

SPECIAL REPORT

THE INTERNAL INSTITUTIONAL SETUP AND WORKING PROCESSES SHAPING THE RELATIONSHIP BETWEEN THE AUPSC AND THE UNSC

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INTRODUCTION

The establishment of the Peace and Security Council (PSC) under the 2002 Protocol to the AU Constitutive Act on the Establishment of the PSC¹ (PSC Protocol) and its launch in 2004² has transformed the peace and security landscape of the continent. Most notably, among others, it has changed the role of international engagement in the maintenance of peace and security in Africa. The PSC Protocol, in defining the principles governing the maintenance of peace and security in Africa, attributing leading role to the PSC and defining how the PSC interfaces with international actors, sets the expectations of the continent on the parameters of international action, including through the United Nations (UN), on peace and security in Africa.

Together with the UN's recognition that it cannot by itself alone deal with the African issues that take up more than 60 percent of its agenda, the establishment of the PSC and its operationalization has changed the approach of UNSC's engagement in Africa. The PSC presented the much-needed opportunity not only for Africa to assume increasing responsibility for its peace and security but also for the UNSC to pursue the implementation of its mandate on the basis of partnership, with the PSC serving as its counterpart. Within this framework, the UNSC has since 2007 been holding annual consultative meeting with the

PSC. Indeed, the PSC is the only international body with which members of the UNSC has such regular interactions.

While the relationship between the UNSC and the PSC has increasingly become regularized, it continues to face various challenges. Apart from the perennial doctrinal issues of status and authority, other issues including international institutional set up, working methods and capacity differences have come to affect the relationship.³ Thus, beyond the internal political dynamics that shape both councils' decisions and 'make it challenging to achieve consensus',⁴ these institutional, procedural and working method differences also affect AUPSC-UNSC relationship.

This special research report seeks to examine and highlight these differences and how they affect the dynamics and shape of the relationship between the PSC and the UNSC. Rather than being a detailed analysis of these various differences that affect the relationship between the PSC and the UNSC, this report primarily focuses on highlighting some of the salient aspects of these differences that are worth understood by members of the two Councils. It is hoped that such analysis helps the members of the two Councils in approaching their relationship with due recognition of these differences and to develop ways of limiting the impact of these differences on building a more effective relationship.

¹ The PSC Protocol was adopted on 9 July 2002 in Durban, South Africa and entered into force on 26 December 2003. It has been ratified by 52 countries, the latest member state to ratify was Morocco.

² The PSC was launched at the meeting of the heads of state and government of its member states held on 25 May 2004 in Addis Ababa Ethiopia – see <http://www.peaceau.org/uploads/communiqué-10th.pdf>

³ A recent study observed that 'the councils' internal political dynamics, the uneven diplomatic capacities of member states, and broader debates over political primacy and subsidiarity ...limit cooperation'. Daniel Forti and Priyal Singh, *Toward a More Effective UN-AU Partnership on Conflict Prevention and Crisis Management*, IPI & ISS (October 2019) 1.

⁴ Ibid, 4.

The special report accordingly highlights areas for improvement and ways of achieving such improvement. Together with this introductory part and the conclusion, the report is organized into six parts covering doctrinal issues; institutional organization of the two Councils; working approaches, processes and instruments; and role players in the decision-making processes of the two Councils.

DOCTRINAL ISSUES

The UNSC has the primary mandate for the promotion and maintenance of international peace and security in accordance with the UN Charter. The work of the Council has evolved over the past more than seven decades of the UN's existence. Whereas, the AUPSC is a relatively new organ, which came into being, as a result of the transformation of the Organization of African Unity into the AU, only at the turn of the century. Based on the Constitutive Act of the AU, the mandate of the PSC is provided for in the Protocol that established the PSC.

The legal basis for the cooperation between the PSC and the UNSC is laid down in Chapter VIII of the UN Charter. The terse provisions of Chapter VIII have however been enriched and given depth on the basis of the broader relations that evolved over the years between the AU and the UN including as a result of the coming into operation of the PSC Protocol and the detailed provisions that inform PSC's relationship with the UNSC. Yet, there remain differences on how to effectively operationalize Chapter VIII of the UN Charter, including in the context of the establishment and operationalization of the PSC.

As a recent Crisis Group report observed, the 'Security Council-PSC relationship has long been marked by competition for primacy.'⁵ The UNSC jealously guards its primacy in the promotion and maintenance of international peace and security, whereas the AUPSC has been insisting on recognition of its leadership role and priority setting when it comes to matters of peace and security on the continent. The challenge has, therefore, been on 'how to apply the spirit of Chapter VIII without prejudice to the role of the UNSC, on one hand, and without undermining or otherwise curtailing the efforts of the AU to develop its own capacity to provide adequate responses to the peace and security challenges in Africa, on the other'⁶.

These doctrinal issues of primacy have for example led to debates about the format of the annual consultative meeting. It has been pointed out that 'the first several meetings were largely focused on the process for the meetings themselves, and the key provisions of the resulting short communiqués in 2007, 2008, 2009 and 2010 were that the relationship would continue and that within a year there would be another meeting in one of the headquarters.'⁷

While these issues are not settled conclusively, there has been a shift since 2011 from a debate focused on such doctrinal issues towards engagement focusing on substantive issues pertaining to specific conflict situations. In recent years, there has been increasing focus in the partnership between the PSC and the UNSC on finding an agreed framework for burden sharing reflective of the relative roles of the two sides.

⁵ Crisis Group, *A Tale of Two Councils: Strengthening AUUN Cooperation, Africa Report No. 279* (24 June 2019) 3.

⁶ AU 2012 Report on AU-UN Partnership.

⁷ See Security Council Report, *In Hindsight: The Relationship between the UN Security Council and the AU Peace and Security Council*, July 2013 Monthly Forecast, https://www.securitycouncilreport.org/monthlyforecast/2013-07/in_hindsight_the_relationship_between_the_security_council_and_the_au_peace_and_security_council.php

In the context of reaffirmation of the primary responsibility of the UNSC, the AUPSC argues that it intervenes in conflict and crisis situations in the continent on behalf of the UNSC. Therefore, the UN should provide support to AU led Peace Support Operations mandated and authorized by the Security Council through its assessed contributions.

The Security Council has agreed in principle to do so through its resolutions 2320 (2016) and 2378 (2017). The momentum has been built on this issue in recent years together with the AU's demonstration of its readiness to share the burden through the revitalization of the Peace Fund.⁸ The modalities for implementation of the general principles in these resolutions and the formula for use of UN assessed contributions for AU-led UN authorized peace operations are yet to be agreed between the two.

Over the years in the relationship between the two, the primacy of the UNSC in the promotion and maintenance of international peace and security and the particular importance of Chapter VIII of the UNSC have been reaffirmed. Yet, how these are translated into commitments for deeper and more predictable substantive coordination and partnership and how far the partnership between the two councils can go in this direction remain unclear. There remain concerns on the part of particularly of the P5 members of the UNSC on protecting their prerogatives from being diluted by commitments that may arise from the partnership with the PSC.⁹

Other doctrinal issue that has the potential to affect negatively the relationship between the PSC and the UNSC relate to the question of prior authorization by the UNSC for deploying peace support operations or importantly military intervention under Article 4(h) of the

Constitutive Act of the AU. Thus far, there has not been major cases of AU deployment in which the deployment took place with the UNSC declining to authorize it.

INTERNAL INSTITUTIONAL ORGANIZATION

3.1. Membership of the two Councils

The UNSC has 15 members of which five (China, France, Russia UK and US) are permanent (P5) and veto holding members. The remaining ten non-permanent members are elected by 2/3rd majority of the membership of the UN for a two-years term. As reflected in the table below, the non-permanent members come from the five regional groupings of member States of the United Nations In terms of regional representation, Africa has three nonpermanent seats, Latin America and the Caribbean, Asia and the Pacific, Western Europe and other Group have two non-permanent seats each and Eastern Europe has one non-permanent seat.

Africa's membership constitutes the largest regional block of non-permanent members in the UNSC giving it huge potential for influencing the UNSC.

Candidates from African and Latin American and Caribbean Group often run on a clean slate during elections but those from other regions of the world, particularly from Asia and the Pacific as well as Western Europe and other Groups usually have to compete as there are more candidates than the seats available. Therefore, election campaign is an expensive affair for these candidates who have to crisscross from one region to another to lobby for their candidature.

