



Remarks of the Chairperson of the African Union Commission on the granting of observer state to the State of Israel

**Your Excellency Current Chair of the Union,
Excellencies Heads of State and Government,
Honourable Ministers,**

A year ago you kindly elected me at the helm of the AUC for a new term of four years.

I wish to reiterate my sincere and deep grateful thanks to you for this renewed trust. This trust, which honours and intensely reminds me, at all times, of my obligation to leave no stone unturned in order not to disappoint you, to carry out my duties to the best of my ability and will.

At the very heart of this task assigned to me is the imperative need to have the fundamental principles of our Union respected, particularly its Constitutive Act, the National choices and interests of Member States, its positions on the international scene in favour of Africa on issues concerning it and the ones that involve us with other peoples and regions of the world. One of the four fundamental objectives of the Institutional reform of the AU, as enshrined in the Decision 635, comes to mind, that is the strengthening of the voice and place of

Africa in the world. This objective echoes the Seventh Aspiration of Agenda 2063 which aims at and I quote: “An Africa which acts as a player and a strong, united and influent partner on the international scene (end of quote).

In my capacity as the Legal Representative of our Union, my action is in direct line with this concern.

I am constantly keen to promote the interests of the Union and to reinforce the positions taken by Member States in international fora. It is out of this concern and in this sole concern, that at the request of several Member States and after an in-depth consideration, I decided on 22 July 2021 to grant the State of Israel the Observer Status.

I would like, in all transparency, after having presented them to the Executive Council of 14/15 October 2021, in conformity with the criteria of Sirte, to refer, before your august Assembly, to all the aspects of the decision, which I thought I had to take, in good faith.

In order to be concise and save your precious time, I would like to focus this attempt to clarify matters on a two points: a procedural matter and a substantive issue.

The powers of the Chairperson to grant Observer Status to a non-African state, as I have just mentioned, are established by the Sirte Criteria of 2005. These criteria provide, in Part II, SECTION II.1: A non-African State or organisation wishing to be accredited to the AU should address its request to the Chairperson of the AU Commission” In paragraph 2 of the same section: “The Chairperson shall consider such requests on the basis of the principles and objectives of the Constitutive Act, relevant decisions of AU Organs and these criteria».

In para 2 of the same section: “The Chairperson shall consider the said request bearing in mind the best interests of the Union as well as the views and concerns of the Member States. If, in his considered opinion, there is no reason not to accept the request, the Chairperson shall accept the Letter of accreditation from the Head of Mission or the representative of the State concerned». The result is

that he is empowered to grant Observer Status. This right is not limited, nor subject to any form of prior consultation of any Member State, nor to any internal or external legal or political opinion and may be exercised at any time.

This is easily understood because the above mentioned Para. 2 clearly specifies the corollary better declined in English than in French: ***In the event of any subsequent objection by any Member State to the accreditation, (...°) the Chairperson shall place the matter at the next session of the Executive Council***”

The reservation against the decision is therefore a subsequent act and not an act prior to the decision.

It is clear that this power is an authority that is not tied. It suffices for the Chairperson, in his deep conviction, to consider the request complying with the Constitutive Act and the interests of Africa for him to be able to take the decision. He is also not limited in time; he can take his decision at any time.

Considering the aforementioned text, there is no limitation anywhere such as a preliminary procedure, consultations, legal opinion or internal or external policy. The only corollary to this power of assessment and decision of the Chairperson of the Commission is the right of any Member State to subsequently express reservations as considered in Para 1 above.

By granting the Observer Status to the State of Israel, I, therefore, acted in full compliance with my prerogatives and powers while respecting the procedure because at the first known reservation I expressed my will to revert to the next session of the Executive Council which I did exactly.

In terms of procedure, and before raising the only substantive issue, I cannot fail to stress the extent to which I find it inadmissible for Member States to go and sign petitions with other States which are not members of our Union against any decision by one of our Organs. There is undeniably a real double fault here, of those which are members of our Organisation and of those, non-members to whom we have granted Observer Status and who have arrogated to themselves

the right to publicly criticize our decisions. This attitude of contempt for our Organisation is unacceptable, and truly reprehensible.

Excellency Mr. Chairman,

Excellencies Heads of State and Government,

On what, then, as regards the substance, did I base my decision?

