

Annual Consultative Meeting between the Peace and Security Council (PSC) and Pan-African Parliament (PAP)

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Tomorrow (29 June) the African Union (AU) Peace and Security Council (PSC) is expected to convene its 1161st Session that is dedicated to an annual consultative meeting of the PSC with the Pan-African Parliament (PAP).

The PSC Chair for the month and Permanent Representative of Zimbabwe to the AU, **Sophia Nyamudeza** will be delivering the opening remarks. The Commissioner for Political Affairs, Peace and Security (PAPS), **Bankole Adeoye**, is also expected to make a statement. The President of the PAP, **Fortune Charumbira** is also expected to deliver a statement.

The convening of this session is grounded upon two legal bases. Firstly, the mandates of the PAP and the PSC are intertwined. One of the core objectives of the PAP, as stated in the [2001 Protocol](#) to the Treaty Establishing the African Economic Community Relating to the PAP, is the promotion of peace, security and stability. Thus, PAP's mandate has a component that overlaps with that of the PSC, although the PSC holds primacy on matters of peace and security.

Second and most importantly, tomorrow's session is also convened within the framework of Article 18 of the PSC Protocol. This article provides for the establishment of a close working relationship between the PSC and the PAP,

recognizing the complementary nature of their respective roles in the promotion of peace, security, and stability on the continent.

Despite this, the working relationship between the two in advancing peace and security has not been institutionalized. To-date, only two interactive sessions have taken place within the framework of Article 18 of the PSC Protocol. The first consultative meeting with the PAP was the 148th session that was held in August 2008, and the second and the last meeting was the 344th session held in November 2012. At the 344th session, a delegation from PAP's Committee on Cooperation, International Relations, and Conflict Resolution (CCIRCR) engaged with the PSC on the relations between the two organs. The outcomes of those two sessions in 2008 and 2012 were a press statement.

The PAP's general mandate, which is to ensure the full participation of the African people in the economic development and integration of the continent is stipulated under the [Abuja Treaty](#), the [Constitutive Act of the AU](#), and the Protocol to the Treaty Establishing the African Economic Community Relating to the PAP. Additionally, the PAP is invested with the role of receiving report from the PSC. Article 18 (2) and (3) of the PSC Protocol, the PSC is required to submit reports to the PAP through the AU Commission Chairperson whenever requested. The Chairperson also has the responsibility to present an annual report on the state of peace and security in the continent.

Yet, these mechanisms are as yet to be fully institutionalized. The lack of interaction between the PSC and PAP has been observed in the previous years, with the exception of statements delivered by the PSC Chairs during the Parliament's Ordinary Sessions. During a debate on the status of peace and security in Africa on the second day of the First Ordinary Session of the Sixth Parliament in Midrand last

November, the Chairperson of PAP's CCIRCR has expressed concern that the relationship between the PSC and PAP has not developed as it should.

The above concern is true. The last time the PSC held a consultative meeting with PAP through CCIRCR at its 344th session, it commended the CCIRCR for the proposal it put forward at that session and 'agreed to look in-depth into these proposals and other modalities for strengthening its relations with the PAP and to meet in due course to review the issue. Indeed, next steps towards addressing these concerns would require the elaboration of modalities for the operationalization of Article 18 of the PSC Protocol on close working relationship. The PSC may also invite PAP to update the proposal made during the last meeting in the light of developments since that meeting. Indeed, if the experience of the PSC with other AU bodies like the African Commission on Human and Peoples' Rights under Article 19 of the PSC Protocol is useful guide, it would become most useful if proposal on how to operationalize Article 18 comes from PAP having regard to its mandate and how best the mandate can be leveraged in the implementation of the objectives of the PSC Protocol.