⁹ This seems to play some part in the reluctance of members of the P5 particularly in relation to the draft resolution proposed by the African members of the Security Council on the financing of African Union-led peace support operations.

This campaign presents to Africa, as a major voting group, a potential opportunity for building alliances within the UNSC, although there is little data to suggest that this potential is tapped into.

The P5 is the most important block of the membership of the UNSC that is of major consequence to UNSC-PSC relationship. Much of the doctrinal debate referred to above principally concern this group. Additionally, it is this block that usually leads on the drafting and negotiation of resolutions with major implications including those that affect the relationship and power dynamics between the UNSC and the PSC. This is also the block with the most institutional memory and capacity within the UNSC.

Within the P5, there are cleavages between the P3 (France, UK & US) and China and Russia.¹⁰ In recent years, rifts have also emerged within the P3, who, 'having placed themselves in the driver's seat on peace and security issues in Africa', 'are increasingly at odds over how to handle

African crises.¹¹ These dynamics in the P5 are not without consequences for the relationship between the PSC and the UNSC. Understanding these dynamics and their implications on the handling of African issues is key for how the PSC engages the UNSC.

From the perspective of the PSC, the 3 non-permanent African members of the UNSC (A3) constitute a key block. In the context of the close working relationship that the PSC Protocol requires the PSC to establish with the UNSC, the A3 are rightly singled out. Indeed, the milestones achieved in the evolution of the working relationship between the PSC and the UNSC over the years are attributable to the role that A3 member states played.¹² However, the cohesion of the A3 faces major tests within the UNSC as they are put under enormous pressure, particularly in the context of the deepening polarization of members of the P5. Where the A3 fail to have common position, their effective role as bridge between the PSC and the UNSC is undermined and tends to deepen policy divergence between the two Councils.

TABLE 1: DISTRIBUTION OF SEATS AT THE UNSC

REGIONAL GROUPS OF THE UNITED NATIONS	NO. OF SEATS	REGIONAL GROUPINGS OF THE AFRICAN UNION	NO. OF SEATS
Africa Group	3 non-permanent seats	North	1 seat for three years term and 1 seat for two years term
Latin America & the Caribbean Group	2 non-permanent seats	South	1 seat for three years term and 2 seats for two years term
Asia & the Pacific Group	1 permanent and 2 non-permanent seats	East	1 seat for three years term and 2 seats for two years term
Western Europe & others Group	3 permanent and 2 non-permanent seats	West	1 seat for three years term and 3 seats for two years term
Eastern Europe Group	1 permanent and 1 non-permanent seat	Central	1 seat for three years term and 2 seats for two years term

¹⁰ See Richard Gowan, *Three troubling trends in the UN Security Council*, Crisis Group Commentary (6 November 2019).

¹¹ Crisis Group, *African Report No. 279*, 7.

¹² South Africa is one of the A3 members of the UNSC that played lead role in championing the PSC-UNSC partnership.

Like the UNSC, the AUPSC has also fifteen members. Similar to the United Nations, members of the AUPSC are elected by 2/3rd majority of the membership of the African Union. Unlike the UNSC, there are no permanent members nor are there veto power holders.¹³ The history of the role of the AU Commission and

the nature of the organization of responsibilities under the PSC Protocol and the Manual on PSC Working Methods is such that the AU Commission operates as the principal repository of the records of deliberations and the outcome documents of the PSC.

TABLE 2: DISTRIBUTION OF SEATS AT THE AUPSC AS AT APRIL 2019

Region	Members for 2-year term	Members for 3-year term
Central Africa	Congo and Gabon	Burundi
East Africa	Djibouti and Rwanda	Kenya
North Africa	Morocco	Algeria
Southern Africa	Angola and Zimbabwe	Lesotho
West Africa	Liberia, Sierra Leone and Togo	Nigeria

The term of membership in the PSC takes two forms. Five members are elected for three years term, while ten members are elected for two years term. The 15 seats in the PSC are allocated among the five geographical regions of Africa. East, Central and Southern Africa have three seats each, whereas West Africa has four seats and North Africa has two seats.

While the membership of the PSC is largely more egalitarian than that of the UNSC, the composition of the PSC as a result reflects huge diversity in terms of institutional capacity and the degree of compliance with the membership requirements of Article 5(1) of the PSC Protocol.¹⁴ The level of active engagement of members of the PSC also varies across different conflict situations featuring on the agenda of the PSC. With the exception of some PSC members, the role of many PSC members becomes much more active for conflicts from the regions that they come from than for situations involving other regions.

There are instances in which a member of the AUPSC happens to be a member of the UNSC as well. Such was the case when Nigeria and South Africa were members of both Councils. It is currently the case with Equatorial Guinea. This presents huge opportunity for enhancing coordination between the PSC and the A3 at the very least and in a best-case scenario between the two Councils. However, this opportunity that the presence in both Councils of a member state avails has as yet to be tapped into.

Various groupings

As has been noted earlier, there are various groupings in the UNSC. These include the Permanent Five (P-5), the Elected Ten (E-10), the African members of the UNSC (A-3), the European Five (EU-5) and the NAM Caucus. These groupings have regular meetings and they try to coordinate their activities. The role of coordination is done on a rotational basis.

¹³ Nigeria has become the only de facto permanent member as a result of the consensus reached in the Western Africa region.

¹⁴ There are still member states of the PSC that don't have defense attaché.

The E-10 has enhanced its visibility in recent years. In the past, it was focused on improving working methods. But lately, the group has shown that it can indeed play an important role in the efforts to break deadlocks and build consensus in the Council. It does not mean that the E-10 members share the same position on issues. In fact, they have different positions on a range of issues but what is essentially uniting them is the need to enhance the efficiency and effectiveness of the Council and forge the necessary consensus in responding to crisis situations. The E10 have developed ten elements for enhanced E10 coordination and joint action.

The A-3 have increased their coordination and cooperation in the Council speaking with one voice on issues of interest to Africa (More on this later). The EU-5 also try to coordinate their work and advance the EU common position. The NAM Caucus had been active in the past. The Caucus meets regularly and report its activities to the wider membership of the NAM every month but there is not much coordination in terms of substance.

While there are no institutionalized groupings in the AUPSC, the membership of the AUPSC is based on the five regions of the AU and as such regional grouping is inbuilt in the composition of PSC membership. Accordingly, it is not uncommon that members advance the common position of their regional grouping and/or sub-regional organization in discussions at the AUPSC. It has been observed in this respect that 'the AUPSC's regional composition ... gives those AU member states on the Council de facto ownership over discussions about countries in their region'.¹⁴

Depending on the issues under consideration, there could also be cross regional cooperation to advance common position in discussions. For example, in relation to the recent crisis in Guinea Bissau, Angola, Nigeria and Zimbabwe coordinated and presented their common position.¹⁶

Subsidiary organs

The UNSC has the following subsidiary bodies: Sanctions Committees and Thematic Working Groups including Women, Peace and Security; Children and armed conflict; Tribunals; Non-proliferation; Conflict prevention and resolution in Africa; and Working Methods. While the existence of the Working Group on Conflict Prevention and Resolution in Africa avails the UNSC another structure for coordinating action with the AU on African issues, there is little indication that the potential of this Working Group in this respect has adequately been explored.

The AUPSC Protocol provides for the Council to establish subsidiary bodies as it deems necessary for the performance of its functions, including ad hoc committees for mediation, conciliation or enquiry, consisting of an individual State or group of States. The Committees that have been proposed but not operational include Sanctions, Counter-terrorism, Resource Mobilization, Post-Conflict Reconstruction and Development, and Procedures and Mechanisms for Peace Support Operations. There is also a Military Staff Committee, which is supposed to advise and assist the AUPSC on aspects relating to military and security requirements for the promotion and maintenance of peace and security in Africa.

¹⁴ There are still member states of the PSC that don't have defense attaché.

¹⁵ Forti & Singh, note 4 above, 4.

¹⁶ Discussion with a Chairperson of the PSC, November 2019.

Particularly, the Military Staff Committee used to be active on discussions relating to the deployment of Peace Support Operations. It is one of the subsidiary bodies of the PSC that has become fully functional along with the Committee of Experts of the PSC.

The full operationalization of the Committee of Experts of the PSC has endowed the PSC with a body that has a counter part in the UNSC by way of the Political Coordinators of the UNSC. During the past few years, more effective preparations of the annual consultative meetings of the PSC and the UNSC has been achieved through the meetings of the PSC Committee of Experts and Political Coordinators of the UNSC. In the light of the increasing importance of the partnership with the UNSC and the presence in the UNSC of ad hoc Working Group on Conflict Prevention and Resolution in Africa, it may be worthwhile for the PSC to consider a subsidiary body dedicated to following up African issues on the agenda of the PSC and for serving as counterpart to the UNSC ad hoc Working Group.

