

The 2019 elections of the PSC: Candidates for the three-year term seats of the PSC

Automatic Heading TextDate | 2 February, 2019The tenure of 5 members of the PSC (Table 1 below) serving for a three year term is set to end at the end of March 2019.

Region	States whose term ends in 2019
Central Africa	Congo
East Africa	Kenya
North Africa	Egypt
Southern Africa	Zambia
West Africa	Nigeria

Elections for these seats will be held during the thirty-fourth (34th) Ordinary Session of the Executive Council in Addis Ababa, Ethiopia, in February 2019 summit. The procedures for the election of members of the PSC are set out in the Protocol establishing the Peace and Security Council of the AU (PSC Protocol) and the Modalities for Election of PSC Members. Most notably, Article 5 (1) of the PSC Protocol states that the Council's membership is to be decided according to the principle of 'equitable regional representation and rotation'. In terms of regional representation, for the three-year term, one seat is assigned to each of the five (5) regions of the AU.

Following the established practice for AU elections, the Office of the Legal Counsel of the AU sent out a note verbal to member states parties to the PSC Protocol indicating the scheduled elections and inviting them to submit candidates

from the five AU regions for the 5 seats expected to be vacant at the end of March 2019. Although the submission of candidature through regions is the preferred path, it is not uncommon that states party to the PSC Protocol directly submit their candidacy. It is the countries from West Africa and Southern Africa that regionally coordinate the submission of candidature.

Although it is not unique to it, East Africa is known for lacking regional coordination in submission of candidatures. At the end of the period for submission of candidacy, the list of candidates the Office of the Legal Counsel received are the ones shown in the graph below.

As the list of candidates shows, the only region that did not come to an agreement on a single candidate was East Africa. Three countries, including the incumbent, Kenya, are competing for the new three-year term seat. Ethiopia was a candidate during the 2018 elections but withdrew from the election, paving the way for the election of Djibouti. Sudan was a member of the Council during 2006-2007.

Of the current list of candidates for membership of the new PSC whose term of office starts in April 2019, Kenya and Nigeria are standing for re-election. The remaining candidates are running again after a period of absence from the PSC. All candidates except Sudan have served on the PSC at least twice. Lesotho served twice for a two-year term. Similarly, Burundi also served for a two-year term but on three occasions. Ethiopia served two consecutive terms of three years from 2004 to 2010 and another term for a two-year period. Algeria was absent from the PSC only for the term of the PSC ending at the end of March 2019. Nigeria has been member of the PSC since 2004 and has emerged as a de facto permanent member of the PSC on the three-year term slot for West Africa.

As it can be gathered from graph 2, the number of candidates from the four regions of Central Africa, Southern Africa, North Africa and West Africa is equal to the number of seat available for these respective regions. In East Africa, a region known for fielding higher number of candidates than available seats, three countries are running for one seat. Of these Kenya is running for election, while Sudan is running for PSC membership for the first time.

Apart from regional representation and rotation, the PSC Protocol (Article 5(2)) and the modalities for the election of members of the PSC (Article 6) lay down additional election criteria. These include a commitment to uphold the principles of the African Union; contribution to the promotion and maintenance of peace and security in Africa; provision of capacity and commitment to shoulder the responsibilities entailed in membership; respect for constitutional governance, the rule of law and human rights; and the availability of a sufficiently staffed and equipped Permanent Mission at the AU and the UN.

Looking at the list of candidates, there clearly is divergence in the level of compliance with these requirements. While countries such as Algeria, Kenya, Ethiopia and Nigeria are known for their contribution to peace operations in Africa, they also have various levels of experiences in taking up responsibilities for regional conflict resolution initiatives. In terms of respect for constitutional governance and respect for human rights, almost all the candidates lack good track record, although the performance of some is worse than others. This is indicative that in practice the requirements under Article 5(2) of the PSC Protocol don't usually count and have thus become secondary to the requirements of regional representation and rotation.

While the focus on regional representation and rotation makes membership in the PSC egalitarian, the failure to enforce aspects of the requirements of Article 5(2) was not without

its consequences for the effectiveness of the PSC. In apparent attempt to rectify this issue of effectiveness, the PSC, in the Conclusions of its Yaoundé retreat (held on 15-16 November 2012), stressed 'the need for effective membership in the Council, including satisfying obligations elaborated in Article 5(2) of the PSC Protocol' and 'the need for periodic review by the Assembly of the Union with a view to assessing compliance by members of the PSC' with those obligations.' As a March 2017 briefing note of the PSC indicated, this is one of the conclusions of the PSC retreats on its working methods that have not been implemented.

Unless a mechanism with objective standards for operationalizing this conclusion is established, it is unlikely that the requirements under Article 5(2) of the PSC Protocol would be followed in the election of members of the PSC. Clearly, membership of the PSC is one area that needs to be part of the reform of the PSC within the framework of the on-going AU reform.