There are also institutional challenges that affect the effective operationalization of the relationship. One such challenge relates to the management issues afflicting the PAP over the past years, which tarnished the image of the institution and led to loss of confidence in the execution of its mandate. There is also the issue of the lack of ratification of the 2014 Protocol to the Constitutive Act of the AU Relating to the Pan-African Parliament ([the 2014 PAP Protocol](#)), which designates the PAP as the legislative body of the AU. As of 28 June 2023, 22 Member States had signed and 14 had deposited the instrument of ratification for the 2014 PAP Protocol. It is worth noting that only four of the current rotating chairs of the PSC have ratified the Protocol. This leaves the Protocol with half of the required member states to

ratify the instrument for it to enter into force and for the Parliament to start implementing its legislative role. This continues to limit the substantive role of PAP, which in its current mandate is largely advisory. These should not however impede enhancing close working relations for leveraging the role of PAP.

For purposes of the peace and security component of its mandate, PAP has the CCIRCR, which is one of the ten (10) Permanent Committees of the PAP. Pursuant to the provisions of Rule 26(d) of the Rules of Procedure of PAP, the CCIRCR has the specific responsibility of introducing issues of peace and security in Africa for consideration of the Chamber.

In its consultative\advisory role, the PAP has since its earlier years sent various fact-finding missions to different conflict areas across the continent, including Cote d'Ivoire, Darfur/Sudan, Libya, Rwanda, Mauritania and Chad. These missions have produced reports, which are used to provide recommendations. It has also adopted resolutions for conflict resolution. Despite its mandate to forward these recommendations to all relevant bodies, including the PSC, there is no established means of communication for the PAP to transmit its recommendations. As a result, there is no record of the interaction between the PAP and the PSC regarding its recommendations on peace and security issues. Therefore, it is difficult to assert that the recommendations of the Parliament have been reflected in the decisions of the PSC.

In the earlier years of its establishment, the PAP also conducted election observation missions in various countries such as Kenya, Democratic Republic of Congo (DRC), and Zimbabwe for election observation. However, these election observation missions of the PAP have been discontinued since 2008. In a recent [visit](#) to the Parliament's Headquarters in Midrand, South Africa, Commissioner Bankole Adeoye reaffirmed the decision taken by the Executive Council in February 2010. The decision stipulates that both the PAP and the AU

Commission, through the Department of Political Affairs, Peace and Security, should collaborate in a joint AU Election Observation Mission (AUEOM). Furthermore, it allowed the PAP to contribute 40% of the observers to the mission. Tomorrow's session may reflect on the follow up on this plan and whether PAP can best contribute to promoting free and fair elections other than through being part of AU election monitoring. This latter part is particularly important as PAP could deploy ahead of the convening of elections and share its observations on measures that need to be taken for enhancing credibility of elections in countries planning to have elections.

Although the outcome of the session is uncertain, the expressed [need for collaboration](#) between the two organs by Ambassador Emilia Ndinela Mkusa, the PSC Chair for the month of November 2022, and the readiness to work together by Commissioner Adeoye, creates an expectation that the PSC adopts modalities for enhancing close working relationship with the PAP.

Irrespective of the format of the outcome of the consultative meeting, the PSC is expected to welcome updates from the PAP on the activities undertaken in relation to peace and security and to continue cooperation through the annual consultative meeting within the framework of Article 18. In addition, the PSC may call for modalities to operationalize Article 18 and in this respect invite PAP to update and present for PSC's consideration the proposal it made at the 344th session of the PSC. The PSC may indicate that such proposal consider establishing a mechanism for the communication of decisions and recommendations of PAP on peace and security in order to ensure coherence and complementarity in decision-making processes. Furthermore, the PSC may decide to hold regular interactions between the PSC Chairperson and the Chairperson of the PAP. The PSC may also welcome the engagement of PAP in peace and security issues including through the issuance of statements on peace and security developments and indicate the

importance of coordination to enhance effectiveness and coherence. Lastly, the PSC may urge Member States to ratify the 2014 PAP Protocol to fully operationalize the Parliament.