

New African Union Commission (2021-2025)

Challenges and Issues After the Reform Initiated by Paul Kagamé

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► Key Takeaways

- The African Union (AU) has been led for the past year by a new Commission whose results will be closely scrutinized by the organization's member countries.
- The Covid-19 pandemic has largely contributed to slowing down the institutions in Addis Ababa, handicapping the South African and Congolese presidencies. The Senegalese presidency is eagerly awaited to exit the AU from the theme that has dominated debates for 24 months into Covid-19.
- The reform of the African Union initiated by Rwandan President Paul Kagame is beginning to be implemented, but its results will have to be assessed in the long term.
- The AU's Peace and Security Council (PSC) is in the hands of Nigerian Bankole Adeoye after 18 years of Algeria's stranglehold. The PSC is facing a multitude of a multitude of crises – civil war in Ethiopia, Cabo Delgado in Mozambique, English-speaking provinces of Cameroon, coups d'état in Mali, Guinea and transition in Chad – the management of which remains particularly politicized.

Introduction

The election of the Commission to run the African Union (AU) on February 6 and 7, 2021 was an important step towards implementing its institutional reform. The Commission is the institution's real government, setting the pan-African organization's objectives under the leadership of the Heads of State who meet once a year at the Assembly. There are high expectations: the AU's lack of results is often highlighted by its own Member States (now 55 since Morocco's readmission in 2017). The Chadian Moussa Faki, who was re-elected as AU Commission (AUC) Chairperson, has the onerous task of undertaking this reform¹, initiated by the former AU Chair in 2017, Rwandan president Paul Kagamé. The first stages of this reform, such as reducing the number of Commissioners from eight to six², have been in effect since February 2021. The reform also tried to improve the organization's efficiency, both in its internal operations and via the impact of projects undertaken, such as action in the many conflict hotbeds across the continent.

This Commission was required to work with the then AU Chairperson in 2021, President of the Democratic Republic of Congo, Félix Tshisekedi, who succeeded his South African counterpart, Cyril Ramaphosa, in February 2021, before the appointment of Macky Sall (Senegal) in February 2022. Ramaphosa-like Tshisekedi in 2021—had to manage a year (2020) mainly marked by the Covid-19 crisis. This year was marked by successive changes in practice, including the introduction of online meetings for an organization that had neither experience of, nor the equipment for this type of operation. Many topics, apart from those related to the pandemic, could only be dealt with marginally in 2020 and 2021.

This briefing paper will introduce the new leadership of the African Union Commission, as well as take stock of the institutional reform and balance of power on key issues. We will specifically focus on the dynamics in the new “Political Affairs, Peace and Security” Department, the pan-African institution's most operational body. The peace/security topic will also be extensively discussed³ at the next AU/European Union summit to be held in the first quarter of 2022 in Brussels.

1. The successes and failures of the reform are analyzed in L. Louw-Vaudran “Réforme de l'Union africaine: 'Paul Kagame a obtenu des résultats mitigés'”, *Le Monde*, February 11, 2019.

2. The positions of Commissioners for Political Affairs and Peace and Security have been merged, as have those for Economic Affairs and Trade/Industry.

3. Other topics for the Summit were migration and mobility, education, the fight against Covid-19, ecological transition and resilience building. See “African Union-European Union Ministerial Meeting”, Council of the European Union, October 26, 2021, available at: www.consilium.europa.eu.

A Review of the Actual Election Results

The election of the Commission, which was held online on February 6 and 7, 2021 because of the Covid-19 pandemic, was one of the highlights of the Assembly of Member State Heads of State and Government. Firstly, AUC Chairperson Moussa Faki was re-elected without difficulty with a result of 51 votes and three abstentions in the first round⁴.

The Deputy Chairperson of the AUC mainly responsible for administration and finance, was contested between three women (parity is mandatory among the Heads of the Executive as well as among Commissioners). The Deputy Governor of the National Bank of Rwanda, Monique Nsanzabaganwa, was elected after three rounds with 42 votes to ten for the Ugandan, Pamela Mbabazi, and only two for the Djiboutian, Hasna Barkat Daoud.

