

The African Union Peace and Security Council Handbook 2021

Guide on the Council's Procedure, Practice and Traditions



Praise to the first edition of the Handbook

‘a commendable work, which guides, not only the PSC members or the AU Member States on the working methods and the work of the PSC, but also to all African citizens, including researchers’

From the introductory remarks of Neema Chusi, Ag
Head of PSC Secretariat

‘Important source of reference, which documents the practices and traditions of the PSC, for which in the past we used to rely on words of mouth of members’

Biniam Berhe, Head of Eritrea’s Permanent Mission
to the AU and UNECA

‘It must be on the shelves of all African diplomats!!!’

Ambassador Alain A Nyamitwe, Former Minister of
External Relations and International Cooperation of
Burundi and former member of the PSC.

The African Union Peace and Security Council

Handbook 2021

Guide on the Council's Procedure, Practice and Traditions

The AU Peace and Security Council Handbook 2021



Amani Africa Media and Research Services
On the Corner of Equatorial Guinea St.
and UNECA Road,
Zequala Complex, 7th Floor
Tel.+251118678809

Copyright © 2021 by Amani Africa Media and Research Services

All rights reserved. No part of this publication may be reproduced, distributed, or transmitted in any form or by any means without the prior written permission of the copyright holder, except in the case of brief quotations embodied in critical reviews and certain other non-commercial uses permitted by copyright law.

Published by Amani Africa Media and Research Services

TABLE OF CONTENTS

Acknowledgments	i
Foreword	iii
Introduction.....	vi
PART ONE: THE PEACE AND SECURITY COUNCIL OF THE AFRICAN UNION.....	1
1.1 Background to the establishment of the PSC.....	1
1.2 PSC Protocol	5
1.3 Mandate of the Council	6
1.4 Powers and functions of the PSC	11
1.5 Composition of the PSC	19
1.5.1 Representation and rotation.....	22
1.5.2 Article 5(2) requirements for membership	26
1.5.3 Current membership of the PSC	29
PART TWO: PSC DECISION-MAKING PROCESS.....	31
2.1 Agenda setting	31
2.2 Organization of work of the PSC	35
2.2.1 Annual indicative program of work	37
2.2.2 Monthly provisional Program of work of the PSC...	38
2.2.3. Agenda of individual PSC meetings.....	41
2.3 Meetings of the PSC.....	43
2.3.1 Levels of PSC meetings	44
2.3.2 Frequency of PSC meetings	45
2.3.3 Form of PSC meetings	47
2.4 Format of decision-making and outcome of PSC meetings/activities.....	52
2.5 Proceedings of PSC meetings	57
2.6 Drafting of Outcome Documents	59
2.7 Consideration of and negotiations on draft outcome documents.....	62
2.8 The Chairship of the PSC	65
2.9 Subsidiary bodies of the PSC	70

PART THREE: STRUCTURES FOR SUPPORTING THE PSC AND IMPLEMENTING ITS DECISIONS..... 75

3.1 African Peace and Security Architecture (APSA) 76

- 3.1.1. AU Commission 76
- 3.1.2. Continental Early Warning System (CEWS)..... 81
- 3.1.3. Panel of the Wise 86
- 3.1.4 African Standby Force (ASF)..... 92
- 3.1.5. Peace Fund 100

3.2 African Governance Architecture 106

PART FOUR: TOOLS AND MECHANISMS OF THE PSC FOR PROMOTION AND MAINTENANCE OF PEACE AND SECURITY IN AFRICA 107

4.1. Conflict prevention and preventive diplomacy... 107

4.2 Peace making and Mediation 115

4.3 Peace Support Operations 125

4.4 Post-conflict Reconstruction and Development interventions 128

4.5. Other activities of the PSC 133

- 4.5.1. Field Missions 133
- 4.5.2 High-level seminars 136
- 4.5.3 PSC Retreats 137
- 4.5.4 Agenda 2063 flagship project on peace and security: Silencing the Guns 143

PART FIVE: RELATIONS WITH OTHER BODIES.....147

5.1 African Union Commission..... 147

5.2 AU policy organs 149

- 5.2.1 Permanent Representatives Committee (PRC)..... 149
- 5.2.2 Executive Council 149
- 5.2.3 The AU Assembly 150
- 5.2.4 STC on Defence, Safety and Security 152
- 5.2.5 Other AU organs 153

5.3 RECs/RMs.....	154
5.4 Relations with the UN and other international bodies	166
5.5 Relations with non-state actors: CSOs and policy research organizations.....	169
PART SIX: OVERVIEW OF 16 YEARS OF WORK OF THE PSC.....	173
6.1 Countries and regions on the agenda of the PSC over the years	174
6.2 Thematic issues on the agenda of the PSC	178
LIST OF MATERIALS USED.....	185
ANNEX	188

ACKNOWLEDGEMENT

The African Union Peace and Security Council Handbook is an initiative of Amani Africa Media and Research Services (Amani Africa), a policy research, training and consulting think tank that works on African multilateral policy processes with a focus on the African Union (AU) broadly and the Peace and Security Council (PSC) specifically.

As with the first edition, this 2021 edition of the Handbook benefited from Amani Africa's engagement with the key actors in the work of PSC. I wish to acknowledge members of the PSC, in particular the monthly chairperson of the PSC, the PSC Secretariats, and members of the Committee of experts for their support in the course of this second edition of the Handbook.

I wish to extend special thanks to H.E. Bankole Adeoye, Commissioner for the Political Affairs, Peace and Security (PAPS) for gracing this Handbook with the Foreword, underscoring the importance of research and analysis in supporting the implementation of the PSC protocol.

Special thanks also to Ms. Fiona Lortan, Acting Director at PAPS for writing the introduction to this 2021 edition of AU PSC Handbook and for the edifying discussions on the issues affecting the work of the PSC.

Allow me to also recognize with appreciation the exchanges with Neema Nicholaus Chusi, Acting Head of the PSC Secretariat. I am also grateful for comments that Simon Badza shared with us which helped in enriching this second edition of the Handbook.

This edition of the Handbook is a product of Amani Africa's engagements with the wider staff of the PAPS Department to whom we also extend our gratitude.

We wish to thank the Government of Switzerland that provided partner support for the project on the drafting and publication of this Handbook.

Dr Solomon Ayele Dersso, on behalf of Amani Africa team!

FOREWORD

The decision by the African Union to undertake a major institutional reform process began in 2016, with the decision at the 27th Assembly of Heads of State and Government to ensure that the organization was fit for purpose given the changes that the world and the continent had seen since its establishment in 2002. Within the Commission, one key reform has been the merger for the Peace and Security Department and the Political Affairs Department into a single Political Affairs and Peace and Security Department. The merger of the two departments is envisaged to bring greater synergy between the African Peace and Security Architecture (APSA) and the African Governance Architecture (AGA). This institutional restructuring is an important step to advance peace and security through a holistic approach by addressing the main drivers, underlying factors and root causes of conflicts.

The success of the institutional reform towards addressing and ending conflicts will depend, to a large extent, on the support it also provides to the PSC in delivering on its mandate. The PSC is the standing organ mandated to prevent, manage and resolve conflict, and has increasingly galvanized African voices to shape global policy processes. The PSC would further benefit from the reform within the Commission and the full operationalization of the other APSA pillars. The PSC is also at centre of the synergy of APSA and AGA.

The emergence of more complex security threats, has revealed the significance of the PSC and its role in providing political guidance to address peace and security challenges. The year 2020 witnessed a number of unfortunate developments that have particularly shaped the peace and security landscape of the continent. New security threats have emerged. Beyond ‘traditional’ security threats, a global public health emergency, namely COVID19, has highlighted the threat that pandemics pose to human security, peace and stability, in addition to the devastating economic consequences to states as

well as to individual livelihoods. The PSC has adapted to this new reality and has closely followed the impact of the pandemic on peace and security in Africa. Indeed, the PSC within its mandate enshrined in its protocol has a significant role to play in addressing the myriad emerging security threats including climate change.

More than ever, the developments of the last year have demonstrated the importance of multilateral institutions and collective response to peace and security challenges in Africa. This is especially important in the face of the retreat of multilateralism globally in the past decade.

The year 2020 also marked a turning point for the continent's efforts to Silence the Guns. As the initial deadline for silencing the guns elapsed, it is ever more imperative to renew efforts and build on previous successes. To this end it is essential that the PSC play an even greater role in preventing conflicts and bringing a lasting solution to conflicts.

Through the first edition of *The African Union Peace and Security Council Handbook*, Amani Africa presented an authoritative guide to the Council's work, mandate, structure and functions. The Handbook is a critical resource that provides readers with practical information and analysis on the Council and its engagement with the broader institutional structure of the AU and other policy actors in the maintenance of peace and security in Africa.

As the 2020 AU theme of the year *Silencing the Guns* puts the limelight on the PSC, it becomes ever more pressing to draw on sources of knowledge on the work of the PSC for enhancing the effective implementation of the PSC Protocol. The 2021 edition of the Handbook constitutes an enormously valuable resource that serves exactly such ends.

This second edition is a clear testament to Amani Africa's abiding commitment to provide a continuous and strategic support to the Council and its work. It is my sincere hope that this Handbook will become a standing material and that we will see more annual editions in the future.

It is my pleasure to welcome and invite all those interested in the PSC and its noble work in the promotion of peace, security and stability in Africa the year 2021 edition of *The African Union Peace and Security Council Handbook*.

H.E. Ambassador Bankole Adeoye

AU Commissioner for Political Affairs, Peace and Security

INTRODUCTION

The African Union (AU) Peace and Security Council (PSC) is the organ of the AU that is tasked with the responsibility of promoting peace, security and stability in Africa. The norms underlying the mandate of the PSC and the methods and instruments for executing its mandate are enunciated in the Protocol to the AU Constitutive Act Establishing the PSC, which was adopted in Durban, South Africa in 2002.

The peace and security landscape of the continent and the nature of the mandate of the PSC demands that the PSC is organized and operates at a high level of effectiveness. Indeed, how the PSC functions and delivers on its mandate impacts not only the effectiveness of the continental response to the peace and security challenges, but also on global multilateral engagements. Various factors, including political will of member states, mobilization of consensus, and capacity, critically shape the level of effectiveness of the PSC.

