from the era of former South African President Thabo Mbeki, who remains highly regarded in much of Africa. She has managed to connect with the two South African administrations despite the deep acrimony between the two leaders, President Jacob Zuma and former President

Mbeki. Her pedigree as former South African Foreign Minister and very effective current Home Affairs Minister suggests that she has much to offer in bringing both competent management and far-sighted political leadership to the Commission. She is, however, potentially out of step with a South African foreign policy that is much more assertive today than it was under the dictum of 'consensus at all costs' that characterised that of former President Mbeki – a dictum that often resulted in the adoption of unrealistic positions of which the 2005 Ezulwini Consensus on UN reform must be the most obvious.² Invited to become a member of the BRIC grouping in 2010, South Africa is clearly set on affirming itself as a global player and the election victory demonstrates that it carries considerable weight continentally, despite the often-disparaging reportage on its current president across much of the continent. SADC again demonstrated that it constitutes the single most homogenous political grouping in Africa – even as it lags behind on many other indicators such as equality. In a sub-region where liberation-era solidarity holds greater sway than any other value, SADC leaders continue to believe that Africa is under threat from external sources; former colonial countries in particular. French and British abuse of UN Security Council Resolution 1973 (authorising a Chapter VII UN-mandated mission in Libya in 2011) played squarely into these strongly held views. For SADC, the Western-dominated past rather than the new emerging multipolar world continues to hold sway as it wrestles with a colonial past more recent than that of any other African sub-region.

The practical challenge facing Dr Dlamini-Zuma as Chairperson of the Commission is how to deliver on her reformist agenda that aims at achieving a more effective AU, and improve on the global impact and voice of Africa. Shortly before the elections, President Zuma's office issued a summary 'election manifesto' that noted: 'SADC is of the firm opinion that there is an urgent need to strengthen African unity, integration and transform its continental structures.' The challenge here, of course, is that the vision of African unity viewed from the SADC perspective is often quite different to that envisaged say in the Lagos Plan of Action (1980) or the Abuja Treaty (1991). Whereas most previous efforts at continental integration prioritised political and economic integration at a pace that vastly exceeded actual member state willingness, SADC itself struggles in moving forward on many of these aspects and the model now emerging within the New Partnership for Africa's Development (NEPAD) and in areas such as the Intergovernmental

Authority for Development (IGAD) is decidedly infrastructure-led.

A priority in this respect is to promote the implementation of, and adherence to, the numerous policies formulated by the AU and its predecessor, the OAU, during the last half-century. In 2012, the AU celebrates the first decade of its existence, the OAU having existed for a previous 39 years. In the past ten years, the continental body has made tremendous progress in the formulation of norms geared towards political stability and economic development in Africa. The AU has, however, not been able to see to the effective implementation of many of its decisions and it remains to be seen if Dr Dlamini-Zuma will be able to improve on a record that sees the on-going expansion of the AU mandate, with one unrealistic deadline added to the other (such as the ambition for a Continental Free Trade Area by 2017), along with new institutions and structures,³ but with little depth or actual monitoring of previous decisions at member state level. Specifically, the emphasis of the anticipated AU Strategic Plan for 2014–2017 should focus on achieving the implementation of and adherence to previous decisions and policies. Perhaps, as some have remarked, the first decision of the Assembly in January 2013 will be not to take any more decisions until its previous decisions have been implemented.

Dr Dlamini-Zuma will also need to contend with the difficulty of increasing the numbers and quality of the AU Commission staff. The reality is that the AU is working with a staff capacity of about 52 per cent – a situation compounded by the laborious and slow process of continental recruitment under which it operates. Consequently, various departments within the AU Commission have struggled to achieve their respective work plans. Besides, critics have often underscored the incompetence, favouritism and the gaggle of foreign-funded consultants that undermine the AU's technical capacity. The AU sometimes has limited success in attracting and retaining highly qualified candidates because of its less competitive salaries in comparison with other regional and international institutions, in South Africa in particular. The prospects of re-structuring the Commission under the leadership of Dr Dlamini-Zuma in the teeth of possible resistance from elements within the Permanent Representatives Committee (of African ambassadors credited to the AU in Addis Ababa) who have assumed greater responsibility to oversee the work of the Commission will not be an easy task for a representative of a country often seen as somewhat distant from its internal workings.