AUPSC/UNSC secretariats

The UNSC has a very well-organized secretariat under the Department of Political and Peace Building Affairs (DPPA). The Security Council Affairs Division (SCAD) has adequate number of staff to provide substantive and secretariat support to the UNSC in discharging its responsibilities effectively. The Division consists of three branches - the Security Council Secretariat Branch which directly supports the daily work of the Council, the Subsidiary Organs Branch, which supports Security Council subsidiary bodies and the Security Council Practices and Charter Research Branch, which is the advisory and research arm of the Security Council on practice and procedures. It also has

the Military Staff Committee Secretariat, which provides secretariat support and advice to the Military Staff Committee.

The Division serves as the institutional memory of the UNSC. In this regard, it collects data and analyses trends as well as prepares the Repertoire of the Practice of the Security Council, which provides a comprehensive coverage of the Security Council's interpretation and application of the Charter and Provisional Rules of Procedure. The Division has started organizing training for newly elected members, which is found to be very useful to help them hit the ground running. SCAD invites current members to the training sessions to share their experiences and insights with the newly elected members.

Unlike the UNSC, the AUPSC has a very small secretariat under the Peace and Security department. The PSC Secretariat provides direct support for the daily work of the PSC. The Secretariat also organizes induction sessions for newly elected members, retreats, field missions and the annual high-level seminar. Unlike the UNSC Secretariat, it only has limited division of responsibilities with one staff of the Secretariat assigned to support the Committee of Experts and another staff supporting the Military Staff Committee.

The Staff working for the AUPSC secretariat are over worked and over-stretched. It is very clear that the Secretariat needs to be strengthened. As much as possible, there is effort to preserve institutional memory. The Secretariat may keep data, but lack of adequate staff means that analysis of the statistics and trends is not available. With the limited capacity available, it is remarkable that the staff continue to effectively support the expanding agenda of the PSC.

WORKING APPROACHES, PROCESSES AND MECHANISMS

4.1. Programme of Work (PoW)

The preparation on the Programme of Work (PoW) of the UNSC starts on average three months in advance. The draft is initiated by the Security Council Affairs Division (SCAD) based on the reporting cycle.

The Presidency is actively involved in shaping the PoW in accordance with its priorities. In this regard, it may propose conflict specific and thematic debates and briefing sessions to be included in the PoW. It will consult informally with all members of the Council on its draft PoW and give heads up on what is being planned.

Provisional Programme of Work of the Security Council – August 2019

(as of 28 August 2019)

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
29 July	30	31	1 August <i>PR breakfast</i> 10:45 A.M. - Coordinators' meeting Consultations (11:30 A.M.) - Programme of work <i>UNOCA strategic review due</i> <i>Eritrea/Djibouti report due</i>	2 Adoption (A.M.) - Peace and security in Africa Open debate (A.M.) - Children and armed conflict <i>UNIFIL letter due</i>	3	4
5	6	7 Adoption (A.M.) - Peace consolidation in West Africa Briefing (A.M.) - Middle East	8 Consultations (A.M.) - Peace and security in Africa TCC meeting (P.M.) - UNIFIL	9 Consultations (A.M.) - Middle East (Syria)	10 Briefing (4 P.M.) - UNSMIL	11
12 <i>UN official holiday</i>	13 Briefing (A.M.) - The promotion and strengthening of the rule of law in the maintenance of international peace and security: international humanitarian law Consultations (P.M.) - UNIFIL	14 Consultations (A.M.) - Middle East (Syria) [cw]	15 <i>Mali POE final report due</i> <i>UNSOM report due</i>	16 Consultations (A.M.) - India/Pakistan	17	18
19	20 Adoption (A.M.) - Consideration of the draft report of the Security Council to the GA Briefing (A.M.) - Middle East Consultations (A.M.) - Middle East (Yemen) Adoption (P.M.) The promotion and strengthening of the rule of law in the maintenance of international peace and security: Debate (P.M.) - Maintenance of international peace and security: Challenges to peace and security in the Middle East	21 Briefing (9.30 A.M.) - Somalia Consultations (A.M.) - Somalia <i>Iraq/Kuwait report due</i> <i>UNAMI report due</i>	22 Briefing (P.M.) - Threats to international peace and security	23 <i>S-G luncheon</i> <i>2139 report due</i>	24	25
26 Briefing (A.M.) - UNAMID <i>UNSMIL report due</i>	27 Briefing (A.M.) - Middle East Consultations (A.M.) - Middle East Briefing (P.M.) - Threats to international peace and security caused by terrorist acts <i>OPCW report due</i>	28 Briefing (A.M.) - UNAMI Consultations (A.M.) - UNAMI <i>UNIOGBIS report due</i>	29 Adoption (A.M.) - Mali sanctions - Middle East (Yemen) Briefing (A.M.) - Middle East Consultations (A.M.) - Middle East (Syria) [hum] Adoption (P.M.) - UNIFIL Consultations (P.M.) - 1718 Committee <i>End of Presidency reception</i>	30 <i>Mali sanctions expire</i> <i>UNIFIL mandate expires</i>	31	1 Sept.

Non-proliferation; Letter Ukraine PR (S/2014/136); Letter Russian Federation PR (S/2014/264)

Roughly two weeks, but not necessarily exactly, before the start of the Presidency, the Political Coordinators (the body of the UNSC that corresponds to the Committee of Experts of the AUPSC) meet and discuss on the draft PoW over Lunch to be hosted by the incoming Presidency. Thereafter, on the first working day of the month, the Permanent Representatives will have the opportunity to discuss the PoW over a working

breakfast to be hosted by the Presidency. The Political Coordinators will meet again on the same day in the morning and propose the draft PoW for adoption. Their meeting will be followed by a close consultation of the Council where the draft PoW will be adopted. The PoW will be posted on the UNSC website and it will continuously be updated until the last day of the Presidency.

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**PROVISIONAL PROGRAMME OF WORK OF THE PEACE AND SECURITY COUNCIL FOR OCTOBER 2019,
CHAIRPERSON OF THE MONTH: THE REPUBLIC OF LIBERIA**

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
	1	2	3	4	5	6
7 3:00 p.m., Julius Nyerere Plenary Hall - Preparation for the Joint Field Visit, 4 th Informal Joint Seminar and the 12 th Annual Joint Consultative meeting between the AUPSC/EUPSC - Preparation for the 4 th Informal Joint Seminar and the 13 th Annual Joint Consultative meeting between the AUPSC/UNSC	8 10:00 a.m., Julius Nyerere Plenary Hall - Consideration of the Report of the Chairperson of the AU Commission on Post-conflict Reconstruction and Development (PCRD) - Consideration and adoption of the PSC Provisional Programme of Work for the month of November 2019	9	10	11	12	13
14	15 10:00 a.m., Julius Nyerere Plenary Hall - Consideration of the Chairperson of the Commission on the situation in South Sudan - Continuation of the preparation for the 4 th Informal Joint Seminar and	16	17 10:00 a.m., Plenary Hall, Old Conference Centre Open Session: Commemoration of UN Security Council resolution 1325	18	19	20

*Meetings of the Committee of Experts (TBC) * Meetings of the Military Staff Committee (TBC)

*Briefing on the Situation in Sudan (TBC)

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
	the 13 th Annual Joint Consultative meeting between the AUPSC/UNSC					
21 10:00 a.m., Julius Nyerere Plenary Hall Consideration of the situation in Darfur and the activities of UNAMID	22	23 10:00 a.m., Plenary Hall, Old Conference Centre Informal Joint Seminar between the AUPSC and UNSC	24 10:00 a.m., Plenary Hall, Old Conference Centre 13 th Annual Joint Consultative Meeting between the AUPSC and UNSC	25	26	27
28	29 10:00 a.m., Julius Nyerere Plenary Hall Consideration of the Report of the Chairperson of the Commission on Counter-Terrorism	30	31			

*Meetings of the Committee of Experts (TBC) * Meetings of the Military Staff Committee (TBC)

*Briefing on the Situation in Sudan (TBC)

The Presidency will then brief the wider membership of the United Nations on its monthly programme of work. This will be followed by a press briefing to the media. At the end of the month, depending on the preference of the Presidency, there could be either a formal wrap up session within the Security Council Chamber or an informal Toledo Formula end of the Presidency briefing session to the wider membership of the Security Council (More on this later).