At the fundamental level, critical to the effective functioning of the PSC is thorough understanding and knowledge of the full spectrum of the mandate, power, processes, organization of work, practices of and policy tools available to the PSC. This contributes substantially to enabling member states to shoulder their responsibilities under the PSC Protocol, hence enhancing the effectiveness of the PSC.

The rotation of membership of the PSC, and the periodic changes in the personnel of the diplomatic missions of members of the PSC, mean that there is a continuous need to renew and update such understanding and knowledge. Additionally, the practices of the PSC in the execution of its mandate and its working methods are dynamic and are constantly evolving in the face of changing needs and

challenges. In the face of changing security dynamics, how the PSC functions entails adaptation both in approach and choice of policy tools to ensure the most appropriate response to the challenges at hand.

The foregoing themes underscore the need to produce resources that present the relevant data and analysis of the mandate, work and practices of the PSC. This is what Amani Africa's *The African Union Peace and Security Council Handbook* seeks to do. As it became evident from its first edition launched in September 2020 with PSC members, the Handbook offers an authoritative, one-stop source of reference that provides a comprehensive analysis of the working methods, decision-making processes and policy tools of the PSC, drawing on data on the work of the PSC since its operationalization in 2004.

This second edition of the Handbook builds on and expands the first edition. It does so by providing updates on the PSC and its work. Accordingly, the 2021 edition of the PSC Handbook discusses developments in the institutional arrangements, working methods and the use of policy tools of the PSC as well as in its interaction with its interlocutors. It offers updates on institutional developments including these involving the structures making up the APSA such as the African Standby Force and the Peace Fund. In terms of working methods, the Handbook highlights the shift the PSC made in convening its sessions from meeting in person to video teleconference following the outbreak of the global Covid-19 pandemic in April 2020, and the impact of this change.

Other developments discussed in the 2021 Handbook include the initiation of plans for deploying 3000 troops to Mali and Sahel as directed by the AU Assembly and the deployment of the AU Military Observer Mission to the Central African Republic (MOUACA). This

year's Handbook also presents data and analysis on the PSC's sessions during the past year within the context of the sessions the PSC held since it became operational in 2004.

Fiona Lortan

Acting, Director, Department of Political Affairs, Peace and Security



PART ONE: THE PEACE AND SECURITY COUNCIL OF THE AFRICAN UNION

1.1 Background to the establishment of the PSC

At the heart of the transformation of the Organization of African Unity (OAU) to African Union (AU) was the imperative for the continental body to assume leading role in the promotion and maintenance of peace, security and stability in Africa. Member States established the AU, proclaims the preamble to the Constitutive Act of the AU, ‘conscious of the fact that the scourge of conflicts in Africa constitutes a major impediment to the socio-economic development of the Continent’. Accordingly, they underscored the ‘need to promote peace, security and stability as a prerequisite for the implementation of our development and integration agenda’. Against these affirmations, Article 3(f) of the Constitutive Act of the AU provides that one of the objectives of the AU is to ‘promote peace, security and stability on the continent’.

The most significant feature of the transformation involved normative changes, some of which representing paradigmatic departures from the OAU. The AU Constitutive Act enunciates under Article 4 the founding principles underlying the AU’s legal and institutional framework. Of the 18 principles listed, the major principles include sovereign equality of states;¹ non-intervention and peaceful co-existence;² peaceful resolution of conflicts and non-use of force;³ *uti possidetis*;⁴ respect for human rights, sanctity of human life and democratic principles, and good governance;⁵ rejection of

¹ Constitutive Act, Article 4(a).

² *Ibid.*, Article 4(g) and (i).

³ *Ibid.*, Article 4(e) and (f).

⁴ *Ibid.*, Article 4(b).

⁵ *Ibid.*, Article 4(m) and (o).

impunity and unconstitutional changes of governments;⁶ and, finally, the right of the AU to intervene in a member state in case of grave circumstances.⁷

Of the principles that are newly introduced under the AU Constitutive Act, the one that breaks new ground is the right of the AU to intervene under Article 4(h), which marks a paradigmatic shift in the continental body's role in the field of peace and security in Africa. This principle provides for the right of the AU to 'intervene in a member state pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity'. This principle together with the others focusing on human rights and the sanctity of human life constitutes the foundation for the peace and security system of the AU.

Additional elements of the normative basis for the AU's peace and security regime are further elaborated in the Solemn Declaration on a Common African Defence and Security Policy (CADSP).⁸ The Declaration identifies as common security threats not only inter-state conflicts or tensions and external threats, but also intra-state conflicts or tensions. The threats identified as drivers or causes of intra-state conflicts or tensions include:

- The existence of grave circumstances, namely war crimes, genocide and crimes against humanity.
- Lack of respect for the sanctity of human life, impunity, political assassination, acts of terrorism and subversion.

⁶ Ibid., Article 4(o) and (p)

⁷ Ibid., Article 4(h).

⁸ Adopted at the 2nd Extraordinary Session of the AU Assembly of Heads of State and Government held in Sirte, Libya, on 27 and 28 February 2004.

- Coups d'état and unconstitutional changes of government, as well as situations that prevent and undermine the promotion of democratic institutions and structures, including the absence of the rule of law, equitable social order, population participation and electoral processes.
- Improper conduct of electoral processes.
- Absence of the promotion and protection of human and peoples' rights, individual and collective freedoms, equitable opportunity for all, including women, children and ethnic minorities.
- Poverty and inequitable distribution of natural resources.
- Corruption.

Building on the Constitutive Act of the AU, the Declaration restates the right of the AU to intervene in a member state in respect of war crimes, genocide and crimes against humanity. The Declaration underscores 'early action for conflict prevention, containment, management, resolution and elimination, including the deployment and sustenance of peacekeeping missions and thus promote initiatives that will preserve and strengthen peace and development in Africa'.⁹

It is the introduction of these major normative changes that necessitated the establishment of an organ of the AU dedicated to the promotion and maintenance of peace, security and stability in Africa. The establishment of an AU organ in the form of the Peace and Security Council (PSC) was not provided for in the AU's founding instrument. It emerged out of the OAU initiative to reform the OAU Mechanism for Conflict Prevention, Management and Resolution. Following the adoption of the AU Constitutive Act, the initial plan as envisaged in the decision of the 37th Ordinary Session of the OAU held in Lusaka, Zambia, was 'to incorporate the Organization of African Unity (OAU) Central Organ of the Mechanism for Conflict

⁹ Para.13(j) of the Declaration.

Prevention, Management and Resolution as one of the Organs of the Union'. In the process of the consideration of the proposal of the OAU Secretariat on the reform of the Central Organ elaborated in the *Background Document on the Review Structures, Procedures and Working Methods of the Central Organ* initiated on the basis of the decision of the Lusaka summit, representatives of member states decided that the objectives for an AU organ on peace and security are better pursued through the establishment of a body replacing the OAU Central Organ.

The Draft Protocol developed on the basis of the initial report of the OAU Secretariat was presented for adoption at the inaugural Ordinary Session of the Assembly of the AU in July 2002 held in Durban, South Africa.

The draft Protocol Relating to the Establishment of the PSC discussed by the Council of Ministers ahead of the Durban Summit provided three options concerning the council's composition: (1) fifteen members elected for a term of two years; (2) fifteen members of whom five would be permanent and ten elected for a term of two years; and (3) ten members elected for a term of two years, and an additional five members for a term of three years. Eventually, the third option was taken forward and the PSC Protocol was adopted carrying this option on the membership of the PSC. The PSC was thus established as a successor to the Central Organ under the Protocol to the AU Constitutive Act on the Establishment of the PSC (PSC Protocol) adopted in accordance with Article 5 of the AU Constitutive Act in 2002.

Subsequent to its establishment, the PSC was incorporated into the AU Constitutive Act under article 20 (bis) that was added by article 9 of the Protocol on Amendments to the Constitutive Act (2003). Accordingly, the PSC is listed in the amended Constitutive Act as one of the organs of the AU under Article 5(f). The PSC Protocol came

into force in December 2003 following the deposition with the AU Commission of the required number (27) of instruments of ratification.

Operationalization of the PSC

Currently, 52 of the 55 AU member states are states parties to the PSC Protocol. The PSC started its operation following the election of its first members during the AU summit in March 2004 and the convening of its inaugural session at ministerial level on 16 March 2004. Subsequently, the PSC was officially launched at the meeting of heads of state and government held on Africa Day on 25 May 2004.

1.2 PSC Protocol

The PSC Protocol consists of 22 Articles with each of them made up of several provisions. While the objectives and principles of the PSC are laid down in Articles 3 and 4 respectively, the functions and powers of the PSC are provided for in Articles 6 and 7 of the Protocol. The composition of the PSC and the criteria for its membership are enunciated in Article 5. The provisions on the organization and conduct of the business of the PSC including the establishment of subsidiary bodies, chairpersonship, quorum, level and format of meetings and the approach for decision-making are provided for in Article 8. Additional provisions on how the PSC carries out its functions are laid down in Article 9 specifying entry points and modalities for PSC action.

Article 2 (2) of the PSC Protocol stipulates that the PSC ‘shall be supported by the Commission, a Panel of the Wise, a Continental Early Warning System, an African Standby Force and a Special Fund.’ The provisions on these operational structures for the implementation of the decisions of the PSC making up the

operational institutional set up, known in AU parlance as the African Peace and Security Architecture (APSA), and the relationship of the PSC with these various structures are contained in Articles 10-15 of the Protocol.

The tools for PSC action and the mechanisms for enforcement of its decisions are provided for in Article 7 of the PSC Protocol.

The relationships of the PSC with the ‘regional mechanisms for conflict prevention, management and resolution’, the ‘United Nations and other international organizations’, relevant AU organs notably ‘Pan African Parliament’ and the ‘African Commission on Human and Peoples’ Rights’ and ‘civil society organizations are stipulated in Articles 16 to 20. Articles 21 and 22 deal respectively with ‘funding’ and the ‘final provisions’.

Following the election of the first group of member states of the PSC, the PSC held its first official meeting on 16 March 2004, at the ministerial level, on the side-lines of the 4th Ordinary Session of the AU Executive Council. During its first meeting the Council considered and adopted its draft Rules of procedure. In the first year of its establishment the Council was seized with the conflicts in Cote D’Ivoire, Burundi, Darfur, Democratic Republic of Congo and Somalia. As of the end of December 2020, the PSC has convened over 972 meetings since its establishment.

