

# THE BROKEN LEGS OF THE AFRICAN UNION COMMISSION CHAIR: A CRITIQUE OF THE PRESENT AND PROSPECTS FOR THE FUTURE

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## Abstract

Dr Nkosazana Dlamini-Zuma successfully lobbied for and secured the prime seat as the new AU Commission Chairperson. This paper argues that the office of the Chairperson of the AU Commission does not have the legal and political power to spearhead the proper functions of the Commission Secretariat, hence the 'broken legs' in the title. The new Chairperson is going into an organisation which is intergovernmental in nature, with the critical decision-making power still in the hands of individual member states. The question being asked in this paper is how the Chairperson can exercise her mandate under the current setup. There is a need to look critically at the AU's culture and how it functions, and at its grand political dreams that in most cases have not come true. The paper concludes by advocating major institutional reforms so that the office of the AU Commission Chairperson becomes credible and legitimate to empower her to sit down and work.

Keywords: African Union, Commission Chair, Dlamini-Zuma, AU Authority, decision-making powers, Transformation, EU Commission

## INTRODUCTION

The election of South Africa's former Minister of Home Affairs as the new Chairperson of the African Union Commission on 15 July 2012 was greeted with much enthusiasm and hopes of imminent change.<sup>1</sup> Dr Nkosazana Dlamini-Zuma possesses a good track record of effective management at national and international levels (Spies 2011, 336). Supporters of her candidacy emphasised a number of positive considerations: the declared support of

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1 For a detailed account of how the election is conducted, see Rules of Procedure of the Assembly (rules) as adopted in July 2006. Available at <[http://www.africa-union.org/rule\\_prot/rules\\_Assembly.pdf](http://www.africa-union.org/rule_prot/rules_Assembly.pdf)> (accessed 10 December 2012). A distinction should be made between the AU Commission Chairperson, now Dr Nkosazana Dlamini-Zuma, and the AU Chairperson, an office that rotates between the leaders of the AU member states.

the southern African subregion; her undisputed strong leadership, which bodes well for the management of the AU's day-to-day affairs; and the fact that she would be the first woman, first Anglophone and first southern African to lead the AU Commission (Spies 2011, 336). She is also one of the few South African cabinet ministers to have served in government since the dawn of democracy in 1994 (SA History 2012). Thus, she has the experience required for this challenge.

However, some scholars have cautioned against expecting too much of her; it will take time for the new broom to be able to sweep in changes (Erasmus 2012). Dlamini-Zuma has made a commitment to 'make a humble contribution to the African Union' (*Mail & Guardian* 2013a). Prof Shadrack Gutto of the African Renaissance Studies opines that it is important not to create the expectation that Dlamini-Zuma's new role will bring immediate change (*Mail & Guardian* 2013b). Change will not come with one person; the whole organisation needs to be transformed. Under the current setup, the AU Commission Chairperson does not have the legal and political power to spearhead the proper functions of the Commission Secretariat (Akopari et al 2009). This led former South African President Mbeki to say that Dlamini-Zuma is set up for failure (SABC 2013). The AU remains an intergovernmental forum, where real decision-making powers are still firmly in the hands of member states (Blokker & Schermers 1995; Weiler 1999),<sup>2</sup> which still resist ceding real power to a supranational organisation like the AU (Kambudzi 2008). The question is: 'How will the Chairperson deal with the perennial lack of genuine political will on the part of African leaders to implement international agreements?' (Tieku 2004).

Before discussing the many ills of the office of the AU Commission Chairperson, it is important to understand how it functions in its current form. During her campaign, Dlamini-Zuma said she would make the AU a 'more efficient and effective organisation' (by implication, more than it is at present). She will now be called on to deliver and walk the talk. Tackling inefficiency is a signal of a change from the leadership of former Chairperson Jean Ping, who was perceived by many as a weak leader and too francophone-oriented. Dlamini-Zuma has already won the hearts of her critics and those who refused to vote for her. Rwanda, through its foreign minister, has had a change of heart, saying that she is very 'serious' and 'punctual', 'noting that the summit meetings had taken place on time for a change' (*The Post* 2013).