The other outgoing Commissioners who were re-elected, were the Angolan, Josefa Leonel Sacko, closely followed by the Moroccan candidate, Mohamed Sadiki (Secretary General of the Ministry of Agriculture and since October 2021 Minister of Agriculture)

with 51 votes to three abstentions. The first round was close with 27 votes for Angola and 25 for Morocco—that did not really want the much sought-after position, but wanted to test its influence. Four years after the country's readmission to the institution, this episode shows how much Morocco's influence has grown in a relatively short time. It was only in the fourth round (where the top candidate in the 3rd round is the only one to compete) that Angola finally won with 51 votes and three abstentions. The outgoing Commissioner for Trade and Industry, the Zambian Albert Muchanga, was also elected by 44 votes in the first round to a large portfolio

including “Economic Development, Trade, Industry and Mining” (ETIM) from the merger of two departments. The same scenario applies to the “Infrastructure and Energy” (IE) position, held by the Egyptian Amani Abou-Zeid who obtained 50 votes with five abstentions in the first round.

Former Nigerian Permanent Representative to Addis Ababa, Bankole Adeoye, won with 55 votes (or 100% of Member States) to lead the new “Political Affairs, Peace and Security” (PAPS) Department. This finally put an end to the Algerian monopoly over the Peace and Security Department in effect since 2002. At the Executive Council⁵ meeting of Member States' Foreign Ministers held in mid-October in Addis Ababa, candidates from North and West Africa competed for the Education, Science, Technology and Innovation (ESTI) portfolios and that of “Health, Humanitarian Affairs and Social Development” (HHS) that had not been allocated at the February 2021 summit. Indeed, these two elections had to be postponed because of a lack of North and West African

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4. A minimum of 2/3 of votes is required to win, i.e., 38. All the election results were obtained through discussions with diplomats based in Addis Ababa who witnessed the vote.

5. The Executive Council coordinates and decides on policies in areas of common interest to the Member States. It is accountable to the Assembly of Heads of State.

candidates, while the other regions had already fulfilled their quota of elected officials (one for the regions where the Chairperson and Deputy Chairperson come from and two for the other regions).

In West Africa, this is because the Nigerian president, Muhammadu Buhari, managed to get all of the male candidates for Commissioners from that region to withdraw their nominations⁶ at an Economic Community of West African States (ECOWAS) summit held on February 2, 2021. The objective was to ensure a Nigerian candidate was elected to the position of Commissioner for “Political Affairs, Peace and Security”. Ghana, Burkina Faso, Gambia, Côte d’Ivoire and Sierra Leone complied and withdrew their candidates demonstrating, if need be, Nigeria’s leadership in the ECOWAS zone. On the day of the vote, no West African candidate was in the running for a Commissioner’s position apart from Bankole Adeoye. With regard to the North African region, after the re-election of the Egyptian Commissioner and in the interest of parity, another male candidate from the region was needed, after the only one with this profile the Moroccan candidate for Agriculture was eliminated.

The selection for the two remaining positions was postponed to the Executive Council on October 14 and 15, 2021, where the Burkinabe Minata Samate Cessouma (former Commissioner for Political Affairs) won the position of Commissioner for “Health, Humanitarian Affairs and Social Development”. The Algerian professor of medicine Mohamed Belhocine was elected to the position of Commissioner for “Education, Science, Technologies and Innovation”. The election of the Burkinabe was already practically finalized at the ECOWAS summit of February 2, 2021. Indeed, Nigeria wanted to reward Ouagadougou for withdrawing from the Political Affairs, Peace and Security position, for which Minata Samate Cessouma was ranked runner up during the panel review of the candidates.

However, the ESTI portfolio was highly contested. All the Moroccan (4), Libyan (1), and Mauritanian (1) candidates were eliminated during the preselection period, conducted since 2020 by a panel of experts led by former Cameroonian prime minister Philémon Yang, assisted by the audit and consulting company PricewaterhouseCoopers (PwC). This situation led to tension between Morocco and the AU, as the former considered the preselection was biased and prevented the political elite from having a say in the elections. In October 2021, Morocco was able to make up for this by managing to appoint the former ambassador to Paris, Fathallah Sijilmassi, as the first holder of the position of Director-General of the Commission, a sort of super director who can confer with all of the Commissioners⁷.

6. “Session ordinaire de la conférence des chefs d’État et de gouvernement de la CEDEAO”, Economic Community of West African States, February 2 2021, available at: www.ecowas.int.

7. “Union africaine: Rabat verrouille le poste de premier directeur général de la commission”, *Africa Intelligence*, August 19, 2021.

The Lessons of an Unprecedented Election

Compared to previous elections, the list of candidates for Commissioner positions included a higher number of candidates from the major financial contributors to the African Union, that seems to reflect a renewed interest in this organization by these countries.