1.3. Mandate of the Council

As stipulated in the Preamble to the PSC Protocol, the PSC was established ‘to address the scourge of conflicts on the Continent and to ensure that Africa, through the African Union, plays a central role in bringing about peace, security and stability on the Continent’. The Preamble further stipulates that the PSC was established with ‘an

operational structure for the effective implementation of the decisions taken in the areas of conflict prevention, peace-making, peace support operations and intervention, as well as peace-building and post-conflict reconstruction’.

The PSC Protocol defines the PSC in its Article 2(1) ‘as a standing decision-making organ for the prevention, management and resolution of conflicts’. It further provides that the PSC ‘shall be a collective security and early-warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa.’ The measures, means and mechanisms for the implementation of the PSC’s mandate are envisaged in the various provisions contained in Articles 3 to 7 and 9 of the PSC Protocol.

In terms of prevention, the PSC is authorized to

- ‘anticipate and prevent conflicts’ (Art. 3 (b));
- ‘initiate early response to contain crisis situations so as to prevent them from developing into full-blown conflicts’ (Art. 4 (b)); and
- ‘anticipate and prevent disputes and conflicts as well as policies that may lead to genocide and crimes against humanity’ (Art. 7 (1) (a)).

To this end, the PSC may resort to the use of ‘early warning and preventive diplomacy’ (Art. 6 (b)) or ‘initiatives and action it deems appropriate with regard to situations of potential conflict’ (Art. 9(1)).

Both to initiate and implement the Council’s role in anticipation and prevention of conflicts/disputes/crisis situations/policies that may lead to genocide and crimes against humanity, the PSC can act through ‘the collective intervention of the Council itself, or through its Chairperson and/or the Chairperson of the Commission, the

Panel of the Wise, and/or in collaboration with the Regional Mechanisms’ (Art. 9(2)). The PSC Protocol also provides for an established mechanism, by way of the Continental Early Warning System, to assist the PSC in the ‘anticipation and prevention of conflicts’ (Art. 12 (1)).

As part of its (structural) conflict prevention role, the PSC is mandated to ‘promote and encourage democratic practices, good governance and the rule of law, protect human rights and fundamental freedoms, respect for the sanctity of human life and international humanitarian law’ (Art. 3 (f)). Within this framework, it is tasked to follow up ‘the progress towards the promotion of democratic practices, good governance, the rule of law, protection of human rights and fundamental freedoms, respect for the sanctity of human life and international humanitarian law by Member States’ (Art. 7 (1)(m)).

The prevention mandate of the PSC additionally extends to ‘terrorism’ (Art. 3(d)) and ‘the implementation of the OAU Convention on the Prevention and Combating of Terrorism and other relevant international, continental and regional conventions and instruments and harmonize and coordinate efforts at regional and continental levels to combat international terrorism’ (Art. 4 (i)). Additionally, it also entails the promotion of ‘the implementation of OAU/AU, UN and other relevant international Conventions and Treaties on arms control and disarmament’ (Art. 7(1)(n)). By the PSC’s own admission, the conflict prevention role has as yet to be properly operationalized.

In terms of conflict management and resolution, the PSC is mandated to ‘undertake peace-making and peace-building functions for the resolution of these conflicts’ (Art. 3 (b) and Art. 7(1)(b)). The mandate of the PSC in conflict management and resolution involves ‘peace support operations and intervention’ (Art. 6(d)).

Additionally, the PSC mandate covers ‘peace-building and post-conflict reconstruction’ (Art. 6(e)) and ‘humanitarian action and disaster management’ (Art. 6(f)). To this end, the PSC may take initiatives ‘to promote and implement peace-building and post-conflict reconstruction activities to consolidate peace and prevent the resurgence of violence’ (Art. 3(c)). The modalities for the implementation of this mandate (on peacebuilding and humanitarian action) are provided for in Articles 14 and 15 of the PSC Protocol. The AU has also adopted a policy on Post-Conflict Reconstruction and Development in 2006.

To guide its work in the implementation of its mandate in conflict prevention, management, resolution and post-conflict peace building, the PSC has adopted its Rules of Procedures upon its operationalization in 2004. This has been supplemented with the conclusions of the various retreats of the PSC on its working methods which have been consolidated into a single text and adopted by the PSC as the Manual on the PSC Working Methods in June 2019. The PSC convened first retreat in Dakar, Senegal in 2007 in order to cover the gaps identified by the PSC with respect to its working methods.

For purposes of its mandate, the PSC is also endowed with operational structures for supporting it and implementing its decisions as envisaged in Article 2(2) of the Protocol. As stipulated in Article 8(5), the PSC ‘may establish such subsidiary bodies as it deems necessary for the performance of its functions’, which may include ‘ad hoc committees for mediation, conciliation or enquiry, consisting of an individual State or group of States’. Additionally, the PSC can also draw on ‘such military, legal and other forms of expertise as it may require for the performance of its functions.’

Member states' obligation towards the PSC

The mandate of the PSC under the PSC Protocol is legally vested in it by Member States and is intended to have a legally binding effect on all States Parties to the PSC Protocol. Accordingly, under Article 7(2) Member States 'agree that in carrying out its duties under the present Protocol, the Peace and Security Council acts on their behalf.' To this end, they 'shall extend full cooperation to, and facilitate action by the Peace and Security Council for the prevention, management and resolution of crises and conflicts, pursuant to the duties entrusted to it under the present Protocol.' (Art. 7(4))

What happens if a member state fails to comply with its Article 7(2) & (4) obligations is not provided for in the PSC Protocol. It is worth noting that there is no provision in the PSC Protocol that mandates the PSC to apply sanctions for cases other than those that constitute unconstitutional changes of government. However, Article 7(3) envisages that member states 'agree to accept and implement the decisions of the Peace and Security Council, in accordance with the Constitutive Act.' The reference to the Constitutive Act can be considered as envisaging the possible application of Article 23(2) of the Constitutive Act, which stipulates that 'any Member State that fails to comply with the decisions and policies of the Union may be subjected to other sanctions, such as the denial of transport and communications links with other Member States, and other measures of a political and economic nature to be determined by the Assembly.' No procedure has as yet been established through the decision of the PSC or the AU Assembly on whether and how this could be done.

1.4 Powers and functions of the PSC

In order to deliver on its broad mandate on conflict prevention, management, resolution and post-conflict peacebuilding, the PSC is given powers and functions which allow it to engage in a wide range of roles and responsibilities. These cover the broad spectrum of the full conflict cycle as well as thematic issues.

Promotional power

This is the first power of the PSC under Article 6(a) of the Protocol. This promotional power of the PSC covers in specific terms the advocacy responsibility entrusted to it under the Protocol to ensure peace, security and stability are promoted and relevant AU instruments are implemented. This can be gleaned, for example, from Article 7(1) (i), (m) & (n) of the PSC Protocol. In this respect, the PSC has been advocating AU's common positions and interests on peace and security issues. The PSC has also deployed this power through, among others, identifying thematic issues that regularly feature on its agenda and coordinating its functions with relevant AU bodies such as the African Commission on Human and Peoples' Rights, the Pan-African Parliament, African Peer Review Mechanism or the AU Anti-Corruption Board. To advance African common positions and interests on peace and security within the UN Security Council, from time to time the PSC has also been providing guidance to the African three (A3) members of the UNSC.

Preventive power

Drawing on its mandate on conflict prevention, the PSC is vested with the power to 'anticipate and prevent' 'conflicts' (Art. 3 (b)) or 'disputes and conflicts as well as policies that may lead to genocide and crimes against humanity' (Art 7(a)). It also has the power 'to initiate early response to contain crisis situations so as to prevent them from developing into full-blown conflicts' (Art. 4 (b)).

Additionally, it ‘shall also take all measures that are required in order to prevent a conflict for which a settlement has already been reached from escalating’ (Art. 9(1)).

Obligation of member states regarding conflict prevention role of the PSC

Under the PSC Protocol, Member States have assumed specific binding legal obligation to cooperate with the PSC with respect to its conflict prevention role by ‘commit(ing) themselves to facilitate early action by the Peace and Security Council and or the Chairperson of the Commission based on early warning information.’ (Art. 12 (6)).

To this end, the PSC may resort to the use of ‘early warning and preventive deployment’ (Art. 6 (b)) or ‘initiatives and action it deems appropriate with regard to situations of potential conflict’ (Art. 9(1)). Both to initiate and implement the Council’s role in anticipation and prevention of conflicts/disputes/crisis situations/policies that may lead to genocide and crimes against humanity, the PSC can act through ‘the collective intervention of the Council itself, or through its Chairperson and/or the Chairperson of the Commission, the Panel of the Wise, and/or in collaboration with the Regional Mechanisms’ (Art. 9(2)). The PSC Protocol also provides for an established mechanism, by way of the Continental Early Warning System, to assist the PSC in the ‘anticipation and prevention of conflicts’ (Art. 12 (1)). On several occasions, the PSC engaged the Panel of the Wise and the AU Commission on its conflict prevention efforts on the continent.

In Some situations, the PSC undertook field missions with a view to contributing to de-escalate or prevent a crisis threatening to erupt into full blown conflict. In June 2019, the PSC dispatched its Troika to Guinea Bissau as part of its prevention efforts. In 2015, the

Chairperson of the Commission also brought to the attention of the PSC the situation in Burundi for conflict prevention purposes.

Means to anticipate and prevent conflicts and/or policies that may lead to genocide and crimes against humanity

- Through the collective intervention of the Council itself, or through its Chairperson and/or the Chairperson of the Commission, the Panel of the Wise, and/or in collaboration with the Regional Mechanisms (Art. 9(2).

The collective intervention of the Council has been used in various cases particularly for purposes of situations already on its agenda. Such has been the case when the PSC acted on the situation in Madagascar in 2018 and in Guinea Bissau in 2019. PSC action through the AU Commission Chairperson, the Panel of the Wise and/or in collaboration with RECs/RMs is not uncommon as well.

It is not common for the PSC to take action through its Chairperson.

Conciliatory, investigative, peace-making and peacekeeping power

Within the framework of its conflict management and resolution mandate, the PSC may resort to various methods including ‘the use of good offices, mediation, conciliation and enquiry’ (Art. 6(c)). While good offices and mediation are commonly used, the use of enquiry or investigation is used infrequently. In recent years, the PSC requested the Chairperson of the Commission to constitute a commission of inquiry with respect to the South Sudan conflict that erupted in 2013. Similarly, in 2015 the PSC also tasked the African Commission on Human and Peoples’ Rights to undertake investigations into the human rights violations that took place in the course of the 2015 crisis in Burundi. The findings of these

investigations have been presented to the PSC for its follow up action. Even less frequent than enquiry or investigation is the use of conciliation.