In order to expose the full magnitude of her expected challenges, this paper provides a detailed analysis of the status quo, and future prospects of the office of the AU Commission Chairperson. It is important to emphasise here that the AU remains a relevant and integral institution that is ideally placed to handle matters that are beyond the national framework (Esty 2006, 1493). It is therefore necessary to transfer

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2 For a detailed understanding of what 'intergovernmentalism' entails, see N Blokker and H Schermers *International Institutional Law: Unity within Diversity* (1995, Martinus Nijhoff) p 40. See also J Weiler *The Constitution of Europe: Do the New Clothes have an Emperor? and Other Essays on European Integration* (1999, Cambridge University Press) p 275.

substantial powers to some international institutions (Esty 2006, 1493).<sup>3</sup> According to Valcansek (2002), ‘without some level of institutionalisation or other means of enforcement, national commitment to a continental integration can wax and wane with each electoral cycle and subsequent shift in national administration. Accordingly, transnational integration is obviously inhibited when the validity and enforcement of contracts, obligations and rules cannot be guaranteed beyond the term of office of an administration’ (Volcansek 2002).

## OVERVIEW AND ANALYSIS: THE OFFICE OF THE AU COMMISSION CHAIRPERSON

The office of the AU Commission Chairperson is created by the Commission. According to article 10 of the Statutes of the Commission, the Chairperson and his or her deputy are elected for a four-year term which can be renewed once (AU 2002).<sup>4</sup> The Commission Chairperson is the head of the ‘engine room’ of the AU (Fagbayibo 2012, 15–28). In this respect, the degree of power given to the Commission determines, expressly or implicitly, the extent of the role the Chairperson can play in the institutional process (Fagbayibo 2012, 15–28). The Commission Chairperson is a high-powered civil servant who coordinates meetings of the AU and implements their decisions, and is tasked with overhauling the AU’s gridlocked Secretariat (Akokpari et al 2009). Decision-making at the AU, on the other hand, falls on the heads of state, ministers and diplomats who represent their countries in various AU forums (African Union 2012).<sup>5</sup> This makes the AU Assembly the primary decision-making body (African Union 2012). The AU Commission Chairperson remains a symbolic head (African Union 2007).<sup>6</sup> This state of affairs therefore calls for the transformation of the AU to enable the Commission Chairperson to perform her task effectively. Aspects of transformation in the AU are addressed later in this paper.

In her new position, Dr Dlamini-Zuma is to help AU Secretariat staff to develop agendas and determine internal resources and priorities, and will be responsible for implementing resolutions taken by the organisation’s leaders (African Union 2007; Graham 2013). The role will also give her the chance to interact personally not only with

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3 For a detailed reference to other international institutions, see A Saurombe ‘Regionalisation through economic integration in SADC’ (LLD thesis, North-West University 2011).

4 Article 10 of the Statutes of the Commission, adopted at the first ordinary session of the Assembly, Durban, South Africa held from 9 to 10 July 2002. Available at: <[http://www.au2002.gov.za/docs/summit\\_council/statutes.pdf](http://www.au2002.gov.za/docs/summit_council/statutes.pdf)> (accessed 10 Dec 2012).

5 See article 6 of the AU Constitutive Act (Constitutive Act). Available at: <[http://www.africa-union.org/root/au/aboutau/constitutive\\_act\\_en.htm](http://www.africa-union.org/root/au/aboutau/constitutive_act_en.htm)> (accessed 10 August 2012).

6 The rate at which decisions emanating from the Commission are implemented is just over 10 per cent; see generally Audit Report of the African Union (African Union 2007).