On the other hand, it was only since August 2010 that the PSC started the preparation of the monthly program of work on regular basis. The practice has now been crystalized into an established practice and institutionalized in the Manual on the Working Methods of the PSC adopted in June 2019. Accordingly, preparations on PoW of the PSC starts one month in advance. The draft is initiated by the incoming Chairperson of the PSC in consultation with the PSC Secretariat. It is drawn up based on the Annual Indicative Program of Work of the PSC. Increasingly, the Chair of the AUPSC has come to assume active role in shaping the PoW. While the nature of active role of the monthly chairperson varies, generally the Chairperson enjoys significant discretion in shaping the PoW and can initiate the inclusion of thematic or conflict specific items in the PoW. While the incoming Chair informally consults various members of the PSC, the preparation of the PoW does not involve the kind of consultative engagements present in the UNSC. Thus, the PSC Committee of Experts, while expected to support the incoming chairperson, does not play the role that Political Coordinators have in the preparation of the PoW of the UNSC.

There is also no Permanent Representatives Breakfast to discuss the draft PoW as with the UNSC but lately some members have started to organize informal breakfast meeting, although this is not necessarily related to the discussion on the PoW. In terms of timing of consideration of the draft PoW by the PSC, there is now a practice to discuss and adopt the provisional PoW at least two weeks in advance before the start of the month, although it has become common to consider the draft PoW early on at the start of the preceeding month.

4.2 Meetings

On average, the UNSC holds 30-40 meetings per month. The meetings are held in various forms - open meeting, closed consultation, Informal Interactive Dialogues, Debate, High Level Debates (Ministerial and Summit levels), Briefing, Arria and Toledo formula meetings. According to SCAD, since 1990, there has been a fourfold increase in formal meetings and a two-fold increase in consultations. On the bases of 2018 data, members had to endure more than 50 hours of actual sitting at Council meetings per month (formal meetings, informal consultations and IIDs). 30% of these meetings were thematic in nature and 70% of them were country or region-specific items.

Lately, there is also increasing number of Arria Formula meetings. There seems to be a competition among elected members in organizing such meetings. Arria Formula meetings are also being used as testing grounds for bringing controversial issues to the UNSC. Furthermore, there are increasing number of discussions under Any Other Business. More open briefing sessions also display Council disunity to the wider public.

On the other hand, the number of AUPSC meetings in a month have significantly increased. In the early days of the AUPSC, there were two or three meetings in a month but over the years, the work of AUPSC has significantly expanded and the AUPSC meets on average two to three times a week. But compared to UNSC, the number of meetings at the AUPSC remain relatively very few.

The AUPSC holds closed meetings. Unlike the UNSC, any member of the AUPSC which is party to a conflict or a situation under consideration is not allowed to participate either in the discussion or in the decisionmaking process relating to that conflict or situation. However, such Member will be invited to present its case, and, thereafter, withdraw. In the UNSC meetings, discussions are much more scripted. Despite efforts to make the UNSC consultations more interactive, member States tend to stick to their speaking notes. However, in the AUPSC, discussions are relatively interactive and less scripted. Unlike the Security Council, issues coming under Any Other Business are meant only for information and should not trigger further or substantive discussion.

The AUPSC holds open meetings. These open meetings are in variably on thematic issues. Like the UNSC, other member States of the AU can participate in the discussion without the right to participate in deciding on the contents of the outcome of the session. Any Member State, which is party to a conflict or a situation on the agenda of the PSC, can also participate in open sessions of the PSC.¹⁷ In such open meetings of the AUPSC, Regional Mechanisms, international organizations or civil society organizations involved and/or interested in a conflict or a situation under consideration by the AUPSC are also invited to participate and share their views.

¹⁷ Only a state that has been suspended from participating in the activities of the AU would be barred from participating in such sessions of the PSC.

Although the PSC Protocol and its working methods ¹⁸ provide for the holding of informal consultations, this format has as yet to be operationalized. It is clear from the foregoing that the multiplicity of the formats that the meetings of the UNSC take offer it more flexibility for experimentation the limited format of the PSC avail limited opportunity for experimentation and this has as a result limited innovation.

It emerges from the foregoing that the formats of UNSC meetings are much more diverse than that of the PSC. This presents the UNSC much more flexibility, while the limited format of PSC meetings restricts its flexibility, thereby limiting the room for addressing issues that may be considered to be sensitive. A good example that illustrates the impact of this difference is the situation in Cameroon. While the UNSC discussed the situation in Cameroon under the Arria formula, the PSC was unable to consider this situation in any form. Clearly, this is one area of the working arrangement of the PSC that has ide scope for further innovation and creativity.

4.3. Agenda/priority setting

In the UNSC, permanent and elected members develop clear priorities and they do everything possible to advance those priorities in their activities in the UNSC. Members take initiatives to organize briefing sessions, Debates, High Level Debates, Arria Formula meetings and also propose outcomes in the form of press statement, presidential statement or resolution. Members not only take new initiatives, but they also try to build on what others have done in the past. Adequate documentation and institutional memory of the work of the UNSC helps in this regard. Other interested stakeholders including UN Agencies, think tanks and Civil Society Organizations also work closely with UNSC members in organizing meetings and proposing outcome documents.

¹⁸ See Article 8(11) of the PSC Protocol & para. 31 of the Manual on PSC Working Methods.

In the AUPSC, members may have priorities but there may not necessarily be clear and discernible efforts in advancing priorities that are commonly shared among members of the PSC in the way UNSC members do. Lack of easy access to documentation and tapping into institutional memory also hampers members in setting clear priorities and work towards pursuing those priorities sustainably. Members do take new initiatives to organize thematic discussions, but it appears that there is a need for a more systematic planning and follow up of those thematic agenda.

4.4. Working Methods

The rules of procedure of the UNSC has not yet been adopted; it remains provisional. UNSC continues to improve and refine its working methods. There is a dedicated working group of the Council handling this matter. There is a process of compiling the understanding reached among members in improving working methods in the form of a Note, the latest being Note 507 compiled under the Chairmanship of Japan. Kuwait, which replaced Japan in Chairing the Informal Working Group on Working Methods is also in the process of updating Note 507 and it remains to be seen whether it will succeed in releasing a new compilation before it leaves the Council by the end of this year.

On the other hand, the rules of procedure of the AUPSC has been adopted. AUPSC also reviews its working methods regularly. The PSC discusses its working methods in the form of a Retreat. There is no dedicated Working Group dealing with issues related to working methods. The understandings reached among members to improve working methods are documented in the form of Conclusions, the latest being the Rabat Conclusion adopted after the Retreat held in that city in June 2019.

During this retreat, in an attempt to consolidate the conclusions of the various retreats of the PSC into a coherent whole, the PSC developed and adopted through its Committee of Experts, Manual on the Working Methods of the PSC. This has now become the authoritative reference point on the Working Methods of the PSC.

Under the Manual, the working methods of the PSC are organized around five areas: organization of work, organization of meetings (including format, outcomes and participation in PSC sessions), chairpersonship of the PSC, consultative meetings, and organization of other PSC activities (such as retreats and field missions).

There are no stipulations in the working methods of the two Councils on how to ensure policy coordination and consultative exchanges in decision-making by the PSC and the UNSC. The result is that engagements for policy coordination and consultative decision-making remain ad hoc and unpredictable. Filling in this gap by including provisions on modalities for consultation between the two Councils (or their subsidiary bodies as appropriate) in between the annual consultative meetings is an area that could help in enhancing the working relationship between them.

4.5. Decisions/outcomes

Outcomes of the UNSC are in the form of Resolutions, Presidential Statements, Press Statement and Summary. Except the Summary, the other outcomes are negotiated. Member States hold the pen in drafting decisions. Resolutions are adopted by vote, whereas press statements and presidential statements are adopted by consensus. On average, the UNSC adopts 60-70 resolutions in a year. All of the outcome documents are informed by scripted policy positions of member states, often, if not always, based of direction received from the capitals of member states.

Apart from the fact that the UNSC adopts resolutions by majority vote, the deliberations and the voting of its member states are publicized and hence accessible to the public. This accessibility of the voting patterns and explanation of member states helps various stakeholders in planning their engagement with the UNSC and its member states. In terms of planning its advocacy and engagement with the UNSC on issues of concern for Africa and the work of the PSC, this is one aspect of the workings of the UNSC that the AU needs to give due consideration.

