

**MODALITIES FOR THE ELECTION OF
MEMBERS OF THE PEACE AND SECURITY
COUNCIL**

I. INTRODUCTION

1. These modalities for the election of the Members of the Peace and Security Council are based on the provisions of the Constitutive Act of the African Union and the provisions of the Protocol relating to the Establishment of the Peace and Security Council (PSC) of the African Union. These modalities are also based, in respect of the first election, on the decision of the Assembly [Assembly/AU/Dec.16 (II)] adopted by the Second Ordinary Session of the Assembly of the Union in Maputo, Mozambique in July 2003 delegating its authority to elect to the Executive Council.

2. The Peace and Security Council shall be composed of fifteen (15) Members elected on the basis of equal rights, in the following manner: Ten (10) Members elected for a term of two (2) years; and Five (5) Members elected for a term of three (3) years in order to ensure continuity.¹

II. CRITERIA

3. **During the elections for Members of the Peace and Security Council**, due consideration shall be given to the following criteria with regard to each Member State which shall submit its candidature:

(a) Equitable regional representation and rotation:²

4. The regional representation of members in the Council shall be as follows:

1. Article 5(1) of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union (PSC Protocol)

2. Article 5 (2) of the Protocol relating to the Establishment of the Peace and Security Council of the African Union.

Central: 3;

East: 3;

North: 2;

South: 3;

and

West: 4.

(b) Member State's Qualifications:³

5. It should be noted that only the following Member States are eligible for appointment as Members of the PSC:

- Member States which have ratified the Protocol relating to the establishment of the Peace and Security Council of the African Union and are therefore, State parties to the Protocol;
- Member States which are not affected by sanctions in terms of Article 23 of the Constitutive Act.

6. In addition, Member States should meet the following requirements set out in Article 5 (2) of the Protocol:

- (a) Commitment to uphold the principles of the Union;
- (b) Contribution to the promotion and maintenance of peace and security in Africa – in this respect, experience of Member States in peace support operations would be an added advantage;

3. Article 5 (2), PSC Protocol

- (c) Capacity and commitment to shoulder the responsibilities entailed in membership;
- (d) Participation in conflict resolution, peace-making and peace building at regional and continental levels;
- (e) Willingness and ability to take up responsibilities for regional and continental conflict resolution initiatives;
- (f) Contribution to the Peace Fund and/or Special Fund created for a specific purpose;
- (g) Respect for constitutional governance, in accordance with the Lomé Declaration, as well as the rule of law and human rights;
- (h) Sufficiently staffed and equipped Permanent Missions at the Headquarters of the Union and the United Nations, to be able to shoulder the responsibilities which go with the membership;
- (i) Commitment to honor financial obligations of the Union; and

III. MODALITIES FOR SELECTION OF MEMBERS

7. Any Member State meeting the foregoing conditions may submit its candidature for election as a member of the PSC.

8. The terms of office of ten (10) of the Members of the PSC shall be for two (2) years and the remaining five (5) shall be for three (3) years.⁴

4. Article 5(1) PSC Protocol

9. In order to ensure the principle of equitable regional representation and rotation, the selection of Members shall be conducted at the regional level. In this regard, the selection process shall be based on modalities to be determined by each region. The candidatures selected at the regional level shall be submitted to the Assembly, or where applicable to the Executive Council upon delegation of power, for election.

10. In order to facilitate the election process through competition, each region should ideally submit to the Commission the required number of candidatures from among States Parties to the Protocol.

11. In the event, that the region is unable to submit the required number of candidatures, then it shall submit the names of all the Member States that have submitted their candidatures for election as a Member of the PSC to the Assembly/ Executive Council for election.

12. A retiring Member of the Council shall be eligible for immediate re-election.

13. In order to facilitate the processing of candidatures for the initial elections, the PRC proposes the following indicative deadlines for the consideration of the Executive Council:

- (a) Regions should submit the candidatures to the Commission by 28 February 2004;
- (b) The Commission shall circulate the list of the candidatures received to all Member States by 2 March 2004;

- (c) The elections shall be carried out by the Executive Council during its Fourth Ordinary Session in March 2004, in conformity with the decision taken by the Assembly in Maputo, Mozambique in July 2003.

IV. ELECTIONS PROCEDURE

14. For the initial election, the Executive Council shall elect the Members of the Peace and Security Council by secret ballot and two-thirds majority of Member States eligible to vote, as follows:

ELECTIONS FOR REGIONS WHICH HAVE SPECIFIED THE TERM OF THEIR CANDIDATURES:

15. Where the region(s) has specified the candidatures for the three-year and the two-year terms, the elections shall commence for the Member(s) for a three-year term and thereafter for the two-year term. The elections shall proceed as follows:

- (a) Election of members for a three (3) year term

16. Where the region(s) has submitted one (1) candidate, the balloting shall continue until that candidate obtains the two-thirds majority required provided that if the third balloting remains inconclusive, the elections shall be suspended to enable Member States of the region concerned to undertake consultations.

17. Where the region(s) submits more than one (1) candidate and in the event that during the first round of ballo-

ting none of the candidates obtains the majority required, the candidate with the fewer votes shall withdraw. Balloting shall continue until the one (1) candidate obtains the required majority, provided that if the third balloting remains inconclusive, the elections shall be suspended to enable Member States of the region concerned to undertake consultations.

(b) Election of members for a two (2) year term

18. Where the region(s) has submitted the required number of candidatures the balloting shall continue until the candidate(s) obtains the two-thirds majority required, provided that if the third balloting remains inconclusive, the elections shall be suspended to enable Member States of the region concerned to undertake consultations.

19. Where the region(s) has submitted more than the required number and in the event that during the first round of balloting none of the candidates obtains the majority required, the candidate with the fewer votes shall withdraw. The remaining candidates shall proceed to the next round and the balloting shall continue until the candidate(s) obtains the required majority, provided that if the third balloting remains inconclusive, the elections shall be suspended to enable Member States of the region concerned to undertake consultations.

20. [Where a Member State has submitted its candidature for a term of 3 years and is unsuccessful, that Member State will not be considered for election for a two (2) year term]. [Where a Member State has submitted its candidature for a

term of 3 years and is unsuccessful, that Member State may still be considered for election for a two (2) year term].*

ELECTIONS FOR REGIONS WHICH HAVE NOT SPECIFIED THE TERM OF THEIR CANDIDATURES:

21. Where the region(s) does not specify the term for which candidatures are submitted the candidate that first obtains the required majority shall be taken as elected for a three (3)-year term and the subsequent candidate(s) that obtain the required majority and the highest vote(s) shall be taken as having been elected for a two (2)-year term.

V. OTHER

22. In order to facilitate election of Members of the Peace and Security Council during the 4th Ordinary Session of the Executive Council, as mandated by the Assembly, these modalities shall be implemented by the Member States and the Commission after adoption by the PRC and pending approval by the Executive Council during its Fourth Ordinary Session in March 2004.

* For the first election of members of the PSC, and in order not to exclude any State with a desire to serve as member of the Council, a country that failed to with a 3-year term in the election could compete for a 2-year term.'

(Decision of the Fourth Ordinary Session of the Executive council, held from 12-16 March 2004, in Addis Ababa, Ethiopia.)