54 heads of state on the continent but also with international leaders. The interaction with these 54 heads of state will be of critical importance, since they form the AU Assembly, that is, the AU's primary decision-making body. Their importance as primary decision-makers is that they possess the potential to overrule or completely ignore the directives of the Commission. Without the support of the Assembly, the Commission Chairperson will remain a symbolic head whose decisions will not see the light of day. The 2007 AU audit report clearly shows that such a situation prevailed, with an implementation record of just over 10 per cent of the Commission's decisions. There seems to be consensus that the Commission (as well as other organs of the AU) has not lived up to expectations; the low implementation rate could be seen as evidence of the validity of this assertion (African Union 2007).

The AU Commission Secretariat is headed by a Chairperson and nine commissioners (Cilliers 2002; Commey 2003). Its main task is to implement the decisions of AU organs (Udombana 2003). In practice, however, the commission has struggled to establish its independence. Under the leadership of the AU's first Chairperson, Mali's Alpha Konaré, between 2003 and 2008, the nine commissioners often acted as if they were accountable to the leaders who had elected them rather than to the Chairperson. Thus, it is pertinent that the new Chairperson is given the requisite powers to oversee the proper functioning of the Secretariat, which will in turn propel the progressive development of African integration (*The Post* 2013).

The main functions of the AU Commission Chairperson are enumerated in articles 7 and 8. Article 7(1) of the Statutes identifies the Chairperson as: (a) the Chief Executive Officer of the Commission; (b) the legal representative of the Union; and (c) the Accounting Officer of the Commission. These are enormous responsibilities for a body that is often not accountable, with some members slow in paying or failing to pay their AU membership fees. The Chairperson's role as legal representative will also be a difficult one, given the record of failures of AU member states to respect the rule of law in their individual jurisdictions and as an AU collective.

Furthermore, according to article 8, the Chairperson is responsible for chairing all meetings of the Commission and is tasked with coordinating and consulting with governments and institutions of member states as well as the regional economic communities (RECs). This is a task she has done well, as mentioned earlier in reference to the way she hosted the first AU Summit in 2013. However, exercising her influence on the different RECs will prove to be a difficult task, considering the large number of RECs currently in operation on the African continent (Best 1997, 51–78). She has been very clear in emphasising that continental economic integration is high on the agenda.

To emphasise the importance of these RECs in the establishment of the African Economic Community (AEC), a protocol was concluded in 1998 on the relations

between the AEC and RECs (AEC Treaty 1991, article 88; Oppong 2010).<sup>7</sup> This protocol is significant because it could drive regional integration in Africa through the harmonisation of conflicting policies between the RECs, on the one hand, and between the RECs and the AEC, on the other. This protocol demonstrates to what extent the AU will formalise its support for regional integration at continental level.

Evidence of this important relationship is demonstrated by the relevant articles of the protocol. Article 2 deals with the scope of application, which includes the implementation of economic measures for mutual benefit. Article 3(a) lists the objective of formalising, consolidating and promoting closer cooperation among the RECs and also between them and the AU by coordinating and harmonising their policies, measures, programmes and activities in all fields and sectors. Under the provisions of article 3(b), the protocol aims to establish a framework for coordinating the activities of the Constitutive Act and the Treaty. It is also the objective of article 3(c) to strengthen the RECs in accordance with the provisions of the Treaty and the decisions of the Union.

Under article 3(g), the aim is to establish a mechanism to coordinate regional and continental efforts to develop common positions among its members in negotiations at multilateral level. Article 3(h) encourages the sharing of regional integration experiences in all fields among RECs. Article 4(d) calls for parties to support each other in their respective integration efforts, and agree to attend and participate effectively in all of one another's meetings and in the activities required to be implemented under this protocol. Under article 5(d), the AU undertakes to discharge fully its responsibility to strengthen the RECs and to coordinate and harmonize their activities. However, the Chairperson has failed to add impetus to the integration drive because of the politico-legal nature of continental integration. It has already been emphasized in this paper that the AU remains intergovernmental in nature, with its members the sole decision-makers.