Conciliation

Conciliation involves a process whereby parties agree to submit a dispute between them to a mechanism that has been set up by them to undertake an objective investigation and evaluation of all aspects of the dispute and propose specific non-binding recommendations as to how the dispute could be resolved. From the experience thus far, one example of the use of conciliation was the use of the AU Team of Experts on the South Sudan and Sudan Border Dispute, established in 2012. When negotiating on the post-secession agreement signed in September 2012, Sudan and South Sudan accepted to refer their dispute over the five disputed border areas to a Team of Experts that was established under the AU High-Level Implementation Panel. The Team had the responsibility of reviewing all legal and material factors and submit its legal opinion on the resolution of the boundary dispute relating to the five border areas. The legal authority of this process was based on the PSC communiqué of its 329th session held on 3 August 2012, which under its paragraph 7(5) welcomed ‘the agreement for the establishment of a Panel of Experts to provide an authoritative, non-binding opinion on the status of disputed areas.’

The peace-making power of the PSC is perhaps one of the most common and well-established powers it has under the PSC protocol. Within this framework, the PSC on its own or through the AU Commission Chairperson or in collaboration with other AU institutions, RECs/RMs or the UN, has deployed various peace-making efforts. These include the mediation or peace-making processes in many of the crisis situations on the agenda of the PSC including Darfur, Sudan-South Sudan, Somalia, Comoros, Guinea,

Madagascar, Kenya, Cote d'Ivoire, Mali, Libya, Egypt, DRC and CAR. These processes have taken different forms such as ad hoc panels (the high-level ad hoc panels for Cote d'Ivoire and Libya), high level panels (the AU high level panels for Sudan and Egypt), chief mediators of the AU or special representatives of the Chairperson of the AU Commission (in Darfur, Comoros, Madagascar, Somalia, Mali and CAR). Ad hoc committees have also been established in relation to the situations in Cote d'Ivoire, Libya and South Sudan. On various occasions, these mediation or peace-making frameworks are combined with and supplemented by a country specific International Contact Group. The special and high representatives of the Chairperson of the Commission and the ad hoc committees support the work of the PSC in mediation and peace-making.

As part of its conflict management and resolution mandate, the PSC is additionally vested with peacekeeping power. Accordingly, the PSC is empowered to 'authorize the mounting and deployment of peace support missions' (Art. 7(1)(c)). Although the PSC Protocol envisages the establishment of the African Standby Force (ASF) as the mechanism for the implementation of the peace support missions and intervention mandate of the PSC under Article 13 of the Protocol, the PSC authorized and oversaw the operation of a number of peace support operations outside of the ASF framework pending the full operationalization of the ASF. Indeed, the PSC authorized the deployment of the first AU mission under its authority at its 10th session in May 2004, long before the launch of the various phases of the development of the ASF.

The PSC also has the power to take 'humanitarian action and post-conflict reconstruction'. In this regard, two missions have been mandated thus far, both in the context of health epidemic. First, during its 450th session held on 19 August 2014, the PSC decided to authorize the immediate deployment of an AU-led Military and Civilian Humanitarian Mission, following the emergency situation

caused by the outbreak of Ebola. The African Union Support to the Ebola Outbreak in West Africa (ASEOWA) provided the much-needed support in the fight against Ebola in Guinea, Sierra Leone, and Liberia. Second, during 86th meeting held on 23 July 2019, the PSC also decided to authorize the immediate deployment of an AU Mission Against Ebola in DRC (MAEC) in response to the emergency situation caused by the outbreak of Ebola.

The power to institute sanctions

Within the framework of its conflict management and resolution mandate, the PSC is also vested with the power of taking punitive measures. It is thus authorized to ‘institute sanctions whenever an unconstitutional change of government takes place in a Member State, as provided for in the Lomé Declaration’ (Art. 7(1)(g)). The application of sanctions in cases of unconstitutional changes of government has been one of the areas of the mandate of the PSC in respect of which it has developed a comparatively consistent practice.

Between 2003 and 2020 the AU adopted such measures against Central African Republic (2003 & 2013), Mauritania (2005 & 2008), Togo (2005), Guinea (2008), Madagascar (2009), Niger (2010), Guinea Bissau (2012), Mali (2012 and 2020), Egypt (2013), Burkina Faso (2015), and Sudan (2019). The AU also imposed similar sanctions on Cote d’Ivoire (2010) following the refusal of its incumbent president Laurent Gbagbo to relinquish power after his defeat at the 2010 elections. Additionally, in response to the unilateral secessionist rebellion of Anjouan Island of Comoros and the attendant constitutional crisis, the AU imposed sanctions. In all these cases of unconstitutional changes of government, the most common form of sanction that the PSC imposes is suspension of the state concerned from participation in the activities of the AU.

Sanctions in cases other than those involving unconstitutional changes of government

The first instance in which the PSC imposed sanction in a context other than unconstitutional change of government was in the context of the crisis in Comoros. At its 95th session held on 10 October 2007, the PSC imposed travel restrictions, asset freeze, and monitoring of sea and air transport on the authorities of the Anjouan Island of the Union of Comoros.

Generally, the power of the PSC to instituting sanctions as specifically enunciated in the relevant instruments is limited to situations of unconstitutional changes of government. There are no provisions similar to that of unconstitutional changes of government that authorize the PSC to impose punitive measures in other conflict or crisis situations except by reference to Article 7(3) of the PSC Protocol read together with Article 23(2) of the Constitutive Act.

Indeed, there has been various instances in which the PSC expressed its intentions for taking punitive measures against groups identified as ‘spoilers of peace’ in conflict situations or for failure to comply with its decisions. As such, although there is no framework for the PSC to take sanction for cases other than unconstitutional changes of government, there is an emerging practice whereby the PSC supports sanction measures taken by Regional Economic Communities/Regional Mechanisms (RECs/RMs). As early as its 163rd session on Somalia, the PSC endorsed the decision of IGAD to impose targeted sanctions. Another more recent example is the 720th meeting of the PSC in which the PSC expressed its readiness to impose sanctions/punitive measures against those that obstruct the peace process in South Sudan, in line with the decision of the 31st Extraordinary Summit of IGAD. At its 868th session on the CAR, the PSC also warned those that obstruct the peace process in the country indicating its readiness to consider appropriate punitive measures.

In recognition of the need for equipping the PSC with the means for instituting sanctions for situations other than unconstitutional changes of government, one of the proposals of the PSC's retreat in Cairo, Egypt held in October 2018 was 'empowering the PSC for it to be able to institute individual punitive measures against peace spoiler/obstructionists to (sic) realization/restoration of peace in conflict situations.' Yet, the establishment of a sanction's regime remains an area for which there is no clear plan for making progress.

Power to propose Art.4(h) intervention

The PSC has the power to 'recommend to the Assembly, pursuant to Article 4(h) of the Constitutive Act, intervention, on behalf of the Union, in a Member State in respect of grave circumstances, namely war crimes, genocide and crimes against humanity, as defined in relevant international conventions and instruments' (Art. 7(1)(e)).

The major departure from OAU to AU as well from PSC's predecessor the Central Organ is the introduction of Article 4 (h) premised on the principle of non-indifference. This particular provision in the AU Constitutive Act allows the AU to intervene in a Member State where there are cases of war crimes, genocide and crimes against humanity. As noted above, the power to initiate the process of applying Article 4(h) is vested in the PSC. Although reference has been made in PSC outcome documents to cases of war crimes or crimes against humanity such as in relation to the Darfur conflict or in the report of the AU Commission of Inquiry on South Sudan established by the PSC, Article 4(h) was never directly used. Since its establishment the PSC was able to invoke explicitly Article 4(h) only once, in December 2015 at its 565th session in relation to the crisis in Burundi, although this decision was not followed up due to, among others, lack of endorsement at the level of the PSC Heads of State and Government and the AU Assembly (discussed further in a subsequent part of the Handbook).

Post-conflict reconstruction and development

As a body whose mandate covers the full spectrum of promotion and maintenance of peace and security, the PSC is also assigned specific power in the areas of post-conflict reconstruction and development with a view to prevent relapse of countries in transition back to conflict. Article 9(1) provides that the PSC ‘shall take all measures that are required in order to prevent a conflict for which a settlement has already been reached from escalating.’

In this respect, the scope that the power and responsibility of the PSC covers include ‘consolidation of peace agreements that have been negotiated; the establishment of conditions for political, social and economic reconstruction of the society and government institutions; the implementation of disarmament, demobilization and reintegration programmes, including those relating to child soldiers; the settlement and reintegration of refugees and internally displaced persons; and the provision of assistance to vulnerable persons including children, the elderly, women, and other traumatized groups in the society.’¹⁰ The PSC has been actively engaging countries coming out of conflicts in order to support the building of institutions and foster reconstruction efforts. In this context, it has tasked the AU Commission to provide technical assistance to these countries.

1.5 Composition of the PSC

The PSC has 15 members. All AU Member States Parties to the PSC Protocol are eligible for membership of the PSC. As stipulated in Article 5(1) of the PSC Protocol, the 15 members ‘are elected on the basis of equal rights.’ The first members of the PSC were elected by the Executive Council, in pursuance of the decision adopted by the Assembly in Maputo, in 2003, during its 4th Ordinary Session held in Addis Ababa, in March 2004. As at the end of December 2020,

¹⁰ Solemn Declaration on a Common African Defense and Security Policy, para 22.

52 of the 55 member states of the AU are parties to the PSC Protocol.¹¹ Following the elections held in February 2020, out of the 52 States Parties to the PSC Protocol, the number of States that served as members of the PSC reached 42.

In line with the principle of sovereign equality of states that informed the membership of the PSC, all members of the PSC also have equal voting powers. As an option rejected at the time of the adoption of the PSC Protocol, there are no permanent members in the Council. However, Nigeria has kept its membership in the Council since the inception of the PSC in 2004. With the three-year term seat of the West Africa region reserved to it through ECOWAS decision, Nigeria has actually become a de facto permanent member of the Council. There are also no veto holding powers in the PSC.