Outcomes of the AUPSC are in the form of a Communique and a Press Statement. The same process applies in the preparation and negotiation of both communiques and press statements. Both are also adopted by consensus. Communiques are generally used for closed sessions and carry policy decisions on the agenda discussed. For PSC sessions not having outcome documents in the form of communique or press statement, the PSC Secretariat keeps summary records of the session, albeit not publicly accessible.

Unlike the UNSC where member states serve as pen holders and hence take responsibility for drafting, it is the PSC Secretariat that initiates drafts of the outcome of PSC sessions.¹⁹ There are efforts to make the Committee of Experts take active role in the drafting of outcome documents.²⁰ Unless the PSC considers and adopts the draft immediately after its session for emergency cases, the draft communique or statement is considered and reviewed by PSC members through the silence procedure.²¹ All decisions are adopted by general consensus.

Unlike the UNSC, no voting is held in the PSC when adopting decisions. Similarly, the deliberations and the policy position that members of the PSC advanced during the sessions of the PSC are not publicly available. It is thus much more difficult, if not impossible, to discern the voting behavior of PSC members with respect to various items on the agenda of the PSC. As a result, it is much more difficult to decipher the decision-making dynamics of the PSC and design well-informed plan for engaging the PSC. However, the engagement of PSC member states is less scripted than UNSC members. It is also only few of the PSC member states that receive policy direction regularly from their Capitals on all issues on the agenda of the PSC. As a result, representatives of PSC member states seem to enjoy much more latitude for improvisation in engaging in PSC decision-making. It is this flexibility and latitude that presents avenues for forging constructive engagement with PSC members.

4.6. Field missions

On average, the UNSC conducts five field missions. The initiative is taken by the Presidency. There is a new trend to take the Council to the capitals of members. Washington, Stockholm, Beijing. There is also visit by the subsidiary organs whose number and frequency has increased dramatically in recent years.

The PSC started undertaking field missions in 2010. The initiative for undertaking field missions comes from the monthly Chairperson of the PSC in consultation with the PSC Secretariat. It has now become one of the established tools of the PSC. The number of field visit by AUPSC has also

¹⁹ Para 54 of the Manual of the PSC Working Methods stipulates that '[a]fter each PSC meeting the PSC Secretariat drafts an outcome, which can either be a communique or press statement'.

²⁰ The Manual of the PSC Working Methods adopted by the PSC was put together by the Committee of Experts of the PSC.

²¹ See paras 54-59 of the Manual.

increased over time. The experience of the PSC shows that on average the PSC undertakes 3 to 4 filed missions per year.

The UNSC and AUPSC have agreed in principle to conduct joint field visits but so far it has not been materialized, despite repeated efforts by African members of the UNSC for finding commonly agreed modality. At their 12th annual consultation, the members of the UNSC and the AUPSC had affirmed their intention to consider joint visits to conflict situations in Africa, the modalities of which will be discussed and agreed on a case-by-case basis.

Accordingly, the A3 prepared a draft document to identify possible modalities for cooperation between the two Councils in undertaking field visits in Africa, which could be implemented on a case by case basis. During the 13th annual consultative meeting held in Addis Ababa in October 2019, Cote d'Ivoire presented the proposed modalities: '(1) smaller missions with representatives of the Councils; (2) inviting PSC members to join sanctions committee field visits; and (3) missions of the entire Councils.'²² There is no indication that the A3 discussed and agreed with the PSC on the draft that they proposed, although the A3 communicated in a letter proposed modalities to the PSC. This is another instance reflective of the lack of regular consultation and effective coordination between the A3 and the PSC. In the end, although no agreement was reached at the 13th consultative meeting on the modalities presented, the PSC and the UNSC agreed that the Councils' experts would undertake further study.

Retreats

The UNSC holds annual retreat with the Secretary-General. Important and topical issues are discussed during the retreat. There is also the Finnish Workshop held annually in November to sharing lessons between incoming and outgoing members of the UNSC. The Finnish Workshop is normally held every year in the first week of November in Greentree sponsored by the Finnish government. It starts with an opening Dinner where a high-level guest will give a keynote address. The past three years, for instance, it was Former Prime Minister Kevin Rudd, Secretary-General Antonio Guterres and High Commissioner for Human Rights Michelle Bachelet.

The Workshop provides an opportunity for current and incoming members to look at the state of the Council with a view to taking stock of its performance and examine the challenges ahead. They will also look at the working methods and exchange views on processes, procedures and practices that need improvement. Furthermore, there will be a session dedicated to hearing from outgoing members to draw lessons from their experiences in the Council. The discussion takes place under Chatham House rules and the report is published as an annex to a letter from the Permanent Representative of Finland to the President of the UNSC. These events are held with the participation of the various research organizations that closely follow and produce research reports on the work of the UNSC.

²² What's in Blue, Dispatch from the field: UN Security Council visiting mission to the AU, (23 October 2019) available on <https://www.whatsinblue.org/2019/10/dispatches-from-the-field-un-security-council-visiting-mission-to-the-au.php>

There are similar initiatives at the AUPSC. After every election of members of the AUPSC, the Secretariat of the AUPSC organizes induction retreat. The last induction was held in Zanzibar, Tanzania. This is meant to be an opportunity for familiarizing the new and returning members of the PSC with the working methods and current issues in the work of the PSC. Although there were instances in which research and advocacy organizations working on the AU were involved in the induction, this practice has discontinued.

AUPSC also holds retreats. The retreat discusses issues related to working methods and other important issues concerning the functioning of the PSC. The PSC has held a dozen such retreats since 2007.²³ Most importantly from the perspective of the working relationship between the PSC and the UNSC, the PSC also holds the annual high-level Seminar between members of the AUPSC and African members of the UNSC (A3). The Seminar is organized in close collaboration with UNITAR and, so far six editions of the seminar have been held. Except the last two editions which took place in Livingstone and Nairobi, the rest were held in Oran. The seminar is usually held in December, although the next edition is pushed for January 2020. Research organizations working on the AUPSC do not get to participate in this annual seminar, although some partner countries are invited to participate.

The High-Level Seminar provides an opportunity for participants to assess the state of peace and security in Africa and hold interactive discussions on important and pressing issues. There will also be a dedicated session on the enhancement of

cooperation between the AUPSC and members of the A3, including lessons learnt and future prospects. The conclusions of the Seminar will be adopted, and report will be presented to the policy organs. The High-Level Seminar started with a lot of enthusiasm. There is huge need for restoring this high-level interest in the seminar and ensure that there is strong participation. Also important is the need for identifying areas for follow up in order to ensure that options discussed for enhancing A3 coordination with the PSC are implemented.

Annual consultative meeting between the AUPS and UNSC

The UNSC and the AUPSC hold joint consultations annually and the consultation is done in Addis Ababa and New York on rotational basis. This year, it was the turn of Addis Ababa to host the Joint Annual Consultation, which represented the 13th annual consultative meeting. Lately, there is a new trend in organizing Joint Informal Seminar ahead of the Joint annual consultation and the Seminar was the 4th time this year taking place one day before the Joint annual consultation. Therefore, the new tradition is to discuss thematic issues at the Joint Informal Seminar and address specific conflict situations at the Joint Annual Consultation. Accordingly, this year, the two Councils discussed silencing the guns in Africa and exchanged views on modalities for joint field missions in Africa at the Joint Informal Seminar.²⁴ At the joint Annual Consultation, they considered the situations in Libya, South Sudan, Central African Republic and the Sahel regions.²⁵

²³ Four retreats were on working methods, the most recent held in Rabat also reviewed and adopted the Manual on PSC Working Methods; two retreats on cooperation with civil society organizations under Article 20 of the PSC Protocol; one retreat on unconstitutional changes of government; two retreats including the recent retreat in Rabat on conflict prevention, management and resolution; one retreat on cooperation with RECs/RMs; one retreat on the AU Master Roadmap on Practical Steps to Silence the Guns in Africa by 2020; and another one retreat on the reform of the PSC.

²⁴ See Amani Africa, Joint Annual Consultative Meeting between the PSC and the UNSC, Insights on the Peace and Security Council (20 October 2019) available on <http://www.amaniafricaet.org/images/Reports/PSCUNSC13thjointannualconsultation.pdf>

²⁵ Ibid.