List of top ten contributors to the African Union			
	Member State	Scale of contributions	Amount in US \$ million
Category 1	Nigeria	7.25%	2,408,042.65
	Egypt	7.25%	2,408,042.65
	South Africa	7.25%	2,408,042.65
	Algeria	7.25%	2,408,042.65
	Angola	7.25%	2,408,042.65
	Morocco	7.25%	2,408,042.65
Category 2	Ethiopia	3.999	1,279,680.00
	Kenya	3.745	1,198, 447.11
	Sudan	3.811	1,219, 634.27
	Libya	3.778	1,208,813.31

Source: *African Union Handbook, 2021, p. 215*

Four out of ten posts were held by leading contributors

It should be reiterated that the AU Commission elected in 2012 included a South African Chairperson, a Kenyan Deputy Chairperson, an Algerian Commissioner for Peace and Security, a Nigerian Commissioner for Political Affairs, and an Egyptian Commissioner for Infrastructure and Energy. Therefore, four out of ten positions were held by leading contributors to the pan-African organization. In 2017, this pattern was overturned with the ascendancy of representatives from small- and medium-sized countries (Chad, Ghana, Burkina Faso, Madagascar, Zambia) holding key positions. The final list of candidates for Commissioners' positions in 2020 clearly demonstrates the interest of major contributors, such as South Africa, Nigeria, Morocco, and Egypt in the Commission.

One of the main features of this February 2021 election was the high number of direct confrontations between major contributors for the Commissioners' portfolios (South Africa-Nigeria for Political Affairs, Peace and Security; Morocco-Angola for Agriculture), but also an unequal consensus among the "P5" candidates with their

respective regions⁸. While Nigeria was able to obtain the withdrawal of all West African male candidates to facilitate Adeoye's victory, South Africa was not able to achieve such consensus in southern Africa to secure the election of its candidate to the same post. Consequently, the new geopolitical makeup of the Commission still reflects the ascendancy of small- and medium-sized powers in the organization's portfolios, although nationals from the large countries hold three out of six Commissioners' positions, including the strategic "Political Affairs, Peace and Security" portfolio.

The other major lesson from this election is Moussa Faki's re-election despite repeated criticism about his discreet management, and attempts by South Africa and Uganda to indefinitely postpone the election. Indeed, Faki's success is undoubtedly due to his modest idea of his role that he does not equate with an African presidency. The communique issued by his office, after Israel's accreditation to the African Union in July 2021, is a perfect example of the former Chadian Foreign Minister's legalism⁹. In this communique, Moussa Faki justified this accreditation by its strict compliance with the African Union's rules and regulations, despite the political sensitivity of such a decision. He was challenged again on this topic by a few Member States that criticized Israel's accreditation during the 35th Summit of Assembly of

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Heads of State and Government in February 2022. The Assembly decided to create an ad hoc Committee, composed of South Africa, Algeria, Nigeria (against the observer status), Cameroon, Rwanda, DRC (in favor of Israel) and Senegal (as AU Chair in 2022). This Committee is due to present its report to the Assembly during the next summit in July.

An Unfinished Reform

The institutional reform adopted by the Assembly of Heads of State and Government in January 2017 is being implemented. In 2017, the Reforms Advisory Committee, chaired by Paul Kagamé, had identified several objectives: restricting the AU to a limited number of priorities; reviewing the organization's bodies and operations to improve performance; strengthening links with African citizens; increasing the organization's efficiency and effectiveness; identifying sustainable financing; and reducing dependence on development partners.

To date, the outcome of the reform is mixed. At organizational level, the AU has effectively reduced the number of Departments and Commissioners. However, the key leadership challenge for the Commission will be recruiting new Departmental Directors. Indeed, most of the current incumbents have been in an interim position for several years. According to the transitional plan for the new organization, the Commission

8. Algeria, Egypt, Nigeria, South Africa, and Angola. Since 2017, Morocco can be included in this group.

9. "Communiqué du Président de la Commission de l'UA sur l'accréditation de l'État d'Israël", African Union, August 6, 2021, available at: <https://au.int>.

needed to fill 107 positions, including 17 Directors by December 2021¹⁰. It should also be noted that the reform did not adopt any measures to increase the authority of the Chairperson of the Commission over other Commissioners, along the lines of the European Union model, that would have given the Chairperson a degree of autonomy in the management.

