

The Candidates for the 2018 elections of the PSC

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The tenure of ten members of the PSC (Table 1 below) serving for a two-year term is set to end at the end of March 2018.

Table

Elections for these ten seats will be held during the January 2018 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 two-year term, while East Africa, Southern Africa and Central Africa are allocated two seats each, West Africa and North Africa are allocated three seats and one seat respectively.

Table 2

In July 2017, 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 candidacy for the 10 seats expected to be vacant at the end of March 2018. With only five candidates received by the end of September 2017, the Office of the Legal Counsel sent out another note verbal extending the deadline for submission of candidacy from 30 October 2017 to 15 November 2017. On the expiry of this period, the list of candidates the Office of the Legal Counsel received are the ones shown in the table below.

Table 3

Of the current list of candidates for membership of the new PSC whose term of office starts in April 2018, Liberia and Morocco are the only two countries that never previously served on the Council. Algeria, Sierra Leone, Rwanda and Togo are standing for re-election, while the remaining candidates are running again after a period of absence from the PSC.

In terms of previous membership (rotation of membership), Angola, Sierra Leone, Tunisia and Zimbabwe served in the PSC only once. Having been absent from the PSC only for three years (2010-2013), Algeria is the country that has been a member of the PSC the most from among the 2018 candidates followed by Rwanda, which, by the end of the current term of the PSC, would serve four terms. While Ethiopia has served in the PSC for three previous terms, the remaining other candidates were previously elected to the PSC only twice.

In terms of coordination with the UN Security Council (UNSC), the role of the Africa three countries that are non-permanent members of the UNSC continues to attract increasing interest. The election of Equatorial Guinea to the PSC, which has assumed its two-year non-permanent membership in January 2018, would replace the role of Egypt as joint member of both Councils.

Southern Africa remains the region that generally follows the requirement of rotation of membership. This region together with ECOWAS has been consistent in finalizing selection of candidates at regional level and submitting the required number of candidates as per Articles 9 and 10 of the Modalities for the election of members of the PSC.

As it can be gathered from table 3, the number of candidates from the three regions of Central Africa, Southern Africa and West Africa is equal to the number of seats available for these respective regions. East Africa and North Africa have

higher number of candidates than the seats allocated to the two regions. In East Africa, a region known for fielding higher number of candidates than available seats, three countries are running for two seats. In the 2016 elections, Djibouti was also a candidate for a three-year term but lost to Kenya. It is anticipated that Ethiopia will withdraw its candidacy in favor of Djibouti. In North Africa, the one seat that is up for grabs is anticipated to be fiercely contested. In part, this is owing to the emergence of Morocco, following its readmission to the AU, as a candidate. Given the political dynamics in North Africa, this election will be watched very closely. Depending on whether Morocco will secure the required number of votes and join the PSC, the election may have major consequences particularly on how the PSC deals with the issues of Western Sahara, one of the constant conflict situations on the agenda of the PSC. It is to be recalled that Tunisia withdrew its candidacy for a two-year term during the 2016 elections.

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, clearly there is divergence in the level of compliance with these requirements. While countries such as Djibouti, Ethiopia and Rwanda are known for their contribution to peace operations in Africa and Angola, Algeria and Ethiopia have various levels of experiences in taking up responsibilities for regional conflict resolution initiatives, many others lack such experience. In terms of

respect for constitutional governance, the only countries that stand out from the candidates are Liberia and Sierra Leone, which registered smooth transition of power after competitive elections. 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 aspect of the Yaoundé Conclusions 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. In any case, it is hard to imagine how a political body (AU Assembly) with the membership of all AU member states would sit in judgement of its members' qualification in constitutional governance, rule of law and respect for human rights. Clearly, membership of the PSC is one area that can be considered for reform as part of the on-going reform of the AU that President Paul Kagame of Rwanda is spearheading.