In the UNSC, the Ad-Hoc Working Group on Conflict Prevention and Resolution in Africa is in charge of preparing for the Joint Informal Seminar and the Joint Annual Consultation. On the part of the AUPSC, the Secretariat in close consultation with the Chair of the month handles the preparatory work. Given that the working relationship with the UNSC has become institutionalized and its importance has increased over the years, it may be of value for the PSC to have a dedicated mechanism not only to facilitate the preparatory work for the annual consultative meeting similar to the UNSC Ad- Hoc Working Group but also for following up and informing the activities of the UNSC that are of direct interest for the PSC.

Outcomes of the joint annual consultation are negotiated. However, the negotiation may take a long time and consensus may not be reached for the draft Joint Communique to be adopted at the end of the consultation. But last year, the draft was ready for adoption and the engagement between the experts of the two Councils helped in facilitating it. Unfortunately, the joint communiques adopted by the two Councils do not seem to have any future reference value. There is need for improvement in terms of agenda setting, the format and conduct of the meeting to ensure that frank and meaningful exchange of views take place and the outcome document would carry some policy value to inform the two Councils engagements on the agenda items discussed in the annual consultative meeting.

The organization of visits to NY for AUPSC experts has helped in smoothening negotiation over annual consultative meeting outcome document and needs to be maintained as a matter of tradition.

The meeting between experts of AUPSC and UNSC was found to be extremely useful in comparing notes and help the experts to have a better appreciation of the NY and Addis dynamics. This has huge potential to further enhance not only effective preparations for the annual consultative meetings but also for coordination between the two Councils generally.

Policy tools/instruments

Under Chapter VI of the UN Charter, the Security Council has various tools at its disposal to peacefully resolve international disputes by calling on parties to seek solutions via negotiation, arbitration, or other peaceful means. United Nations Special Political Missions are deployed to carry out good offices, conflict prevention, peacemaking and peacebuilding functions in line with the UN Charter. Recently, a Mediation Support Unit has been established under the Department of Political and Peacebuilding Affairs with the objective of supporting relevant actors to achieve a just and sustainable peace through the pacific settlement of disputes.

Furthermore, Chapter VII of the UN Charter, provides the Security Council more assertive powers, including the imposition of sanctions or authorization of the use of force to maintain or restore international peace and security. The deployment of peacekeeping missions has, of course, been the most visible work of the UN in conflict management and resolution. The AUPSC Protocol vests on the PSC a much wider authority than the UNSC. It provides for the Council to take initiatives and action it deems appropriate regarding situations of potential conflict, as well as to those that have already developed into full-blown conflicts.

Under article 7 of the Protocol, the Council has the power to anticipate and prevent disputes and conflicts, as well as policies that may lead to genocide and crimes against humanity. It can, within the framework of Article 4(h) of the Constitutive Act, initiate intervention against a member state of the AU in cases of genocide, war crimes and crimes against humanity.²⁶ Potentially, the use of Article 4(h) could cause disagreement between the two Councils particularly in the event that the PSC and the AU Assembly invoked it and deploy military intervention without authorization from the UNSC.

The PSC Protocol establishes in support of the PSC the Continental Early Warning System (CEWS) which is linked with observation and monitoring units of the Regional Mechanisms. It has achieved major milestones in developing early warning tools and conflict prevention instruments. The CEWS is responsible for data collection and analysis which the Chairperson of the Commission is meant to use, as appropriate, to advise the AUPSC on potential conflicts and threats to peace and security in Africa.

In terms of AUPSC-UNSC relationship, early warning analysis is one area that has been identified as an important area of cooperation between the AU and the UN within the United Nations-African Union Joint Framework for Enhanced Partnership in Peace and Security that the Secretary-General of the UN and the AU Commission Chairperson signed in April 2017 to help facilitate the formulation of complementary options.

This has as yet to be effectively operationalized. There also remain major gaps in linking early warning analysis and early response. No effective institutional arrangement for the effective communication of early warning reports to the PSC are present nor are there effective and transparent modalities for the activation of early action by the PSC for operationalizing its conflict prevention mandate.²⁷ However, the CEWS has started providing horizon scanning briefings to the PSC, although this briefing also focuses on AU's early warning and conflict prevention tools and general trends in peace and security rather than early warning on specific country or regional situations. The coordination envisaged under the UN-AU Joint Framework offers an opportunity for strengthening this engagement of the CEWS with the AUPSC and hence in facilitating the objectives of the Framework for policy coordination in terms of conflict prevention.

A Panel of the Wise has been established in order to support the efforts of the AUPSC and the Chairperson of the Commission in conflict prevention. In accordance with Article 11 of the AUPSC Protocol, the Panel of the Wise also has an advisory role on all issues pertaining to the promotion and maintenance of peace, security and stability in Africa but it is meant to be the conflict prevention mechanism of the AU that deploys preventive diplomacy. The Panel's conflict prevention role has as yet to be fully realized and mainstreamed.²⁸

²⁶ Solomon Dersso, "To intervene or not to intervene? An inside view of the AU's decision-making on Article 4(h) and Burundi", World Peace Foundation, Fletcher School at Tufts University, February 2016; Paul D. Williams, "The African Union's Coercive Diplomacy in Burundi", International Peace Institute Special Report, 18 December 2015.

²⁷ For further on the conflict prevention work of the PSC, See Amani Africa, *The Reform of the AU: Towards the Peace and Security Council 'we want'*, Special Report No. 3 (6 August 2018) 8-10.

²⁸ While various groupings associated with the Panel have been established including Friends of the Panel and Femwise, the organizational issues impeding the effective functioning of the Panel identified in 2010 remain largely unchanged. In a report submitted to the AU Assembly, the AU Commission observed that 'due to a variety of constraints, the Panel has not been able to fully discharge the above-mentioned responsibilities. For one, the Panel's size—5 members—is such that it cannot play the required role in all the situations warranting its attention. This constraint is compounded by the fact that the Panel members are not engaged on a full-time basis.' See African Union Assembly of Heads of State and Government, *Report of the Commission on the Activities of the AU Panel of the Wise and the Appointment of New Members* (Doc. Assembly/AU/14 [XV], Assembly, Fifteenth Ordinary Session, Kampala, July 27, 2010).

The AUPSC can also undertake peace-making and peacebuilding functions to resolve conflicts where they have occurred and, in this regard, can authorize peacemaking initiatives, mediation efforts and the deployment of peace support missions. In a clear mark of departure from the UNSC, it can also institute sanctions whenever a unconstitutional change of Government takes place in a Member State, as provided for in the Lomé Declaration and the PSC Protocol. This has for example enabled the PSC to exercise much more influence than the UNSC in shaping developments in the transition in Sudan after the overthrow of the government of President Al Bashir in April 2019. As Richard Gowan pointed out 'This (Sudan) is a case where the UN should aim to be the 'best supporting actor' rather than the star, bringing economic expertise to back up the AU's work on Sudan's transition'.²⁹

Article 13 of the AUPSC Protocol provides for the establishment of an African Standby Force to enable the AUPSC perform its responsibilities regarding the deployment of peace support operations. However, ASF is yet to be fully operationalized. The AU has however been active in deploying peace support operations. It has thus far deployed a dozen peace support operations across various conflict theatres on the continent.

In terms of the use of tools, one area of major difference, which at times become a major source of difference between the two Councils relate to the modality and doctrinal basis for the use of peace support operations. While the UN peacekeeping doctrine requires that the UN deploys peacekeeping operations only

where there is peace to keep and precludes the use of peacekeeping in situations requiring combat operations, the AU has shown much more willingness in deploying peace support operations not only to keep peace but also to make peace where it is lacking including through engaging in combat operations. A very good example of this is the AU Mission to Somalia (AMISOM). While the nature of the operation facilitated 'partnership peacekeeping' between the UNSC and the PSC,³⁰ it has also caused friction over the nature and scope of burden sharing between the two Councils.

ACTORS SHAPING DECISION-MAKING IN THE TWO COUNCILS

Chairmanship of the PSC and Presidency of the UNSC

The Presidency of the UNSC takes several initiatives. It may decide to organize country specific/thematic debates and briefing sessions in line with its priorities. The Presidency could invite briefers to country specific/thematic debates and briefing sessions. If the briefers are from the within the United Nations System, it will be arranged by SCAD without any difficulty. If it is from outside, then the Presidency will have the responsibility to make the necessary arrangement, including cover the cost of transportation and accommodation if the briefers will attend the session in person. Arrangements can also be made for the briever to appear via VTC and SCAD will assist in this regard.