Other functions of the Commission Chairperson include the appointment of Commission personnel as prescribed by article 14 of the Statutes: (s). The commission personnel 'should be made up of mainly African professionals without discriminating based on nationality'. However, previous Commission personnel have been criticised for being too francophone, since the Commission Chairperson came from a francophone country. In addition, as the Chief Executive and Accounting Officer, the Commission Chairperson also assumes overall responsibility for the financial administration of the Commission.

## ANALYSIS OF THE AU STATUS QUO

There have not been many changes since a 2007 audit of the AU uncovered massive

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7 Article 88 details measures of cooperation among RECs, in particular, through the coordination and harmonisation of their policies, measures, programmes and activities in all fields and sectors.

underspending of up to 90 per cent by some directorates. The audit also showed that only half of the tasks approved by the AU had been implemented, and almost half of its posts were vacant. The audit also revealed that the Commission has struggled to establish its independence, and many of its administrators show greater allegiance to their own countries than to the AU Commissioners (Fagbayibo 2012, 15–28). Lines are drawn between anglophone and francophone memberships (Bach 1999, 3). This state of affairs led to the paralysis in the election of the first AU Chairperson, which left both the incumbent Ping and Dlamini-Zuma without a clear majority of votes during the first round. According to AU election rules, such a deadlock resulted in the incumbent, Ping, continuing in the position until a later summit which elected Dlamini-Zuma. Without the binding structures of the colonial administrations, Africa's independent states are still confronted by economic and political disunity as the colonial powers had concentrated on forging vertical links between their metropolises and their dependencies rather than horizontal links among the colonies (Adedeji 1984, 231).

## THE SOUTH AFRICAN INFLUENCE

There is no doubt that South Africa flexed its muscles in lobbying for votes from the continental member states (*Africa Today* 2013). There is now a need for South Africa to let go of its beloved servant, who served as a minister in various portfolios from the dawn of democracy in 1994. It is now necessary and important to distinguish between South Africa as a member of the AU and Nkosazana Dlamini-Zuma, an official of the AU who happens to be a South African leader (*Mail & Guardian* 2013).

‘She will always be associated with South Africa but her persona, profile and existence is now as chairperson of the AU Commission, and she has nothing to do with South Africa [in that role], and won’t be taking instruction[s] from Pretoria but from the membership of the organisation and the AU’ (*Mail & Guardian* 2013):

It is important that people understand that she is a servant of the members, the Peace and Security Council, and the leadership of the AU. This will not be an easy task, if the results of the December 2012 ruling African National Congress party’s votes for the national executive committee are taken into consideration. Dlamini-Zuma received the highest number of votes, a good indication of how she is still considered to be a political heavyweight in South African domestic politics.

Some critics feel it would be difficult for Dlamini-Zuma to overcome the widespread discontent with South Africa for breaking the unwritten convention that the five largest contributors to the AU budget – Nigeria, Egypt, Libya, Algeria and South Africa – should not contest the Commission’s highest office. Some members thus feel South Africa trampled on a customary rule within the AU that the position of the Commission Chairperson should not go to any dominant economic and military

power of the continent, in order to prevent power politics from upsetting the diplomatic balance in the AU and possibly paralysing vital decisions on the continent's collective interests. It also raised suspicions about a hidden South African agenda, possibly linked to the country's ambition to become a permanent member of the UN Security Council (Spies 2011, 336). Rwanda is on record as stating that this is the reason why they did not vote for her (Kambudzi 2008). Both Nigeria and Egypt, whose strategic interests would not have been served by a South African victory, were strongly in the Ping camp. There are concerns that South Africa, the continent's biggest economy, will use the position of AU Commission Chairperson to further its efforts to secure a permanent African seat on an expanded UN security council (Yalibnan 2013).

However, Dlamini-Zuma is experienced and will be up to the task. She is a consummate technocrat, credited with overhauling the once-crumbling Department of Home Affairs and turning it into one of the country's most service-oriented departments (*Mail & Guardian* 2013). Thus, she possesses a track record of effective management at both national and international level. If the experience of the first 2013 AU Summit is used as standard, she is well on her way to changing the way things work in the organisation. For instance, delegates were impressed by her punctuality; she did not wait for the arrival of VIPs or Heads of State who were late for meetings. Time will tell, though, if she can turn the tide at the AU.