Four essential elements convinced me of the relevance of my decision. I will summarise for you what I said to the aforementioned Executive Council. You can well believe that I thought long and hard before giving my consent, knowing the uses and possible traditional political instrumentalisation of the Palestinian issue in the Arab-Muslim world, particularly, and as I myself, for many years, opposed the recognition of the State of Israel by my country, Chad.

The First of the elements which motivated my decision is the number of AU Member States that have recognised the State of Israel. As I received the request for granting Observer Status to Israel and in view of the repeated approaches of several Member States, including that of the then Chairman of the Union, in support of this request, I carefully considered the number of States that recognised the state of Israel in the Continent. The number does not leave any doubt. 44 members of our Organisation recognise Israel and have established diplomatic relations with that State.

- 17 have opened Embassies in Tel Aviv.
- 12 have opened General Consulates there,

not to mention that a large number of African States has opened their markets and economic space to Israeli enterprises and signed Cooperation Agreements in fields as varied and sensitive as: Education/Training, Defence, Security, Intelligence, Nuclear Cooperation, Agriculture, Technological Innovations, Health, Economy and Finance etc. The list is long, very long. It was obvious that, considering this only element left me with no alternative but to seriously consider this element in my response to the request made to me. The obligation to take account of the National choices and interests of the Member States, as

stipulated by the Sirte criteria, left me no choice but to grant Observer Status to the country with which all these States, more than four-fifths of the members of our Union, maintain, in all sovereignty, such a diversity of relations.

How in the face of this overwhelming number, could I imagine that I was violating the Constitutive Act and the relevant decisions of the Organisation by acting in favour of the National interests and choices of 44 Member States? By which logic or pretention could I consider that all these States had themselves violated our texts by establishing such strong and rich relations, which, I underscore, all go beyond the simple Observer Status which substantively does not give any prerogative in contrast to the establishment of diplomatic relations opening up a vast field of multifaceted cooperation granting substantial advantages to the State of Israel in the said countries?

Considering a few samples, as illustrative and not exhaustive examples, how could I have understood that South Africa, Angola, Namibia, Mozambique, Botswana, Zambia, Zimbabwe, Malawi, Eswatini, Lesotho, in Southern Africa, Benin, Cote d'Ivoire, Senegal, Nigeria, Ghana, Togo, Sierra Leone, Liberia, Guinea Bissau, Cape Verde, in West Africa, Egypt, Morocco in North Africa, Rwanda, Ethiopia, Kenya, Uganda, Djibouti, Eritrea, The Comoros, Mauritius, Madagascar in East Africa, Chad, Cameroon, Republic of the Congo, DRC, the Central African Republic, Gabon, Burundi, Equatorial Guinea, Sao Tome and Principe in Central Africa have all violated the Constitutive Act, divided Africa and betrayed the relevant decisions of the AU with regard to the unwavering support to the Palestinian people for the recovery of their fundamental rights, by recognising Israel and establishing diplomatic relations with it, often concretised by the mutual accreditation of Ambassadors or General Consuls? By what logic could I conceive that this recognition is a justified act and worthy of respect in the capitals of the countries mentioned as examples and execrable here in Addis Ababa? On which side is the compliance with the Constitutive Act and of the

well-understood National interests and choices of the Member States? That of the choice of the 44 Member States which deemed that the establishment of various relations with Israel served their National interests or that of the 11 Member States which, quite in their full rights, considered the opposite? It was clear to me and it remains clear to me that I acted in harmony and consistency with the national choices in this matter of more than two-thirds of our Member States, four-fifths in fact.

It is clear that by acting in this way I have only done, independently of any subjectivity or personal inclination, a faithful reflection of a tangible, irrefutable reality, that of the recognition of Israel on a very large scale in Africa.

The Second element on which my decision was based is the number of Member States that expressly asked for this accreditation. The number of Member States which expressly asked for the granting of Observer Status to the State of Israel appeared to me larger than that of the Member States that did not recognise Israel. Which number should I comply with? The majority or the minority? I leave it to your appreciation.

The Third element on which my decision was based is more substantive; it goes beyond the reality of numbers. It is the harmony and coherence of our decision with the consistent option which is that of our Organisation and the entire international community, particularly the United Nations, that is the recognition and solemn support to the Two-States solution, for the Palestinian and Israeli peoples.