²⁹ Crisis Group Briefing Note, UN General Assembly Insights 4, New York (27 September 2019) 2.

³⁰ See for more Paul D Williams, Lessons for "Partnership Peacekeeping" from the African Union Mission in Somalia, IPI Issue Brief (October 2019).

The Presidency may also plan specific outcomes in the form of press statement, presidential statements and resolutions. Furthermore, the Presidency may propose field missions. Lately, there is also an increasing trend in organizing Arria Formula meetings³¹ as part of the Presidency. At the end of the month, it may opt to have either a formal wrap up session or an informal/Toledo formula briefing session on the activities of the month to the wider membership. It is also a matter of practice to host end of the presidency reception.

The Chairperson of the PSC plays a wide range of roles. Apart from its role in decision-making on the contents of the monthly PoW, the Chairperson can decide, in consultation with the PSC Secretariat, on the stakeholders to be involved in the sessions of the PSC, including in the designation of the personalities or institutions to deliver presentations and briefings in those sessions. The Chairperson exercises major role in guiding and controlling the deliberations of the PSC and in shaping the outcome of PSC sessions. It is also the Chairperson of the PSC that clears outcome documents (press statements or communiques) for publication and circulation.

The destination of PSC field missions is also decided on the initiative of the Chairperson of the PSC. At the end of the month, the Chair of the month is expected to brief the wider membership of the AU at the PRC. Even though this is supposed to happen regularly, it may not necessarily be the case in terms of actual practice. So far, there is practice, although not regular, of hosting receptions by the Chair at the end of the month.

Infrequently, VTC consultations are held by the monthly Chairperson of the PSC and the Presidency of the UNSC. This practice however remains sporadic and seems to depend on the disposition of the monthly PSC Chairperson and UNSC President. If this could be regularized and pragmatically used, it has huge potential for enhancing understanding of the respective policy approaches, thereby contributing to improved policy coordination.

UNSC/AUPSC Secretariat

The UNSC has a very well-organized secretariat under the Department of Political and Peacebuilding Affairs (DPPA). The Security Council Affairs Division (SCAD) has adequate number of staff to provide substantive and secretariat support to the UNSC in discharging its responsibilities effectively.

The Division consists of three branches - the Security Council Secretariat Branch which directly supports the daily work of the Council, the Subsidiary Organs Branch, which supports Security Council subsidiary bodies and the Security Council Practices and Charter Research Branch, which is the advisory and research arm of the Security Council on practice and procedures. It also has the Military Staff Committee Secretariat, which provides secretariat support and advice to the Military Staff Committee.

The division serves as the institutional memory of the UNSC. In this regard, it collects data and analyses trends as well as prepares the Repertoire of the Practice of the Security Council, which provides a comprehensive

³¹ For more on Arria formula meetings see

<https://www.securitycouncilreport.org/un-security-council-working-methods/arria-formula-meetings.php>

coverage of the Security Council's interpretation and application of the Charter and Provisional Rules of Procedure. The Division has started organizing training for newly elected members, which is found to be very useful to help them hit the ground running. SCAD invites current members to the training sessions to share their experiences and insights with the newly elected members.

Unlike the UNSC, the AUPSC has a very small secretariat under the Peace and Security department. The PSC Secretariat provides direct support for the daily work of the PSC. The Secretariat also organizes induction sessions for newly elected members, retreats, field missions and the annual high-level seminar. Unlike the UNSC Secretariat, it only has limited division of responsibilities with one staff of the Secretariat assigned to support the Committee of Experts and another staff supporting the Military Staff Committee.

The Staff working for the AUPSC secretariat are over worked and over-stretched. It is very clear that the Secretariat needs to be strengthened. As much as possible, there is effort to preserve institutional memory. As noted earlier, it is the Secretariat that keeps records of PSC deliberations. The Secretariat keeps data, but lack of adequate staff means that analysis of the statistics and trends is not available. With the limited capacity available, it is remarkable that the staff facilitate the expanding agenda of the PSC. But for the PSC Secretariat to help support coordination of the PSC with the UNSC it needs a dedicated capacity on coordination and partnership with AUPSC partners notably the UNSC as part of the expansion of its staff size, which is critical for the effective functioning of the PSC.

The role of the A3

There are several important decisions adopted by the AU Assembly as well as the AUPSC on the need for coordination among members of the A3 in defense of the common African position. The coordinating role of the A3 rotates alphabetically every four months. The Political Coordinators meet frequently as the need arises. The Experts also meet at their level to coordinate positions and support each other in negotiations.

Ambassadors are meeting regularly every month and as the need arises. There is also a tradition to organize Ministerial level meetings on the margins of the United Nations General Assembly. A new initiative was taken to invite senior officials from DPPA and DPO to brief members of the A3 on African issues on the agenda of the UNSC. The AU Permanent Observer Mission in New York became an integral part of the A3 and serves as a secretariat of the A3.

The A-3 started speaking with one voice on topics of particular importance to Africa and in formal wrap up sessions. They also jointly hosted meetings of subsidiary organs they chair. Furthermore, A3 are jointly organizing Arria Formula meetings on topical African issues. Recently, the A-3 has started to jointly table draft resolutions and support each other on resolutions proposed by one of the A-3 members. Election for membership of the UNSC is now happening in June six months before newly elected members are supposed to join the Council. Newly elected African members are, therefore, allowed to join the A3 immediately after they get elected to ensure a smooth transition.

The AUPSC has been organizing interactive sessions with the A3 and members of the A3 have been regularly reporting to the AUPSC on their activities in the UNSC. The A3 reports are presented through the A3 Permanent Representatives in Addis Ababa.

The A3 as much as possible reflect the AU position on conflict situations in Africa based on the AUPSC and the AU Assembly decisions. However, there is also the challenge that some of the conflict situations do not get frequently discussed as in the UNSC. Although this and other consultation mechanisms have as yet to be developed and institutionalized, video conference between the AUPSC and the A3 has started recently. The divergence that emerged between the PSC and the UNSC around the draft financing resolution and most recently in relation to the modalities for joint field missions reveal that regular consultations between the A3 and the PSC are lacking.

Not all A3 members are in the AUPSC but, for instance, Equatorial Guinea is a member and could possibly serve as a focal point for A3 in the AUPSC. This could be looked at in the future. Despite the gaps observed recently, the AUPSC has recognized the improvement in the coordination among the A3 and this has been reflected in the various Communiqués issued by the AUPSC.

A3 has also been pushing for joint visits. There was willingness on the part of UNSC members to test the idea and there were instances in which invitations were extended to PSC Chairperson. There has been insistence on having agreed modality for the joint visit.

A3 has tried to develop the modality with different options to facilitate the implementation of the joint visit, which was presented during the latest annual consultative meeting. Although it was hoped that progress will be made during this recent 13th Joint annual consultation, as noted earlier the two Councils failed to agree on a format for undertaking joint visits.

The role of the AUOM and the UNOAU

The United Nations Office to the African Union (UNOAU) was established with the objective of enhancing the partnership between the UN and the AU in the area of peace and security. The Joint UN-AU framework for enhanced partnership in peace and security now provides an important basis for engagement. UNOAU is playing an important role in strengthening the cooperation between the UN and the AU, including between the two councils. It provides operation support to and coordinates with the AU. The Special Representative and Head of UNOAU is invited to participate at the AUPSC meetings and share the UN perspective on issues under consideration by the AUPSC, although much depends on the extent to which there is direct and regular interaction between the UNOAU and the UN headquarters in New York as well as close follow up of the dynamics in the UNSC.

Similarly, the AU Observer Mission (AUOM) has an important role to play in assisting the work of the A3. The Mission serves as the Secretariat and the institutional memory of the A3. Now, the Observer Mission has become an integral part of the A3.

There are legal issues in relation to the status of the AU Observer Mission in New York, which affects the mission in effectively discharging its responsibilities. The Office, through its Head, has also become active participant in the deliberations of the UNSC on African issues upon invitation.

The Office also facilitates the participation in the UNSC meetings of various AU officials. The AU Permanent Observer, Special Representatives of the Chairperson of the African Union Commission and other senior officials of the African Union Commission participate in the meetings of the UNSC in accordance with Rule 39 of the Rules of Procedure of the Council. They are also invited to participate in informal interactive dialogues and meetings of the UNSC Subsidiary organs to brief on issues under consideration by the UNSC.