In the same vein, refocusing on some continental priorities¹¹ had no real impact, as the reduction in the number of departments was more like a merger of existing bodies rather than a reorganization that led to the AU giving up on some areas of intervention. The goal of establishing a mechanism to ensure that Member States implement the AU's decisions had a mixed outcome. Member States' opposition to any independent, coercive mechanism, such as the Arusha-based African Court of Justice, has resulted in a loose consensus that bodies representing the Member States (Assembly of Heads of State and Government, Executive Council, and Permanent Representatives Committee) and the Commission should be responsible for monitoring the implementation of decisions¹². Yet, the reform body's report to the States stressed that:

“The experience of other intergovernmental bodies has shown that political monitoring has its limits, as Member States are reluctant to sanction other States for non-implementation of decisions. Hence, the use of judicial control mechanisms. It is also strongly recommended that the African Union's Court of Justice, whose Protocol is already in effect, be operationalized to assume these judicial control functions.¹³”

However, the reform has also had some successes, such as the Peace Fund, that has raised US \$ 176 million as of June 2020 from a 0.2% tax on imports¹⁴. Although this amount is below the anticipated USD \$ 400 million by 2021 when the fund was launched in 2016¹⁵, it should be noted that this sum was raised despite reluctance from the main contributors, such as South Africa, Algeria and Egypt. Ultimately, the AU's main challenge is financing the various peace-keeping operations, whose total cost exceeds the Peace Fund's budget, while the United Nation's Security Council is reluctant to increase UN contributions.

10. “Draft Transition Plan and Financing Structure for the Implementation of the New African Union Commission Departmental Structure, pursuant to Executive Council”, African Union, 2020, pp. 19-29.

11. The Kagamé report identified as continental priorities: Political Affairs, Peace and Security, Economic Integration, representation, and Africa's voice in the world. See P. Kagamé, “The Imperative to Strengthen our Union: Report of the Proposed Recommendations for the Institutional Reform of the African Union”, African Union, January 29, 2017, p. 8, available at: <https://au.int>.

12. “Decision on the Progress Report on the Status of Implementation of Assembly Decision on the Institutional Reform”, African Union, January 28-29, 2018, available at: <https://au.int>.

13. Regarding the poor implementation of decisions, particularly of the PSC, see the African Union report on a follow-up meeting on the reform discussed on January 28-29 2018: “Progress Report on the Implementation of Decision, Assembly/AU/Dec.635 (XXVIII) on the African Union (AU) Institutional Reform”, available at: <https://archives.au>. On page 40, the report refers to the “crisis in implementing” the AU's decisions.

14. “Financing the Union: Towards the Financial Autonomy of the African Union”, African Union, June 16, 2020, available at: <https://au.int>.

15. *Ibid.*

There is also a positive dynamic in the area of the AU's financial autonomy. This is particularly illustrated by the African Union's budget that can be broken down into two parts: operations and programs, including peacekeeping operations as a separate item.

The AU is totally dependent on external donors for peacekeeping operations

Since the Kigali Summit in 2016, the share of partners in the African Union's budget has fallen from 73% for 2017 to stabilize at around 60%: 58.53% in 2018; 58.90% in 2019; 61% in 2020¹⁶. A more in-depth review of the budget shows an even more complex state of affairs. *De facto*, AU Member States now fully fund the organization's operating budget. In the program budget, the share of external partners has reduced from 85% in 2017 to 62% in 2018, 55% in 2019, 59% in 2020. It should also be

noted that the Union's budget has decreased by 17% since 2017, in a sign of increased budget streamlining¹⁷. However, the AU remains dependent on external donors for peacekeeping operations. The donors' share varies between 97% and 100%¹⁸. These percentages raise questions about the organization's commitment to peacekeeping operations despite an obvious lack of resources, to the detriment of other less expensive instruments such as conflict prevention.

A Peace and Security Architecture in Crisis

The Peace and Security Council (PSC) is probably the body where the balance of power within the AU is strongest, that makes it possible to gauge each Member States' influence in the institution. The PSC is led by a different country appointed in alphabetic order each month, while its secretariat is included in the Political Affairs, Peace and Security Department. However, AU Member States, including PSC ones, seem increasingly reluctant towards any binding action, even if it means ignoring the pan-African institution's rules and regulations.

Two recent examples illustrate this. Firstly, the controversial non-suspension of Chad after the (unconstitutional) accession of the son of the late Idriss Déby to the presidency in April 2021, due to lobbying by Chad's bordering countries, including Nigeria and Cameroon. This situation can be contrasted with the suspension of Mali after the overthrow of Ibrahim Boubacar Keita in August 2020 because of ECOWAS's inflexibility towards coups d'état.¹⁹ The more recent example of Guinea where the coup d'état on September 5, 2021 led to its suspension from the AU and ECOWAS. These

16. "Decisions & Declarations of the Executive Council: [Decisions and Recommendation of the Twenty-Ninth Ordinary Session of the Executive Council](#) (2016); [Decisions and Recommendation of the Thirty-First Ordinary Session of the Executive Council](#) (2017); [Decisions of the Thirty-Third Ordinary Session of the Executive Council](#) (2018); [Decisions of the Thirty-Fifth Ordinary Session of the Executive Council](#) (2019)", African Union, available at: <https://au.int>.