## CHALLENGES

The main challenge facing the AU Commission Chairperson has already been identified as the intergovernmental nature of the organisation. The present configuration of the politics of African integration presents the clearest obstacle to making the position of the Commission Chairperson relevant. The function of the Chief Executive Officer is hampered by the fact that she has no powers to assign portfolios to the Commissioners. This function is the preserve of the Assembly, which effectively curtails the Chairperson's ability to drive the institution decisively. According to Fagbayibo (2012), the ability to allocate portfolios is essential to realizing her vision for the institution, and she will need to have these powers to implement her strategies.

Continual scrutiny of the provisions dealing with finances reveals that article 9 of the Statutes gives the Commission's Deputy Chairperson the mandate to be in charge of the financial administration of the Commission. This is not a delegation of responsibility, but an overlap of functions, which may result in the creation of conflict between the two offices. However, the AU's 2007 audit concluded that there was no basis for either the perception or the practice that the Deputy Chairperson has sole responsibility for the administration and finances of the Commission. In fact, the Deputy Chairperson is directly answerable to the Chairperson, who is the Accounting Officer of the Commission.

One of the major challenges faced by the office of the AU Commission Chairperson is the lack of clarity regarding the relationship of this office with that of the AU Chairperson. The position of the AU Chairperson is held in rotation by the leaders of the member states. The current AU Chairperson, at the time of writing this paper, is the President of Benin, Thomas Yayi Boni, who succeeded Equatorial Guinea's President Theodoro Obiang Nguema Mbasogo. The respective power and influence of the AU Commission Chairperson and that of the AU Chairperson have caused controversy before. In 2005 this lack of clarity led to a clash between the then AU Chairperson Olusegun Obasanjo and Alpha Omar Konare (then AU Commission Chairperson). The clash emanated from Konare's appointment of an envoy to mediate in the Togolese crisis without prior consultation with the AU Chairperson. Obasanjo took offence and regarded this act as insubordination, and declared the appointment 'null and void'. According to Fagbayibo (2012):

This tension should, however, be understood within the intergovernmental context within which the AU operates. The fact that the AU Chairperson is a member of the principal decision-making body, the Assembly, ensures that the absence of any clarity on the relationship with the Commission chairperson can easily be construed as a relationship of subordination: where the AU chairperson is superior (African Union: rules 4, 6 and 20).<sup>8</sup>

## LESSONS FROM COMPARISON WITH THE EU

Since the AU institutional structure is modelled on that of the EU, it is important that this paper should draw comparisons between the AU and EU Commissions. These comparisons will also illustrate best practice from the EU.

### The Commissions

The Brussels-based EU Commission is the 'guardian of the treaties' and initiates most of the body's legislation (Hix 2005), issuing about 5 000 directives and decisions annually (Konig & Leutgert 2009). It is very different from the AU Commission in that institutional powers are well balanced within the institutional structure. The EU Commission is also the only international body of its kind with supranational powers. It dictates the pace of integration (Snyder 1993; Mendriou 1996; Stone Sweet & Sandholtz 1997). Its influence is, however, somewhat constrained by the European Council's role in setting the strategic

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8 The rules outline the functions of the AU chairperson to: 'represent the Assembly in all areas of its competences' (see rule 4); 'convene the sessions of the Assembly' (rule 16); 'open and close the sessions' (rule 16); 'submit to a vote matters under discussion and announce the results of the vote taken' (rule 16); and 'call to order any speaker whose statement deviates from the issue under discussion' (rule 20).



direction for the organisation. Power still flows directly from member states and not just from Brussels (Dashwood 2004; Kassim & Menon 2010; Giandomenico 2002). Article 308 (then 235), however, provides that ‘If action by the Community should prove necessary to attain, in the course of the operation of the common market, one of the objectives of the Community, and this Treaty has not provided the necessary powers, the Council shall, acting unanimously on a proposal from the Commission and after consulting the European Parliament, take the appropriate measures’. This is to a lesser extent similar to the influence of member states on the AU Commission. However, in the EU, common decision-making remains key to integration (Lenaerts 1990; Moravcsik 1998; Ulrich & Hantke 1997). The EU Treaties envisaged a limited role for national courts in the EU legal system (Alter 1998, 124).