The granting of Observer Status to the two States, Palestine and Israel, appeared and continues to appear to be in total harmony with this principle of which this recognition is the confirmation. I deeply believe and I reckon, since long before I came to head the AU Commission, that the Israel-Arab conflict will only be resolved by the recognition of two States, Palestine and Israel, each one living in a sovereign, viable State in freedom, peace, total independence and good neighbourliness.

In this regard, I warmly commend, like others, who condemned my decision, have done paradoxically, the important efforts made by Mahmoud Abbas, President of the Palestinian Authority, to enhance civilian and security cooperation with Israel as well as the frequent meetings between the two parties; I commend as well the efforts of Egypt, having recognised Israel long time ago and exchanged Ambassadors with it, in playing the positive role of Mediator and thus contribute to alleviate the sufferings of the Palestinian people, in Gaza particularly.

In this state of fact, I arrived at a Fourth conviction. Why what a single African country, Egypt, under the circumstances, has done positively, should be denied to the AU? Do we have less confidence in our Organisation that we cannot imagine that it can play a role, be it small, in the resolution of a conflict which concerns us politically and emotionally?

Why the presence of Israel, only as an Observer, because we have not exchanged representatives with it, as some among those which criticize the decision, have done, cannot facilitate the support of the AU to the efforts of African countries to alleviate the sufferings of the Palestinian people? Why do we want to deny the AU the possibility to challenge Israel and motivate it to observe the fundamental rights of the Palestinian people, to stop all acts of violence against them, to frankly recognise their fundamental rights, including their right to establish a National State, with East Jerusalem as its capital, as I affirmed to the representative of Israel at the time of the presentation of his credentials?

Why and in the name of what should we deprive ourselves the use of a political and diplomatic tool to contribute to peace between the two peoples? Why recognise this right to an African or non-African State from elsewhere and deny it to the AU?

Excellency Mr Chairman,

Excellencies Heads of State,

These are the elements which led me to take the decision which I presented to the Executive Council in October 2021, in compliance with the relevant applicable criteria, and which I submit to day to your wisdom. I leave you to judge.

However, and before concluding my remarks, I would like to make an observation on the values and virtues to be respected within our African family in which no one should consider that he has the monopoly of such virtues.

I could well understand that a State, among the 11 members which do not yet recognise Israel, rejects the granting of Observer Status to Israel. But frankly, I find it hard to understand the consistency of this rejection with the recognition of Israel by any Member State, whichever it may be, whose National flag flies in the heart of Tel Aviv and which hoists, in the heart of its own capital, the Israeli flag while organising in its honour a grand ceremony of presentation of credentials. What is this logic that allows a Member State to enjoy the recognition of a State at home and to refuse it to the Organisation, whose overwhelming majority recognises this State? Is the said State frequentable at the national level while it cannot be frequented at the African level?

Frankly, I would like someone to explain this kind of double standard to me?

I have known for a long time how in Africa, in the Arab and the Muslim world, the just cause of the Palestinian people has been used, but this is another debate on which I do not want to dwell any longer.

Finally, why should this issue divide us? Things are so simple. Since the existence of this Organisation, we have always sought consensus. This is my preferred choice. However, when this consensus, for one reason or another, is not reached, a decision must be taken. If the legally required majority rejects the granting of the Observer Status to Israel, the minority that supports granting Observer Status must comply, as on any other issue. If the majority remains committed to maintaining the Observer Status, why should the minority not

comply, as on any other issue. This is the golden rule of any democratic process and it is the constant practice within our Organisation, without any damage to it. It is even all to its advantage and honour. Why establish, here again, a double standard totally foreign to our functioning standards? What will become of our Union if we allow ourselves to be dragged down this path?

Excellency, Mr. Chairman,

Excellencies Heads of State,

I have opened my heart to you on the decision under discussion. I have shared with you my intimate convictions and my questioning. Now the decision is yours. It is no longer mine. If you want to reach a consensus and/or a compromise, I will apply it. If you decide to simply cancel it, I will implement your decision. You want to maintain it , I will also apply it. I leave it to your wisdom, whatever be the option.

I thank you.