

POLICY BRIEF

2022 ELECTIONS OF THE PSC: OVERVIEW OF THE PROCESS AND LIST OF CANDIDATES

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The final list of candidates as circulated from the Office of the Legal Counsel to AU member states on 15 January 2022 are the ones shown in the map below.

MAP: CANDIDATES FOR PSC MEMBERSHIP AS OF 15 JANUARY 2022



Of the current list of candidates for membership of the PSC, Somalia and Eritrea—all of them from East Africa—are State Parties to the PSC Protocol that never previously served on the Council. Ethiopia, Djibouti, Ghana, Senegal, Burundi, Cameroon, and Chad are standing for re-election, while the remaining candidates are running again after a period of absence from the PSC. On the other hand, Nigeria has been member of the PSC since the operationalization of the Council in 2004 which has become a de facto permanent member of the PSC with the consensus reached among members of ECOWAS to reserve the three-year slot for that country.

Among candidates having PSC membership history, both of the candidates representing the North region (Tunisia and Morocco) served the Council only once for a two-year term while Zambia, Namibia, Burkina Faso, The Gambia, and Tanzania served twice. From the current list of candidates, Burundi (11 years), Ethiopia (10 years), and Chad (10 years) remain candidates with longest history of membership, excluding Nigeria. South Africa, Republic of Congo, and Uganda have served the Council 9 years each.

As stipulated by the Modalities for the election of PSC members, each region should ideally submit the required number of candidatures. In the event that the region is unable to reach consensus, the region

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The tenure of all fifteen members of the PSC (see Table 1 below) serving for a two-year and three-year term is set to end at the end of March 2022. All PSC members are elected by the AU Executive Council and endorsed by the Assembly during its ordinary sessions. It is to be recalled that the Assembly delegated its envisaged power to elect members to the Executive Council during its sixth Ordinary Session (Assembly/AU/Dec. 106(VI)). One of the agenda items tabled for the fortieth Ordinary Session of the Executive Council slated to take place on 2-3 February 2022 is, therefore, the election of the fifteen new or returning members of the Council.

TABLE 1: PSC MEMBERS WHOSE TERM ENDS IN MARCH 2022

Region	Members with 2 year term ending in March 2022	Members with 3 year term ending in March 2022
Central Africa	Cameroon and Chad	Burundi
East Africa	Djibouti and Ethiopia	Kenya
North Africa	Egypt	Algeria
Southern Africa	Malawi and Mozambique	Lesotho
West Africa	Benin, Ghana and Senegal	Nigeria

The Protocol establishing the Peace and Security Council of the AU (PSC Protocol) and the Modalities for Election of PSC members adopted in 2004 remain the relevant instruments in outlining the procedure and requirements for the election of PSC members. Article 5(2) of the PSC protocol prescribes election of members to be conducted based on two sets of requirements. The first set involve the principles of 'equitable regional representation and rotation', which are premised on the sovereign equality of all States Parties to the PSC Protocol, hence availability of membership to all States Parties. In line with this principle, article 4 of the Modalities for the election of members of the PSC allocates three seats for Central, East, and South Africa each while North and West Africa are allocated with two and four seats, respectively. These numbers of seats include the one seat for three-year term available to each region. Though the submission of candidature through regions is the preferred path as stipulated in the Modalities of election, it is not uncommon that state party to the PSC Protocol directly submit their candidacy.

Pursuant to the established practice, the Office of the Legal Counsel of the AU sent out a note verbal to state parties to the PSC protocol in late October indicating the scheduled PSC election and inviting them to submit candidates for the election by the deadline of 15

* Mauritius withdrew its candidacy

** The 25 January 2022 coup makes Burkina Faso ineligible for the election

is expected to submit the names of all the Member States that have submitted their candidature for the election. Some of the regions notably Southern Africa have good track record of submitting equal number of candidates with the available seats in accordance with the Modalities while others notably East Africa often fields higher number of candidates than the available seats. The same trend is observed this year as well. South Africa and North Africa are the regions that have candidates that run with clean slate. West Africa fielded one extra candidate for the two-year term but following the 25 January coup in Burkina Faso, which is expected to lead to its suspension under article 30 of the Constitutive Act of the AU, the number of candidates for West Africa has become equal to the available seats.