Two forms of term of membership in the PSC

As envisaged under Article 5(1) of the PSC Protocol, the term of membership in the PSC takes two forms:

- Five members are elected for three years term
- Ten members are elected for two years term.

The 15 seats in the PSC are allocated among the five geographic regions of Africa as defined by the OAU in 1976.

All members are elected by the AU Executive Council and endorsed by the AU Assembly during its ordinary sessions. While rotation based on regional arrangement is one of the principles that governs PSC membership, the PSC Protocol does not prevent any PSC Member State from seeking re-election repeatedly.

¹¹ The three countries that are not yet parties to the Protocol are Cabo Verde, Democratic Republic of Congo and South Sudan.

The PSC Protocol and the Modalities for the Election of Members of the PSC provide for the criteria for membership of the PSC. These criteria for membership consist of two sets of requirements that candidates for membership in the PSC are expected to meet: a) representation and rotation and b) qualitative requirements. The application of these criteria is discussed further in the sub-sections below.

Additionally, Article 5 of the Modalities for the Election of Members of the PSC stipulates that, membership is available only to states ‘which have ratified the (PSC) Protocol’ and ‘are not affected by sanctions in terms of Article 23 of the Constitutive Act’.

Disqualification for and from PSC membership

It is established under the PSC Protocol that all AU member States Parties to the PSC Protocol are eligible to PSC membership. The ‘Modalities for the Election of the Members of the Peace and Security Council’ further stipulates that only States Parties to the PSC Protocol that are not affected by sanctions as per Article 23 of the Constitutive Act are eligible. Similarly, where a State Party to the PSC Protocol is under AU sanction in Article 7(1)(g) of the PSC Protocol, it would also be disqualified for election to the PSC. In the same vein, the practice of the PSC shows that where a state that is a member of the PSC is sanctioned either under Article 23 of the AU Constitutive Act or Article 7(1)(g) of the PSC Protocol, its membership in the PSC would automatically become suspended.

The case of Mali

In 2012 Mali was a member of the PSC when a military coup ousted its elected Government in March that year. The PSC, acting on its authority under Article 7 (1) (g), imposed sanctions against Mali, suspending the country from participation in the activities of the AU. This resulted in the suspension of Mali from its participation in the PSC. As a result, the PSC operated with only 14 of its members for most of the year.

1.5.1 Representation and rotation

Article 5(2) of the PSC Protocol stipulates that the election to the membership of the PSC has to be according to the principle of 'equitable regional representation and rotation'. Following the requirement of regional representation, the 15 seats in the PSC are allocated on the basis of the five regions of the AU that were defined by the OAU in 1976. The distribution of seats among the five regions as provided for in Article 4(a) of the Modalities for the Election of Members of the Peace and Security Council is as follows:

- Central Africa: three seats
- Eastern Africa: three seats
- Northern Africa: two seats
- Southern Africa: three seats
- Western Africa: four seats

This distribution of seats on the basis of the OAU definition of the five geographic regions with their unequal membership shows that while the East Africa region with 14 member states is allocated three seats, North Africa with seven member states has two seats.

Five Geographic Regions of the AU

- Northern Africa: Algeria, Egypt, Libya, Mauritania, Morocco, Tunisia and Saharawi Arab Democratic Republic
- Western Africa: Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo
- Central Africa: Burundi, Cameroon, Central African Republic, Chad, Congo, Democratic Republic of Congo, Equatorial Guinea, Gabon and Sao Tome & Principe
- Eastern Africa: Comoros, Djibouti, Eritrea, Ethiopia, Kenya, Madagascar, Mauritius, Rwanda, Seychelles, Somalia, Sudan, South Sudan, Tanzania and Uganda
- Southern Africa: Angola, Botswana, Lesotho, Malawi, Mozambique, Namibia, South Africa, Eswatini, Zambia and Zimbabwe

The principle of regional representation also entails that candidatures for election to the PSC are drawn on regional basis. Regions consider the applications of the countries intending to be members of the PSC. Some regions have put a mechanism on how their member states can rotate for membership in the PSC. In those cases where there is no agreement among the countries in the region as to which of those that expressed interest to be members of the PSC could be candidates, all those seeking membership submit their candidature to the Executive Council for election. The 15 members of the PSC are elected from candidates of the five regions of the AU in proportion to the number of seats assigned to each of the five regions.

The principle of rotation entails that candidacy for election to, and membership in, the PSC should be available evenly for all States Parties to the PSC protocol. This has allowed 42 of the 52 State Parties to the PSC Protocol to become members of the PSC during the nearly 17 years existence of the PSC. Yet, the role of the principle of rotation is subject to the provision on re-election. It can also be limited by the decision of the members of each of the five regions on how to determine assignment of the seats allocated for its regional representation.

States Parties to the PSC Protocol with no membership history

Central African Republic, Comoros, Eritrea, Guinea Bissau, Madagascar, Mauritius, Saharawi Arab Democratic Republic, Sao Tome and Principe, Seychelles and Somalia.

Previous PSC members between 2004-2020

As the trend of PSC membership in the last 17 years reflected in the table below demonstrates, the application of the principle of rotation shows relative variation across the five regions of the AU. Southern Africa is the region where the principle of rotation has been applied more consistently. Accordingly, all the ten member states of the region have, ones or more, served as a member of the PSC. This also

Region	Country	Term
Central Africa	Burundi	2008–12, 14-16, 16-18, 19-22
	Cameroon	2004–08 12-14
	Chad	2008–12,14-16 16-18
	Congo Republic	2004–08 12-14, 16-19
	Equatorial Guinea	2010–13 13-16, 18-20
	Gabon	2004-10, 18-20
Eastern Africa	Djibouti	2010–12, 12-14, 18-20
	Ethiopia	2004–07, 07-10, 14-16
	Kenya	2004–06, 10-13, 16-19, 19-22
	Rwanda	2006-10, 10-12 16-18, 18-20
	Sudan	2004–06
	Tanzania	2012–14, 14-16
Uganda	2006–10, 13-16, 16-18	
Northern Africa	Algeria	2004–10, 13-16, 16-18, 19-22
	Egypt	2006–08, 12-14, 16-19
	Libya	2004–06, 10-13, 14-16
	Mauritania	2010–12
	Morocco	2018-20
	Tunisia	2008–10
Southern Africa	Angola	2012–14, 18-20
	Botswana	2006–08, 16-18
	Eswatini	2008–10
	Lesotho	2004–06, 12-14, 19-22
	Malawi	2006–08
	Mozambique	2004–06, 13-16
	Namibia	2010–12, 14-16
	South Africa	2004–07, 10-12, 14-16, 16-18
	Zambia	2008–10, 16-19
Zimbabwe	2010–13, 18-20	

continued to next page...

Western Africa	Benin	2008–12, 20-21
	Burkina Faso	2006-10
	Côte d’Ivoire	2010–12, 12-14
	Gambia	2012–14, 14-16
	Ghana	2004–08, 20-21
	Guinea	2012–14, 14-16
	Liberia	18-20
	Mali	2008–10-12
	Niger	2014–16, 16-18
	Nigeria	2004–10, 10-16, 16-22
Senegal	2004–08, 20-21	
Sierra Leone	2016–18, 18-20	
Togo	2004–06, 16-18, 18-20	

reflects the fact that all the ten member states of the region are states parties to the PSC Protocol. As of the latest PSC election of February 2020, all countries from the region, with the exception of eSwatini, have been members of the PSC twice. South Africa was a member of the PSC three times.

In West Africa, the members have agreed to reserve the three-year term seat for Nigeria, hence only the three seats for two-year term allocated for the region have been rotating among member states of the region. On the basis of the rotation for the three seats, 13 of the 15 members of the West Africa region (of which Cabo Verde is not eligible on account of not being a party to the PSC Protocol) have served in the PSC. Only one State Party of this region, namely Guinea Bissau, has never been a member of the PSC. Out of the 13, seven (namely Cote d’Ivoire, the Gambia, Guinea, Niger, Burkina Faso, Mali and Sierra Leone) have served twice following the last PSC election in February 2020.

In the North, six of the seven member states of the region have been members of the PSC. Saharawi Arab Democratic Republic has never been a member of the PSC. While Mauritania, Morocco and Tunisia

served as members ones, the other three have served at least twice. Algeria has been able to be re-elected continuously since 2004, except for the three years interval between 2010-13.

In Central Africa, six of the nine member states of the region (DRC is not eligible on account of not being party to the PSC Protocol) have been members. Central African Republic and Sao Tome and Principe have never been members of the PSC. Although Gabon, one of the first members of the Council from the region, maintained its three-year term for two rounds, it was absent from the PSC until its return in 2018 after 10 years. During those years Burundi and Equatorial Guinea have alternated in serving for the three-year term. Currently, Burundi is serving its 5th membership in the PSC.

In East Africa, only seven of the 14 member states of the region have been members of the PSC (South Sudan is not eligible as it is not yet party to the PSC Protocol). This is the region that has the largest number of member states with no history of membership in the PSC. Comoros, Eritrea, Madagascar, Mauritius, Seychelles and Somalia have never been members of the PSC, although Eritrea sought to be elected into the PSC on several occasions. From the seven with previous experience of membership in the PSC, all except Sudan have served a minimum of two terms. The three-year term seat of the region has rotated among Ethiopia, Kenya and Uganda. Kenya is currently serving its 4th membership in the PSC.

AU Member states not yet party to the PSC Protocol

1. Cape Verde
2. Democratic Republic of Congo
3. South Sudan

1.5.2 Article 5(2) requirements for membership

In addition to regional representation and rotation, the PSC protocol and the Modalities on the Election of members of the PSC (Articles

4(b) & 6) provide for qualitative requirements as further criteria that need to be met by eligible candidates for the Council, which are outlined in Article 5(2). These constitute the second set of criteria for PSC membership.

These criteria are:

- 1 commitment to uphold the principles of the Union;
- 2 contribution to the promotion and maintenance of peace and security in Africa – in this respect, experience in peace support operations would be an added advantage;
- 3 capacity and commitment to shoulder the responsibilities entailed in membership;
- 4 participation in conflict resolution, peace-making and peacebuilding at regional and continental levels;
- 5 willingness and ability to take up responsibility for regional and continental conflict resolution initiatives;
- 6 contribution to the Peace Fund and/or Special Fund created for specific purpose;
- 7 respect for constitutional governance, in accordance with the Lomé Declaration, as well as the rule of law and human rights;
- 8 having sufficiently staffed and equipped Permanent Missions at the Headquarters of the Union and the United Nations, to be able to shoulder the responsibilities which go with the membership; and
- 9 commitment to honour financial obligations to the Union.