A related challenge is the AU's reliance on external funding and the location of power among the 'Friends of the AU' instead of the Commission itself. Dependence on both traditional and non-traditional external donors has often constrained the effective implementation of AU programmes, a situation compounded by competition among some for influence within the Commission. In 2013, for example, the proposed total budget for the AU is US\$ 278 million, of which US\$ 123 million will be derived from the assessed contributions of AU member states (see table below).

The remaining amount of US\$ 155 million, roughly 56 per cent of the total, is based on funding from international partners, with the NEPAD Agency the worst offender. The sustainability, dependability and predictability of this large

proportion of financial support from international donors have often been questioned and extensively discussed. Africans argue that since the international community expects the Commission to assume increased responsibility for peace and security, for example, but is reluctant to provide for support through the UN system, as could be expected given the global responsibility of the UN Security Council (UNSC), it is only appropriate that the Commission seek alternative sources of support, particularly from the developed world. It is within this context that the AU Assembly endorsed the establishment of the High Level Panel on Alternative Sources of Financing for the AU, led by former Nigerian President Olusegun Obasanjo. The Panel report proposed three main recommendations for sourcing sustainable funding for the AU.

Table 1: AU budget – income for 2013

Organ	AU Member States	% Members	Partners	% Partners	Total
AU Commission	95 376 870	44	121 178 534	56	216 555 404
Pan-African Parliament	10 372 998	99	120 000	1	10 492 998
Af Court of Human and Peoples' Rights	6 607 632	74	2 362 315	26	8 969 947
African Commission on Human and Peoples' Rights	3 881 947	46	4 606 770	54	8 488 717
ECOSOCC	1 015 372	100	0	0	1 015 372
NEPAD	4 200 000	14	25 853 921	86	30 053 921
AU Commission on International Law	353 357	60	233 918	40	587 275
Advisory Board on Corruption	470 486	48	501 850	52	972 336
Peace and Security Council	587 975	84	112 962	16	700 937
Af Committee of Experts on Rights & Welfare of the Child	0	0	389 717	100	389 717
Total	122 866 637	44	155 359 987	56	278 226 624

All figures in US\$

Excludes \$12,1m requested from partners for Pan-African University

Source: Decision on the budget of the African Union for the 2013 Financial Year Doc.EX.CL/721(XXI), AU Summit July 2012.

These included a US\$ 2 hospitality levy per stay in a hotel; a five cents (US) levy per text message sent; and a US\$ 5 travel levy on flights originating from or coming to Africa.

These recommendations are still under review and have received strong opposition from a number of AU member states. It will be crucial for Dr Dlamini-Zuma to continue the conversation and pressure the AU Assembly to demonstrate commitment towards achieving increased and sustainable financial support from its member states. The alternative approach of ‘diversifying dependency’ by seeking support from China to match that of the European Union (currently under active discussion as part of the Initiative on China-Africa Cooperative Partnership for Peace and Security announced at the fifth Ministerial Conference on the Forum on China-Africa Cooperation, FOCAC) to balance Western influence is innovative but not a durable solution.

Finally, the saga around the elections highlighted a number of structural shortcomings in AU systems and policies. In his statement of 13 July, President Zuma was clear: ‘SADC stresses the sacrosanct adherence to the current Rules of Procedure of the Assembly governing the election of the Chairperson of the Commission for the current election process.’ But the statement also implies that subsequent reform may be entertained – and could help to avoid future challenges given the greater contestation that may follow in future elections. For example, the 2007 systems audit of the AU (conducted by a High Level Panel chaired by the highly respected Nigerian Professor Adebayo Adedeji) that conducted a wide-ranging assessment of the Commission (and other structures) of the AU, recommended as follows (par 120 – emphasis added):