The EU Commission is headed by a President (Portugal’s José Manuel Barroso at the time of writing), assisted by a 26-strong College of Commissioners. The commission’s ‘golden age’ occurred under its most dynamic president, France’s Jacques Delors, who helped create a single European market in 1992. The EU has become a vertically integrated legal regime conferring judicially enforceable rights and obligations on all legal persons and entities, public and private, within EC territory (Stone Sweet & Caporaso 1998, 102). If governments refuse to abide by Commission decisions, the Commission can take them to the European Court of Justice to seek a judgment. The Commission is, however, usually astute enough to work with members and often accommodates rather than confronts governments (Mbaye 2001; Giuliani 2003; Börzel, Hofmann & Spunk 2004). The EU Commission has a staff of 24 000 compared with the AU Commission’s paltry 617 personnel. While the AU budget of US\$260 million is irregularly contributed to by its member states, the EU budget of €141,9 billion is unfailingly paid by its members.

## **Commission head, staff and commissioners**

The President of the EU Commission – unlike the Chairperson of the AU Commission – helps select the commissioners, can reshuffle their portfolios and can fire them with the support of the Commission (Thomson & Hosli 2006). Unlike AU staff, EU Commission employees are paid at the level of top international organisations such as the United Nations, are multilingual and often believe strongly in the ideals of the organisation (Ban 2008a). Entry into the EU Commission also requires competitive written and language exams, and some of the ‘best and brightest’ of Europe’s technocrats work in the organisation. Although the AU does have some impressive staff, it also has incompetent dead wood (Adebajo & Whiteman 2012).

The EU may be even more nepotistically nationalistic than the AU, as EU commissioners are chosen along largely national lines (Bauer 2008; Egeberg 1996). They also tend to show less independence of their national governments than AU commissioners. Half of the AU’s commissioners are women, in contrast to the EU’s one-third. And while the EU Commission has delegations in more than 120 countries

and an international Foreign Service, the AU has offices only in New York, Washington, DC and Brussels.

## Parliament

To support the work of the Commission, the AU's 265-member Pan-African Parliament was established in South Africa in 2004; it has advisory rather than legislative functions (Maluwa 2003, 157; Baleka 2009, 307). The Parliament attracted much controversy over reports of poor financial management. It has effectively been a toothless talk shop and represents one of Africa's worst attempts at political alchemy. With national parliaments barely functioning effectively and often acting as presidential rubber stamps, one wonders whether the creation of a costly continental parliament was really sensible (Murithi 2005).

The European Parliament, in contrast, was set up in 1952 and has been directly elected since 1979 (Corbett, Jacobs & Shackleton 2007). It remains the only EU body that enjoys this democratic distinction (Fulvio 1990). Paradoxically, this quasi-legislative body has no powers to propose legislation, which is the prerogative of the EU Commission and the EU Council (Fulvio 1990). The Parliament is made up of 785 parliamentarians, who meet in Brussels, Strasbourg and Luxembourg, attracting much criticism over profligate expenditure. The body approves the EU budget and the appointment of the Commission's President, and can dismiss the entire Commission. The low turnouts at parliamentary elections, however, demonstrate the low priority that EU citizens accord this body: only 43 per cent of eligible voters cast ballots for the European Parliament in 2009 (Nielson 2012).