Article 5(4) of the Protocol further reinforces the application of the set criteria and has tasked the Assembly to periodically review the extent to which the Members of the PSC ‘continue to meet the requirements spelt out in article 5 (2) and to take action as appropriate’.

However, the election of members of the PSC has not strictly adhered to the above criteria. The practice of the election of members of the PSC for the past 17 years shows that, usually candidature for election and the election to the PSC are based principally, if not exclusively, on the principles of regional representation and rotation (see current members of the PSC below).

On this issue of effective membership, the Conclusions of the Yaoundé retreat of the PSC (held on 15-16 November 2012) in paragraph 5 ‘stressed the need for effective membership in the Council, including satisfying its obligations as elaborated in Article 5 (2) of the PSC Protocol’. Paragraph 16 of the Conclusions of the Djibouti Retreat went further expressing the Council’s strong emphasis on ‘the need for both current and prospective members to be mindful of the necessity of strictly adhering to the requirements of Article 5 (2) of the PSC Protocol’. The Conclusions of the Djibouti Retreat under its paragraph 16 additionally envisaged a decision of the PSC ‘to request the Assembly to review after every one (1) year the extent to which Members of the PSC continue to meet the requirements spelt out in Article 5(2)’. Although the Conclusions of the Kigali Retreat of the PSC sought to operationalizing this by tasking the PSC Committee of Experts to make proposals ‘to review the compliance of members in meeting the requirements for effective membership in the PSC in accordance with Article 5(2) of the PSC Protocol’, this is yet to be acted on.

On the imperative of effective membership, the Manual on the PSC Working Methods states that

Each Member of the PSC is required to have a sufficiently staffed and equipped Permanent Mission to the African Union to be able to actively participate in all PSC meetings and other PSC activities, in line with Article 5(2)(h) of the PSC Protocol. (para.14)

There are two issues in respect of the implementation of Article 5(2) criteria. First, there is the need for follow up on the provisions specified in the Manual on the PSC Working Methods taken from the proposals in the conclusions of the Yaoundé and Djibouti retreats. Second and related to the first is that the modalities for giving effect to these decisions have not been established. Despite the fact that the Assembly is entrusted with the power to review compliance with these criteria, it is not clear how this can be done in practice.

In 2020, there were some developments exhibiting tendencies of lack of observance of the requirements for effective membership in the PSC, including that specified in paragraph 14 of the Manual on the PSC Working Methods. Benin closed its Embassy in Addis Ababa despite the clear stipulations of Article 5(2)(h) of the PSC protocol. Out of the 15 member states of the PSC, 5 have remained without accredited Ambassadors to the AU for several months. These developments adversely affected the PSC, among others, in terms of the preparation of monthly program of work and effective participation of members in its sessions. The PSC was also unable to follow the rotation of the monthly chairperson according to the alphabetical order.

1.5.3 Current membership of the PSC

The 2020 membership of the PSC is based on the elections from 2019 and 2020.¹² In 2019, five members that were elected for three years term by the Executive Council and appointed by the Assembly in February began their term on 1 April 2019 [Assembly/AU/Dec.742(XXXII)].

On the other hand, in February 2020, 10 members were elected for two-year term [Assembly/AU/Dec.785(XXXIII)] as shown in the table below and assumed their membership on 1 April 2020.

¹² Amani Africa, Update on the 2020 PSC elections, *Insights on the Peace and Security Council* (10 February 2020).

PSC members elected for two-year term in February 2020

Region	States whose term starts in April 2020
Central Africa	Cameroon and Chad
East Africa	Djibouti and Ethiopia
North Africa	Egypt
Southern Africa	Malawi and Mozambique
West Africa	Benin, Ghana and Senegal

The following table shows the current members of the council serving until March 2022.

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

PART TWO: PSC DECISION-MAKING PROCESS

This part presents the procedures, practices and traditions of the PSC with respect to its decision-making process. These are drawn from the PSC Protocol, the Rules of Procedure of the PSC, the Conclusions of the Retreats of the PSC, the Manual on PSC Working Methods and the outputs from various PSC meetings and activities. Accordingly, the Handbook in this part covers the rules, practices and traditions relating to agenda setting, organization of work of the PSC, format of decision-making and outcome of PSC meetings, convening and proceedings of PSC sessions, drafting of outcome documents, and consideration of and negotiation on outcome documents.

2.1 Agenda setting

The PSC Protocol envisages various avenues through which an item is placed on the agenda of the PSC. Article 8(7) provides that the ‘the inclusion of any item in the provisional agenda may not be opposed by a Member State’.

The Chairperson of the PSC

- Article 8(7) of the PSC Protocol states that the ‘[p]rovisional agenda of the Peace and Security Council shall be determined by the Chairperson of the Peace and Security Council’.
- Rule 6 of the Rules of Procedure provides for the same.

In practice, it is through the preparation of the monthly provisional program of work, as envisaged in paragraph 12 of the Manual of PSC Working Methods, that the Chairperson of the PSC determines the items to be included on the agenda of the PSC. The Annual Indicative Program of Work of the PSC provides the basis of what needs to be included in the monthly provisional program of work. The Chairperson of the PSC has the autonomy, working closely with other

members of the PSC, to add any other items deemed fit for the PSC to address.

The Chairperson of the AU Commission

- Article 8(7) envisages that the provisional agenda of the PSC ‘shall be determined ... on the basis of proposals submitted by the Chairperson of the Commission’.
- Article 10 (2) (a) of the PSC Protocol further stipulates that the Chairperson of the Commission ‘shall bring to the attention of the Peace and Security Council any matter, which in his/her opinion, may threaten peace, security and stability in the continent’.

There are two ways through which this role of the AUC Chairperson can be implemented. First, this can be done through the Continental Early Warning System. According to Article 12(5) of the PSC Protocol, the Chairperson of the Commission ‘shall use the information gathered through the Early Warning System timeously to advise the Peace and Security Council on potential conflicts and threats to peace and security in Africa and recommend the best course of action.’

Second, the exercise of the AUC Chairperson’s role to propose an item on the agenda of the PSC can be done through the Commissioner for Peace and Security, who is designated under Article 10(4) of the PSC Protocol to assist the Chairperson of the Commission in the discharge of the latter’s functions as they relate to peace and security. In practice, this is the most common avenue through which the Chairperson of the Commission gets the PSC seized with an agenda item, through the instrumentality of the PSC Secretariat (Article 10(4)). For example, the Chairperson of the Commission requested the PSC to look into the situation in Burundi in 2015.

Member States

- Article 8(7) states that the provisional agenda of the PSC ‘shall be determined ... on the basis of proposals submitted by ... Member States.’

Member States as defined in Article 1 (i) of the PSC Protocol ‘shall mean Member States of the African Union’. As such, any state AU member state could propose an item to be included on the agenda of the PSC.

Rule 6(2) read with Rule 4(2)(b) of the Rules of Procedure shows that member states of the PSC are singled out for proposing to the PSC Chairperson an item for inclusion into the agenda of the PSC. Member states of the PSC are also consulted during the course of the preparation by the PSC Chairperson of the monthly program of work of the PSC. Member states also play role in shaping the agenda of the PSC through the Committee of Experts of the PSC, who supports ‘the incoming chairperson of the month in aligning the Program and ensuring that mandatory and previously agreed activities are accommodated’.

The Manual on Working Methods of the PSC states that any ‘PSC Member has a right to propose an agenda item during the consideration and adoption of the meeting agenda.’ It adds that the ‘addition of an agenda item that might be substantive is subject for discussion.’ (para. 17)

It is important to note that both the PSC Protocol and the Rules of Procedure stipulate that the inclusion of any item in the provisional agenda may not be opposed by any member state.

Examples of agenda items proposed by member states

The PSC included on its agenda the maritime boundary dispute between Kenya and Somalia on its agenda in August 2019 on the request of Kenya. Similarly, it was on the request of a member state that the PSC decided to include on its program in September 2019 the xenophobic attacks in South Africa that particularly affected nationals of other African states. In 2012, it was at the request of the Democratic Republic of Congo (DRC) that the agenda on the situation in eastern DRC was included in the June 2012 program of work of the PSC. The Gambia through the Chairperson of the AU Commission, requested to be on the agenda of the PSC to get support for post-conflict reconstruction and development process.

Chairperson of the AU

There is no provision in the PSC Protocol envisaging a role for the Chairperson of the AU. Yet, such a provision is contained in the Rules of Procedure of the PSC. One of the actors that can propose an item for consideration by the Chairperson of the PSC for inclusion in the agenda of the PSC under Rule 6(2) included by cross reference is ‘the Chairperson of the African Union’ (Rule 4(2) (a)).

How the PSC sets its agenda

The reading of both the PSC Protocol and the Rules of Procedure of the PSC suggest that the term agenda refers to both the agenda of a session of the PSC and in general all those items of which the PSC is seized and are thus said to be ‘on the agenda of the PSC’. For example, Rule 7(1) of the Rules of Procedure speaks of ‘a list of the items of which the Council is seized’. But the agenda of each PSC meeting ordinarily emanates from the provisional program of work, which has been approved and circulated to all PSC members as well as all AU member states, AU organs, RECs/RMs and presenters.

In practice, the PSC uses, in crafting its agenda, the monthly program of work which itself draws on the annual indicative program of work. A conflict situation or a thematic issue becomes part of the agenda of the PSC when it is included in either or both of these two working documents of the PSC. While the PSC has addressed itself to the situation in Cabo Delgado province of Mozambique as part of a thematic agenda, it added no new country specific situation to its agenda in 2020. The new agenda which featured in a number of monthly programs of the PSC during the year was the impact of the COVID-19 pandemic.

2.2 Organization of work of the PSC

The details on the organisation of the work of the PSC and the conduct of its business are laid down in three instruments. These are the PSC Protocol, the Rules of Procedure of the PSC and the conclusions of the various retreats of the PSC on its working methods, which are now replaced with the Manual on the PSC Working Methods.