17. *Ibid.*

18. *Ibid.*

19. "The PSC and Chad – Policy Implications of a Historic Decision", *PSC Report*, Institute of Security Studies, June 23 2021, available at: <https://issafrica.org>.

differences in approach demonstrate the increasing alignment of the AU's bodies with regional organizations' preferences via member countries from these areas on the Peace and Security Council.

Secondly, some of the crises overlooked by the PSC due to lobbying and the influence of some key states in Addis Ababa, often illustrate Member States' aversion to intervention. Some examples of these crises were the lack of any PSC session on the Tigray crisis²⁰ before November 8, 2021, nearly one year after the crisis began; or the lack of any PSC session about the conflict in the English-speaking regions in Cameroon; or even the situation in northern Mozambique. *De facto*, consensus within the AU to deal with crises is based more on the preferences of neighboring countries and the country concerned, and less on their severity and regional impact.

This difficulty in reaching consensus is particularly illustrated by the removal of the Western Sahara issue²¹ from the PSC's agenda, and an unprecedented assertion of the ascendancy of the United Nations on this issue due to prevailing division on these topics

The body and the Commission are facing growing reluctance from Member States towards any binding action by the AU

among African Union Member States. At the summit on July 1 and 2, 2018 in Nouakchott²², or less than a year after its readmission to the organization, Morocco managed to get the issue of Western Sahara covered solely by a new mechanism, known as a "troika" of the Heads of State together with the AU Chairperson. This so-called troika, based on the EU model, is made up of the outgoing Chairperson of the organization (South Africa), the current Chairperson (DRC)

and the incoming one in February 2022 (Senegal). The Western Sahara conflict is no longer discussed at the PSC and this troika has not met to date.

These political difficulties should be seen in the context of the crisis in the various instruments of the peace and security architecture. Therefore, institutional reform has abolished the continental early warning mechanism set up in 2004 that had mixed results. Indeed, the effective collection of data on emerging crises, as well as the production of analyses have rarely led to early action by the Commission or the PSC, because of political reluctance from AU Member States²³. The Panel of the Wise—made up of high-ranking figures from the continent currently chaired by the Egyptian Amr Moussa—did not have the same capacity and clout to act as when it was set up in 2007. The recourse of Mozambique and the Central African Republic to bilateral arrangements

20. "Union africaine: Abiy Ahmed muselle tout débat sur le Tigray", *Africa Intelligence*, July 19, 2021.

21. An area to the south of Morocco that is disputed by the former and the Polisario Front, that is heavily supported by Algeria since the departure of the former colonial power, Spain, in 1976.

22. "Conflit au Sahara occidental: l'UA met en place une troïka en lien avec l'ONU", *RFI*, July 2, 2018, available at: www.rfi.fr.

23. F. Djilo, *The Demise of Early Warning in the African Union: Regression or Opportunity for Conflict Prevention?*, unpublished.

with Rwanda during the recent security crises could reflect the inadequacy of the African Standby Force in face of the military requirements of conflict management.

Conclusion

The three remaining years of the “Faki II” Commission will not be without challenges. The reforms planned by Paul Kagame’s Committee will now be put to the test. Several confidential reports and leaked documents have highlighted several shortcomings in managing financial and human resources²⁴. However, the Commission’s ability to rectify this depends on overcoming Member States’ contradictions—which want an effective African Union while limiting the resources at its disposal—and a complete Copernican revolution in the organization’s operation. But, neither Moussa Faki’s “institutional modesty” nor the Commission’s strong defense of the States’ interests are likely to promote such a development. Despite some progress, the reform has rather exposed fault lines between AU stakeholders than identify strong priorities for the continental organization. The resulting loose consensus could put the African Union Commission in the uncomfortable position of being constantly criticized by Member States regarding its functioning, while being vilified by African civil society for its lack of citizen engagement. One of the highlights of this Commission will be the EU/AU Meeting that will take place in a few weeks in Brussels, and will be the last opportunity for the DRC to end its chair on a high note—or at least on some slightly ambitious commitments.

24. PwC notably delivered a report in November 2020 covering the 2012-2018 period, “Project Synchrony Independent Forensic and Performance Audit of the African Union Commission”, of which one of the focuses was on employment procedures in the institution during the periods of former Commissioner Dlamini-Zuma and the first year of the Faki Commission. The report was never made public. For a description of the report, see: “Union africaine: malgré des audits au vitriol, la gestion des carrières à la commission reste discrétionnaire”, *Africa Intelligence*, July 9, 2021.

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