In East Africa, following the withdrawal by Mauritius of its candidacy after the circulation of list of candidates by the Legal Counsel on 15 January 2022, the number of candidates is twice more than the number of seats. Three candidates compete for the available one seat for a three-year term and similar number of candidates vie for two seats. In this region, the two countries with no PSC membership history (Eritrea and Somalia) will compete for the three year-term seat with Djibouti, which is standing for re-election. Similarly, the Central African region also put forward two more candidates than the allocated number of seats for the region. While Cameroon and Chad, current members of the PSC, are vying for the single three-year term seat, Burundi, Congo and Equatorial Guinea are the candidates for the two seats for two-year term. Of these, Burundi is seeking re-lection for a further consecutive term as it did during the last election.

TABLE 2: CANDIDATES' MEMBERSHIP HISTORY IN THE PSC

Region	Country	Term	PSC membership history	Years in the PSC
Central Africa	Cameroon	3	2004-06, 06-08, 12-14, 20-22	8 years
	Chad	3	2008-10, 10-12, 14-16, 16-18, 20-22	10 years
	Burundi	2	2008-10, 10-12, 14-16, 16-18, and 19-22.	11 years
	Congo Republic	2	2004-06, 06-08, 12-14, 16-19	9 years
	Equatorial Guinea	2	2010-13, 13-16, 18-20	8 years
East Africa	Djibouti	3	2010-12, 12-14, 18-20, 20-22	8 years
	Somalia	3	No membership history	-
	Eritrea	3	No membership history	-
	Ethiopia	2	2004-07, 07-10, 14-16, 20-22	10 years
	Mauritius*	2	No membership history	-
	Uganda	2	2006-08, 08-10, 13-16, 16-18	9 years
Tanzania	2	2012-14, 14-16	4 years	
North Africa	Morocco	3	2018-20	2 years
	Tunisia	2	2008-10	2 years
Southern Africa	Namibia	3	2010-12, 14-16	4 years
	South Africa	2	2004-07, 10-12, 14-16, 16-18	9 years
	Zambia	2	2008-10, 16-19	5 years
West Africa	Nigeria	3	2004-07, 07-10, 10-13, 13-16, 16-19, 19-22	18 years
	Burkina Faso**	2	2006-08, 08-10	4 years
	Gambia	2	2012-14, 14-16	4 years
	Ghana	2	2004-06, 06-08, 20-22	6 years
	Senegal	2	2004-06, 06-08, 20-22	6 years

There are ongoing negotiations among some of the candidates both in the East Africa and Central Africa regions. This may lead to further change of the list of candidates as some countries may withdraw their candidacy before the start of the election based on the outcome of the negotiations. It is to be recalled that both Djibouti and Somalia were candidates during the February 2020 election where Somalia withdrew its candidature at the time of the election in favor of Djibouti.

Additionally, article 5(2) of the PSC Protocol further sets out list of criteria that should be taken into account during the election, in addition to the requirement of 'equitable regional representation and rotation'. 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. In practice, the criteria seem to be taken lightly in most cases—making PSC membership egalitarian than based on assessment of compliance with the above listed criteria.

However, the failure to enforce the criteria for membership listed in article 5(2) of the PSC Protocol particularly that of a capable permanent mission at the AU is not without consequences for the effectiveness of the Council. This was evident in 2020 where Benin closed its Embassy in Addis Ababa despite its election as PSC member. The Council was not only forced to operate with 14 members in 2020 but also five out of the 15 members did not have an accredited Ambassadors to the AU, having its own repercussion on the preparation of monthly program of work and effective participation of members in its sessions. These concerns indeed prompted the PSC, during its 13th retreat on PSC working methods that took place in Mombasa, Kenya, from 27-29 May, 2021, to address the issue of the consequences of failing to observe the requirements of PSC membership particularly the requirement under article 5(2) (h) of the PSC protocol ('having a sufficiently staffed and equipped permanent missions at the Headquarter of the Union'). In this respect, the conclusion of the retreat takes an important step towards the proper implementation

of article 5(2) (h) stipulating that a PSC member that closes its permanent mission shall forfeit its right of membership. As the Council can be only as strong as its members, the capacity of candidates to effectively discharge the responsibility that membership entails need to be taken seriously if the PSC is to live up to the responsibilities entrusted to it under the PSC Protocol.



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