Article 8(14) of the PSC provides that the PSC ‘shall submit its own rules of procedure ...for consideration and approval by the Assembly’. The Executive Council, in pursuance of the decision adopted by the Assembly in Maputo, in 2003, adopted the Rules of Procedure of the Council during its 4th Ordinary Session held in Addis Ababa, in March 2004. The Rules of Procedure, made up of 35 Rules, complement the PSC Protocol. The details that the Rules of Procedure cover include format of PSC meetings, quorum, agenda of PSC meetings, the organization and conduct of the proceedings of PSC meetings, the role of the PSC Chairperson, voting and publicity of meetings/records.

The Rules of Procedure provides important guidance on the organization and conduct of business of the PSC. In terms of the inclusion of items on the agenda of the PSC, Rule 6 of the PSC Rules

establishes an important rule holding that, ‘The inclusion of any item on the provisional agenda may not be opposed by a Member State.’

This in principle offers wide avenue for the inclusion of any item. Rule 15 of the Rules of Procedure of the PSC envisages the participation in the PSC meetings of any member state whose interests are specifically affected by the issues discussed. But it also eXtends that right to any regional mechanism or a civil society organisation ‘involved and/or interested in a conflict or situation related to the discussion under consideration by the Council’. The PSC Rules is accordingly important in guiding the work of the PSC. The PSC has relied on its Rules for purposes of convening its meetings and inviting participants to its meetings. While the participation of RECs/RMs in PSC sessions has become institutionalized, the participation of civil society organizations is confined to thematic agenda of the PSC and has as yet to become predictable.

After three years of operation, the PSC adopted in 2007 the Conclusions on its Dakar Retreat establishing the first text on the working methods of the PSC. Informed by the PSC Protocol and the PSC Rules, this first PSC document on its working methods was elaborated on the basis of the practice of the PSC and in an attempt to give guidance on the operationalization of parts of the PSC Protocol that were not in full operation at the time. The issues addressed in the Dakar conclusions include provisions on the preparation of the monthly programme of work and the agenda for meetings of the PSC, the (procedures of) the proceedings of PSC sessions, the preparation/drafting of outcome documents, the consideration and negotiation over outcome documents and the division of responsibilities with respect to all of these items between the PSC and the AU Commission.

It was indicated above that the agenda of the PSC is drawn up through the elaboration and adoption of the monthly and annual programs of work of the PSC. This has been established through the

practice of the PSC. In the following paragraphs the process of preparation of these programs is described.

2.2.1 Annual indicative program of work

There is no provision either in the PSC Protocol or in the PSC Rules that provides for the preparation of Annual Indicative Program of Work of the PSC. This was first established in the Conclusions of the Dakar Retreat of the PSC on its Working Methods. During the past five years, the elaboration and adoption of Annual Indicative Program of Work of the PSC has increasingly become a regular practice. With the adoption of the Manual on the PSC Working Methods in June 2019, it has now been institutionalized.

The items to be included in the Annual Indicative Program of Work are highlighted in the Manual on PSC Working Methods. Paragraph 8 of the Manual provides ‘the Annual Indicative Programme outlines a list of mandatory/statutory meetings and other activities of the PSC, such as field missions, retreats and seminars, as well as conflict situations and thematic issues in which the PSC is seized with.’ Additionally, it also ‘includes the tentative periods within which these meetings/ activities should be convened or undertaken.’

The process for the elaboration and adoption of the Annual Indicative Program is now well defined. According to paragraph 9 of the Manual on PSC Working Methods, there are three stages in this process:

- ‘The PSC Secretariat prepares a Draft Annual Indicative Programme of Activities of the PSC;
- The PSC Committee of Experts reviews the Draft Indicative Programme of Work before its submission for consideration and adoption by the PSC; and

- The Draft Indicative Annual Programme of Activities is submitted for consideration and adoption by the PSC at the beginning of each year.’

The practice of the PSC shows that, the Annual Indicative Program is prepared based on the conflict/crisis situations the PSC is still seized with, the mandatory activities of the PSC, which include renewal of mandates of various AU peace missions and other statutory activities of the PSC such as, consultative meetings with similar bodies, retreats, high-level seminar, as well as meetings which the PSC may decide to convene from time to time. Accordingly, the Annual Indicative Program lists the conflict situations and post-conflict transitions that the PSC is actively seized with, the thematic issues, regular briefings, the annual consultative meetings and renewal of mandates.

It is clear from the practice of the PSC that it is through the Annual Indicative Program of Work that the PSC Secretariat keeps the ‘list of items of which the Council is seized’ as required in Rule 7(1) of the Rules of Procedure of the PSC.

2.2.2 Monthly provisional Program of work of the PSC

While both the PSC Protocol and the Rules of Procedure of the PSC provide for the preparation of the provisional agenda for the meetings of the PSC, it is the Conclusions of the Dakar Retreat of the PSC of July 2007 that articulated provisions on the preparation of the monthly programme of work of the PSC. It stipulated that ‘within the twenty days towards the assumption of the chairmanship of the PSC, the next chairperson shall prepare a monthly program of work in consultation with the (AU) Commission’.

It was since August 2010 that the preparation of the monthly program of work, which sets the agenda of the PSC for the month, has become regularly prepared and adopted. While the Manual on

PSC Working Methods provides for the preparation of the monthly program of work at least two weeks before assuming the role of chairing the PSC (Para. 12), there has been instances where the preparation was finalized one month earlier and presented for adoption by the PSC at the beginning of the preceding month.

Based on the PSC Protocol and the Rules of Procedure of the PSC, the Manual on the PSC Working Method provides that the monthly program of work of the PSC is to be determined by the Chairperson of the PSC. In preparing the monthly program of work, the first source of reference for the Chairperson of the PSC is the Annual Indicative Program of Work (para. 11, Manual on the PSC Working Methods). Accordingly, the PSC Secretariat provides to the incoming Chairperson the various items from the Annual Indicative Program of Work that serve as the foundation for the preparation of the monthly provisional program of work. This is in line with Rule 7(2) of the Rules of Procedure which requires the AU Commission Chairperson ‘to issue and circulate ... a summary report listing all such items of which the Council is seized’.

Second, the PSC Secretariat provides the incoming Chairperson with the required information on items for which a timeline has been set for their consideration by the decision that the PSC adopted (after the adoption of the Annual Indicative Program of Work). These items may include renewals of mandate, submission of reports, provision of periodic updates by the AU Commission or other assigned body and items for which timeline is set for consideration by the PSC.

Other matters that may be included in the monthly program are items the ‘consideration of which has not been completed at the meeting’ of the PSC. To this end, the AU Commission, through the PSC Secretariat, is required under Rule 7 (1) to keep ‘a list of the items of which the PSC is seized’ and to ‘issue and circulate ... on a monthly basis, a summary report listing all such items of which the Council is seized’. In setting the agenda of the PSC, the Chairperson

of the PSC also considers such items as may be proposed by any member states.

The monthly provisional program usually reflects items proposed by the Chairperson of the month. In practice, the Chairperson exercises a not-so-insignificant discretion in deciding the items to be included in the monthly program. Often, the Chairperson adds to the monthly program items with thematic focus and such others that may be of interest for the state that he/she represents. This is reflected in the regional and the thematic focuses of the items that feature on the monthly program.

The monthly program of work gives some predictability to the work of the PSC. It also facilitates timely preparation for the various meetings planned during the month. This however depends on whether the PSC follows the timeline of meetings set in the monthly program, subject to considerations of emerging issues.

The provisional nature of the monthly program allows flexibility that enables the PSC to take onboard emerging issues that may require urgent engagement of the PSC during the course of the month.

Although the monthly programs have served as a key tool in organizing the work of the PSC, often times are subject to a number of changes in the course of the month. It is not uncommon for agenda items to be postponed to a later date or abandoned altogether.

In 2020, apart from the short suspension of parts of the March 2020 program of work, there were two months, August and December, during which the PSC did not develop its monthly program of work. This was on account of absence of ambassadorial level representation of one third of the members of the PSC for assuming the monthly rotational role of chairing the PSC. Those two months were covered based on stand-in chairpersons who convene PSC meetings to deal with statutory issues, mandate renewal and emergency situations.

PSC working methods during the COVID19 pandemic

On 11 March 2020, the PSC suspended all of its meetings in person until the end of April as part of COVID-19 safety measures announced by the AU Commission. One of the consequences of this was on the working methods of the PSC and its compliance with PSC protocol that stipulated the convening of PSC meetings at least twice a month.

While the suspension of physical meetings disrupted the convening of meetings of the PSC for the rest of March, on the initiative of the PSC Chairperson of the month of April, the PSC adjusted its working methods to ensure the continuity of its work. Following internal discussions of the PSC via WhatsApp and email exchanges in early April, the PSC agreed to new working modalities for the duration during which the PSC could not meet in person. Both to ensure the continuity of its work and avoid the emergence of a vacuum in peace and security decision-making in the AU, the PSC agreed to conduct its business on the basis of two interim mechanisms that will operate in lieu of its usual meetings in person. The first of this is the use of VCT, which allows the PSC to convene its session remotely. The second mechanism is the use of remote electronic exchanges on a particular agenda via email.

Since its first VTC session held on 9 April 2020, the PSC has been holding its sessions through VTC. Apart from the VTC, the PSC also used email communications for dealing with certain matters such as adoption of monthly program of work of the PSC. In terms of PSC meeting formats, the PSC did not during 2020 convene open sessions in full as it did prior to the onset of the disruption from COVID19.

2.2.3. Agenda of individual PSC meetings

The agenda of a meeting of the PSC is drawn based on the monthly program. The practice shows that, the agenda of a PSC meeting consists of a number of items. As per Rule 6(3) of the Rules of

Procedure, the first item on the provisional agenda of the meeting is the adoption of the agenda. The next item is the opening of the meeting. This is followed by the main item of the meeting. Where there are briefings or presentations to be made, this is accordingly indicated. The agenda also provides space for any other business (AOB).

According to the Manual on the PSC Working Methods, '[a]ny item added for consideration under any other business (AOB), is not subject for discussion, but for information only.' At the stage of the adoption of the agenda, it is envisaged that '[a]ny PSC Member has a right to propose an agenda item during the consideration and adoption of the meeting agenda. The addition of an agenda item that might be substantive is subject for discussion' (para. 17 Manual on PSC Working Methods).

Rule 6(3) of the PSC Rules and the Manual on the PSC Working Methods (para. 16) provide that the provisional agenda 'is communicated to the PSC Member States through a Note Verbale at least three working days before the proposed date for the meeting, with the exception of emergency situations, in which case the Chairperson of the month can convene PSC meetings at any time.'