‘The Panel recommends that:

- The Chairperson should exercise full authority within the Commission as the Chief Executive and Accounting Officer;
- There should be a compulsory induction for all Members and Staff of the Commission that clearly defines the *modus operandi* and code of conduct of the Commission;
- All members of the Commission should be required to acquaint themselves with the Statutes of the Commission and the Rules of Procedure of other Organs;

- The Chairperson and the Deputy Chairperson should be men and/or women with a known vision of and commitment to pan-Africanism and continental integration. They must have experience in governance. **Their election should be unrelated to their regions;**
- The election of the Commissioners should focus more on core competencies. **Each region will provide at least two, but preferably more candidates for election;**
- **The election of the Commissioners should be de-linked from the portfolios that they will occupy. The responsibility for assigning portfolios, monitoring and managing the performance of the Commissioners should be assumed by the Chairperson in his capacity as the Chief Executive Officer of the Commission;**
- The portfolios of the Departments should be rationalised by the Chairperson of the Commission in consultation with the Chairperson of the Assembly and in accordance with the agreed strategies and priorities of the Union;
- The tenure of office for the elected posts should remain four years. For the purpose of the impending election, and in order to avoid the problems of simultaneous elections of all members of the Commission, **the elections of the Chairperson and the Deputy Chairperson should take place six months prior to the elections of the Commissioners. For subsequent elections, the Chairperson and the Deputy Chairperson should be elected one year before the election of the Commissioners; and,**
- **In the light of the above recommendations and in view of the special circumstances prevailing, it is imperative that the Assembly should adopt modalities for the election of the next Commissioners.’**

Like many others, the recommendations of the AU systems audit have disappeared without a trace.

HOLDING LEADERSHIP TO ACCOUNT

When all is said and done, Africans now have a clear ‘AU election manifesto’ to which they can hold the Commission to account, namely:

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(i) Consolidating the institution of the AU as a formidable, premier, Pan-African institution; (ii) Ensuring that Africa's developmental agenda is collectively advanced through integration, peace and security and conflict resolution; (iii) Reiterating that NEPAD infrastructural development projects remain an important programme of the AU; (iv) Implementing programmes aimed at supporting the AU Decade for Women (2010–2020); (v) Focusing development programmes on the youth of Africa; and (vi) Reiterating Africa's continued advocacy for reform of the global governance architecture ... Under the Chairpersonship of Dr Dlamini-Zuma, values that the African Union Commission should inculcate include transparency and financial accountability; dedication to the development of Africa; a heightened sense of professionalism; respect for continental diversity; and a strong work ethic.⁴

The challenges confronting Dr Dlamini-Zuma as the new Chairperson of the AU Commission are huge and exciting. They require strong leadership aimed at achieving a more effective AU; seeking and promoting cooperation and unity between AU member states; and projecting the AU globally. On 1 October 2012, Dr Dlamini-Zuma, her deputy and the other six elected Commissioners will officially assume their duties.

Her election certainly is a watershed in the history of the AU. She now has the chance to demonstrate her undoubted ability to shepherd the continent towards greater stability and economic development as it commits to 2013 as a year of 'Pan-Africanism and African Renaissance', and celebrates, at a special summit on 25 May 2013, the Golden Jubilee of the OAU.

NOTES

¹ Technically the extension of the mandate by six months in January may have violated the Rules of Procedure because the deputy ought to have replaced Mr Ping in January. Rule 42(5).

² Given its demand for veto rights for two African permanent members of the UN Security Council and five non-permanent members.

³ The July 2012 Summit alone discussed the establishment of an African Risk Capacity as a specialised agency of the AU, the Pan-African University, an expanded court, a African Statistical Training Centre, the re-integration of the Centre for Tick and Tick Borne Diseases into the AU structures, establishment of an African Public Health Emergency Fund, establishment of an African Institute for Remittances, etc.

⁴ 13 July 2012 statement issued from the office of President Zuma entitled *African Union Commission chairpersonship*.