The Mission needs to be adequately staffed to be able to effectively provide substantive support to the A3 but also importantly in communicating AU's positions. Importantly, apart from clarifying its status and the modalities for its effective functioning in more actively engaging in various policy forums in New York, it is imperative that not only the office closely follows UNSC dynamics and find a way of enlightening the PSC on these dynamics but also receives regular briefs from Addis Ababa on PSC deliberations to help it effectively communicate them with the relevant actors of the UNSC, thereby contribute to better understanding of PSC positions as useful avenue for enhanced consideration of PSC perspectives in the UNSC and ensure coherence between the two Councils.

AU Commission and UN Secretariat

The involvement of the United Nations Secretariat in decision making process in the UNSC is limited. It can only influence decision informally. The Secretariat works with the P-5 and other members of the Council to do advocacy work. The Secretariat does not participate in the negotiation of draft resolution. This is strictly the business of member of the UNSC. However, Article 99 of the UN Charter gives the Secretary-General the authority to bring to the attention of the UNSC any matter which in his opinion may threaten the maintenance of international peace and security.

Whereas, the AU Commission is more than a Secretariat. It shares some powers with the PSC. In accordance with Article 7 of its Protocol, the AUPSC exercises its power in conjunction with the Chairperson of the Commission. And, Article 10 specifically gives important prerogatives to the Chairperson of the Commission in preventing, managing and resolving conflicts.

On account of the nature of membership of the PSC and organization of responsibilities between the PSC and its secretariat, the AU Commission also has strong influence in the decision-making process. As noted earlier, the Commission, through the PSC Secretariat, is involved in drafting decisions. Even though, there is now effort to expand the role of the Committee of Experts, the AUPSC still relies on Commission, particularly the PSC Secretariat, which forms part of the AU Commission's Department of Peace and Security, in carrying out its responsibilities.

The impact of these differences in the role of the respective secretariats of the two Councils lie in the extent of the control member states exercise over the processes of the respective Councils. While member states exercise near absolute control in the UNSC and hence assume full ownership of the outcomes of UNSC engagements, the level of control of PSC member states is comparatively weaker, which also impacts on the extent to which member states assume responsibility for and ownership of the outcomes of PSC activities. This also affects the length of time it takes for negotiating and finalizing outcome documents. In the UNSC, comparatively it tends to take longer time to negotiate and finalize outcome documents than in the PSC. It is thus important that PSC members give due consideration to this time factor when engaging the UNSC on issues requiring UNSC resolution or presidential statement.

CONCLUSION

The review of the working arrangements of the two Councils show that the differences between the two Councils in terms of the international institutional organization, the working processes and approaches and the actors informing decision-making affect the relationship between the PSC and the UNSC. The analysis in this report has also identified not only how these features of the organization, work and actors of the two Councils affect the internal workings of each and hence their relationship but also the avenues that each of these areas avail for exploring and pursuing a more effective working arrangement between the UNSC and the PSC.

In terms of working processes and approaches, the approaches for the preparation of the Program of Work (PoW) of the two Councils is of particular importance for purposes of coordinating consideration of related agenda items by the two Councils. Although it should not be a barrier for aligning monthly PoW, the difference in the approaches and timing of the preparation by the two of their respective PoW limits opportunities for planning respective sessions in a way that makes it possible to feed into each other's programs and sessions. However, this is not insurmountable. Indeed, it is possible for the PSC to plan its PoW in relation to those items of UNSC PoW that are considered within established time periods so that its deliberations inform and influence the consideration of such items by the UNSC.

With respect to the policy tools/instruments, there are a number of areas for complementarity and joint action. As highlighted from the example of Sudan, a good example here for complementarity is the AU's norm on unconstitutional changes of government, which the UN is lacking. Similarly, filed missions, which are available in the respective toolbox of the two Councils, are useful for joint action. Given the agreement of the two Councils on the usefulness of joint field visits as vehicle for coordinating their actions and enhance the rapport among the Councils' members, it is crucial that the decision of the 13th annual consultative meeting for further study is acted upon and the Councils' experts come up with consensual modalities for operationalizing the agreement of the two Councils to undertake joint field missions.

Informed by the experience in among others AMISOM, there has been efforts to find modalities for equitable and mutually agreed burden sharing between the PSC and the UNSC. Although recent efforts to agree on a resolution establishing the modalities for burden sharing on the basis of the use of UN assessed contributions for supporting AU peace operations authorize by the UNSC did not succeed,³² 'partnership peacekeeping' is indeed another area that carries huge promise in enhancing the cooperation between the two Councils. As such, the momentum for finding modalities for funding AU-led peace support operations authorized by the UNSC form UN assessed contribution should not be lost.

Regarding follow up of the joint communique of the annual consultative meeting, there is currently no framework. This has hugely limited the potential value of the consultative meeting. With the joint communique lacking any value of reference for informing the engagement of the two Councils in between the consultative meeting, it is of particular importance that the two Councils identify items for follow up and coordination. In this respect, if it would be followed up properly, the understanding reached during the most recent annual consultative meeting for the Councils' experts to conduct further study on the modalities for the joint field mission by the members of the two Councils.

In terms of utilizing various role players, there is room to enhance the role of the monthly Chairperson of the PSC and the President of the UNSC to help improve Council to Council engagement in between the annual consultative meetings. Thus, having an

established line of communication between the AUPSC Chairperson and the UNSC President is one important avenue for enhancing consultations on issues common to the agendas of the two Councils. As noted above, perhaps an important actor that has proved to be critical for AUPS-UNSC relationship whose role as a bridge between the two has huge room for improvement is the A3. In this respect, keeping the cohesion of the A3 and the establishment of regular and effective modalities for A3 participation in relevant PSC deliberations are crucial. It is also important to ensure that the roles of the UNOAU and the AUOM are also enhanced including by enhancing not only the capacities of the two offices but also the modalities of their operations. Similarly, the full utilization by the UN Secretariat and the AU Commission of the Joint Framework, including in the areas of joint analysis, for facilitating understanding and policy coherence between the two Councils is also useful.

The PSC marked its 15 years of existence in 2019. The workings of the AUPSC is also evolving but it has its own context. The AUPSC should not necessarily emulate the UNSC but there are interesting aspects of the workings of the UNSC that the AUPSC could draw lessons from and customize to its own context. From the foregoing analysis, one such area for contextual adaptation of UNSC experience relates to the diversity of the format of UNSC meetings. It is important in the first place that the PSC institutionalizes and fully operationalizes informal consultations envisaged in the PSC Protocol and the Manual on its Working Methods. Additionally, to enable it deal with situations of various gravity,

³² See Amani Africa Insights on the PSC, (AUPSC) Briefing on sustainable financing of African peace and security agenda under the UN Charter, (18 September 2019) available on <http://www.amaniafricaet.org/images/Reports/PSCSessiononDraftResonfinancingofAUPSOs.pdf>; Crisis Group, A Tale of Two Councils: Strengthening AU-UN Cooperation, Africa Report No. 279 (24 June 2019).

sensitivity and degree of maturity for action, it is highly advisable for the PSC to initiate meeting formats other than those of closed and open sessions drawing on and adapting to its own context the various meetings formats of the UNSC. To enhance its influence and benefit from independent outside expertise, the PSC could also draw on the experience of the UNSC to allow space in the organization of its retreats, induction workshop and high-level seminar.

The UNSC has been in existence for almost 75 years. The workings of the UNSC has evolved and incremental changes have been made to improve its functions. However, the broader issue on UNSC reform remains a matter for continuous discussion and debate. The intergovernmental negotiation is still ongoing without any hope in sight. In the light of the expansion and increasing importance of its partnership with the AUPSC, there is a need for the UNSC to include in its working methods modalities of regular consultation with the PSC and ways and means of coordinating meetings of the two Councils that concern the same conflict or crisis situation.

The relation between the two Councils has come a long way. This said, there is a lot of room for improvement. As this special research report highlighted, apart from willingness for listening and pragmatism in expectations and approach that help overcome the internal political dynamics that could impede coordination, understanding the respective institutional dynamics and working approaches as well as role various actors are key to strengthening relations and cooperation between the two councils.



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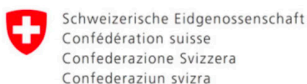
ABOUT AMANI AFRICA

Amani Africa is an independent African based policy research; training and consulting think tank with a specialization and primary focus on African multilateral policy processes, particularly those relating to the African union.

We support the pan-African dream of peaceful, prosperous and integrated Africa through research, training, strategic communications, technical advisory services, and convening and facilitation.

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