## Integration

While European integration is often compared to a bicycle on which all members have to keep pedalling to avoid falling off, African integration has often resembled a bumpy ride on the back of a rickety mammy-wagon on potholed roads with failing brakes and lights and the memorable sign 'No condition is permanent' inscribed on the vehicle (*Mail & Guardian* 2012). In the long run, it is important that member states realise the mutual benefit of setting up systems with high degrees of delegation 'when the likelihood of *opportunism* and its costs are high, and non-compliance is difficult to detect' (Abbott & Snidal 2000, 431).

## RECOMMENDATIONS

The main recommendation of this paper is the need for institutional reform in the AU to enable the Commission Chairperson to perform his or her duties effectively (Giandomenico & Everson 2001, 129).

Recent discussions about the transformation of the Commission into the Authority are critical to achieving proper reform in the AU. In January 2009, a decision was made to transform the Commission into the AU Authority.<sup>9</sup> This transformation aimed to strengthen the AU institutional framework and accelerate Africa's economic and political integration. The Authority will exercise its functions based on the principle of its being subsidiary with regard to member states and RECs. Among its other competencies, the Authority will address continent-wide poverty reduction; the free movement of individuals and goods; peace and security; and coordination of an African common defence policy and foreign policy (African Union 2009).

However, given that the AU makes decisions by consensus, a powerful authority requires a significant meeting of minds; consequently, consent among member states is necessary for decisions to be taken. This will be difficult to achieve, given the ambiguity over the motivation for the transition, since member states may not agree on the rationale of moving to an AU Authority. In addition, the success of the Authority may affect other AU organs, including the New Partnership for Africa's Development (NEPAD). Similarly, the role of the Pan-African Parliament in bringing national parliaments closer to continental structures will now have to be revisited and clarified. If the Authority's powers are not clearly stated and embedded in the Treaty, the effects on such initiatives may be counterproductive. On a positive note, if this initiative generates a better-resourced and more efficient centre, the impact will be positive. The challenge is to define how the Authority will enable AU organs to work coherently and effectively in order to achieve common goals – something that the current setup has failed to do.

It remains to be seen how the Authority will deal with the ever-present challenges and at the same time generate better delivery on poverty reduction, free movement of people and goods, regional and continental infrastructure development, climate change, AIDS, research, centres of excellence, international trade negotiations, and peace and security.

## CONCLUSION

The Commission Chairperson occupies the most important position in the AU. In order for the powers of this office to be fully exercised, it is critical that the organisation complies with its own rules and procedures as prescribed by the founding Treaty. Where there are lacunae, it is necessary that reform and transformation take their course. With Dr Dlamini-Zuma's appointment, the AU has been presented with an opportunity to turn the tide, but as long as the operational environment of her office remains uncondusive to delivery, it will be difficult for her to succeed. The hope is that the proposed transition from Commission to Authority should bring real change that can curb the influence of member states in the running of the AU. Within that context, it is important that South Africa realises it must be seen by other members to be as detached as possible from its beloved technocrat. Any suggestion that Dlamini-Zuma is receiving instructions from

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9 See Decision on the Transformation of the African Union Commission into the African Union. Authority – Doc. EX.CL/730(XXI) Rev.1. 1. 30. EX.

Pretoria will surely compromise her position as the head of the continental body. She will also need to curb her appetite for South Africa's domestic politics and commit herself to the cause of the African renaissance, according to her pledge during the 20th AU Summit that was being held at the time of finalising this paper. European best practice on how to run a Commission is instructive and desirable. This is why Best concludes that the formal structure of the AU, which was created on the basis of the former Organisation of African Unity (OAU), is superficially modelled on the EU (Best 1994). However, being stuck in this European orbit may cause the AU to lose focus, since the European context is very different from the African one. It is therefore important that the AU comes up with its own home-grown model and institutional structure which are grounded in practical solutions to African problems. What is clear from this paper is that the status quo cannot be maintained. The AU needs to realise that 'getting the institutions right' is a difficult, 'time-consuming, conflict-invoking process' (Ostrom 1990, 14). Through the reform process, however, it can be done. The EU experience highlights the importance of having domestic interlocutors to make adherence to international institutions politically constraining at home (Hix 2005).

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