Preparation of working documents

The PSC Protocol has a provision on the preparation of working documents. Its Article 10(3)(c) stipulates that 'the AU Commission Chairperson shall prepare comprehensive and periodic reports and documents, as required, to enable the Peace and Security Council and its subsidiary bodies to perform their functions effectively.' This is reiterated in Rule 26 (3)(c) of the PSC Rules. The responsibility of preparing such reports is shared between the Office of the Chairperson and the Department of Peace and Security.

To facilitate the proceedings of the meeting, it is envisaged that '(w)orking documents for the PSC are circulated to Member States along with the agenda in all AU working languages' (para. 16, Manual

on PSC Working Methods). As noted above, such documents are to be circulated three days prior to the meeting, although this may not always be the case. The PSC Secretariat, apart from its contribution in the preparation of these various working documents, is responsible for the circulation of the working documents.

Depending on the meeting, any of the following working documents is shared with members of the PSC and others who would be part of the particular meeting (para. 42, Manual on PSC Working Methods):

- Report of the Chairperson of the AU Commission
- Report of the PSC (can be field mission's report)
- Report of a particular AU organ or institution (i.e. reports of the ACHPR, APRM or Panel of the Wise etc)
- Briefing Note/Information Note
- Concept Note
- Terms of reference (for the field missions or retreats etc)

The concept note, as the most common working document, is used for outlining the background to the agenda of the meeting, the objectives of the meeting, the format of deliberation of the meeting and the expected outcome of the meeting.

2.3 Meetings of the PSC

The meetings of the PSC reflect how the PSC is organized to operate in the promotion of peace, security and stability on the continent. Under the PSC Protocol, the PSC is constituted to operate as a standing decision-making body. Article 8(1) of the PSC Protocol provides that the PSC 'shall be so organized as to be able to function continuously'. It is thus required that a member state of the PSC 'shall be represented at the headquarters of the Union' (Art. 8(1)) and have 'sufficiently staffed and equipped permanent missions at the Headquarters of the Union and the United Nations' (Art 5(2)(h)). Rule 18 of the Rules of Procedure also stipulates that '[e]ach member of the Council shall be represented at the meeting of the Council by

its Permanent Representative or in his/her absence, by a duly accredited representative’.

Consistent with the foregoing, the PSC Protocol and the Rules of Procedures further supplemented by the Manual on the Working Methods of the PSC stipulate the provisions on the level, frequency and types of PSC meetings.

2.3.1 Levels of PSC meetings

The various levels at which PSC meetings are convened are provided for in both the PSC Protocol and the Rules of Procedure. The PSC may accordingly convene its meetings at three levels. Article 8(2) provides that the PSC ‘shall meet at the level of Permanent Representatives (PRs), Ministers, Heads of State and Government’. This is restated in Rule 2 of the Rules of Procedure and paragraph 18 of the Manual on the PSC Working Methods.

As a standing decision-making body that is officially in permanent session and able to assemble at any time, including in an emergency situation, ordinarily the PSC meets more often at the level of PRs. Thus far, more than 95% of PSC meetings have been held at the level of Permanent Representatives.

The PSC is required to meet at the level of ministers or heads of state and government ‘at least once a year, respectively’ as per Article 8(2) and Rule 2 of the Rules of Procedure. While there is no other written rule on when meetings at the level of ministers and heads of state and government are to be held, in practice three factors have informed the convening of such meetings. The first is the weight or urgency of the agenda of the meeting. The second is the significance that the monthly Chairperson attaches to a particular agenda of the PSC. Third and finally, the timing of the meeting. Timing in this instance refers to the coincidence of the convening of such meetings with other statutory events. A number of PSC meetings at the level

of ministers or heads of state and government have been organized either on the margins of the summit of the AU or the annual UN General Assembly meeting.

2.3.2 Frequency of PSC meetings

Established to be a standing decision-making body that functions continuously, the PSC is expected to meet regularly. In the terms of Article 8(2), the PSC ‘shall convene as often as required at the level of Permanent Representatives (PRs), but at least twice a month’. During the first three years, the PSC met at the level of PRs on average only twice a month. It increased to an average of three meetings per month during its 4th year of operation.

Based on Article 8(2) and Rule 2 of the Rules of Procedure, the Manual on the PSC Working Methods states:

At Ministerial and Heads of State and Government Level:
The PSC shall meet, *at least once a year*, at the level of the Ministers and Heads of State and Government. (para. 20, emphasis added)

The data of PSC meetings shows that 2013 holds a record in terms of the number of meetings at the ministerial and heads of state and government levels. The PSC convened three meetings each at both levels during that year.

Statistics on frequency and level of PSC meetings from March 2004 to December 2020

- 972 – the number of PSC meetings
- 23 – the number of PSC meetings at the level of Heads of State and Government
- 27 – the number of PSC meetings at the level of ministers
- 922 – the number of PSC meetings at the level of permanent Representatives

There have been three instances of annual cycles in which the PSC did not convene a meeting at ministerial level even once. Such has been the case in 2005, 2007 and 2009. Similarly, the PSC did not convene any meeting at the level of Heads of State and Government in 2007, 2009, 2017 and 2019.

The number of PSC meetings shows a fourfold increase from the number of meetings that the PSC held during its first year of operation in 2004. Since 2015, the PSC meets at the level of PRs on average not less than six times a month.

Regarding the timing of the meetings, the Rules of Procedure of the PSC provides the details on the convening of meetings. Accordingly, meetings of the Council are to be convened by the Chairperson:

- When he/she deems necessary (rule 4(1));
- At the request of the Chairperson of the AU (rule 4(2)(a));
- At the request of a member of the Council (rule 4(2)(b)); and/or
- At the request of the Chairperson of the AU Commission (rule 4(2)(c)).

In practice, determination of the timing of the convening of the PSC meeting by the Chairperson is informed by the various factors that inform the preparation of the monthly program of work including the major events in the calendar of activities of the AU and urgency of issues. The Chairperson also receives the input of the PSC Secretariat and consults with other members of the PSC on convening meetings of the PSC. The practice also shows that the Chairperson of the PSC exercises some discretion on convening PSC meetings. There are times, such as when an item is contentious or too sensitive, when the PSC Chairperson may decline to convene a meeting of the PSC.

2.3.3 Form of PSC meetings

The PSC Protocol and the Rules of Procedure stipulate the provisions on types of PSC meetings. As established in Article 8 (9-11) of the PSC Protocol, there are three form of meetings: closed, open and informal consultations.

Closed meetings

In accordance with Article 8(9)(1) of the PSC Protocol and Rule 15(1) of the Rules of Procedure, the PSC convenes closed sessions. These constitute the most commonly used format of PSC meetings. Although it can be made open to invited participants at the initial stage of the meeting with the participation of invited guests, participation in closed sessions of the PSC is limited to members of the PSC. Closed meetings are the most common form of PSC meetings, where much of the items on the agenda of the PSC are dealt with.

The Manual on the Working Methods of the PSC envisages that closed sessions could be divided into two stages: open stage and closed stage.

At the open stage of the session, invited participants are called in after the adoption of the agenda. The Manual envisages three processes. First, ‘the Chairperson of the PSC formally introduces the topic to be considered by the PSC’. Second, ‘the presentation of the main subject under consideration’ is delivered ‘through a briefing, presentation, expert’s presentation of a report or any other method agreed upon by PSC members.’ Third and following such presentation, invited participants ‘will deliver their statements and the PSC Members will be given time to also deliver statements or raise questions for clarification based on the statements or presentation made by the invited guests.’

Depending on the agenda item, invited participants of the open stage of the closed meeting may involve various stakeholders. As a matter

of rule, this includes the country that is on the agenda of the session or that constitutes the situation under consideration. (para 35, Manual on the PSC Working Methods) ‘The PSC Chairperson of the month,’ provides the Manual, ‘will inform and engage the representative of countries whose situation will be considered by the PSC during the month.’ Such countries shall also be invited through ‘the invitation note from the PSC Secretariat five days before the meeting date’, except in an emergency situation in which case ‘the PSC Chairperson will directly communicate with the representative of the country concerned’ (para. 38).

The invited participant also usually involves the REC/RM concerned that is afforded the opportunity to make a statement (para. 36, the Manual on PSC Working Methods). This is based on Article 16(6) of the PSC Protocol which stipulates that ‘Regional Mechanisms shall be invited to participate in the discussion of any question brought before the Peace and Security Council whenever that question is being addressed by a Regional Mechanism is of special interest to that Organization.’ In practice, other participants include a country hosting or facilitating a peace process on the conflict or situation under consideration, and a representative of the UN and/or the EU or CPLP as the case may be.

The closed stage of the session involves discussions exclusively by the members of the PSC and without the presence of the invited participants that attended the open stage of the session. Where the agenda item concerns a member state of the PSC, such a member is barred from participation in this stage of the session. In this respect, Article 8(9) states that ‘any member state of the Peace and Security Council which is party to a conflict or a situation under consideration by the PSC’... ‘shall be invited to present its case..., as appropriate, and shall, thereafter, withdraw from the proceedings’. This is the time when PSC deliberates on and formulate its position for decision on the item on the agenda of the session.

The closed deliberation is followed by ‘the adoption of a summary of the discussions that constitutes the draft outcome of the meeting’ (para 25, Manual on PSC Working Methods). The outcome of a closed meeting of the PSC takes one of two forms. The first is in the form of a communiqué. This is comparable to a resolution of the UNSC and, accordingly, it carries a decision of a session of the PSC on the agenda and is legally binding. The second is a press statement, which is similar to a presidential statement of the UNSC. This conveys the collective political view of the members of the Council on the agenda issues that were discussed. Most of the time press statements do not carry binding decisions.

It is not however always the case that closed sessions of the PSC necessarily lead to an outcome document by way of a communique or press statement. The ‘Council may hold meetings to receive updates or briefings on peace and security issues without adopting a decision at the end of its meeting’ (para. 45, Manual). It is also possible as acknowledged in the Conclusions of the Dakar Retreat of the PSC that there could be ‘cases in which the PSC has converted a briefing session initially meant for exchanging views into a decision-making session due to the nature of the issue under consideration.’

Open meetings

The second format of PSC meetings are open meetings. The details of participation in open meetings of the PSC are provided in Article 8(10) of the PSC Protocol and Rule 15(2) of the Rules of Procedure. These are:

- 1 any Member State which is not a Member of the Peace and Security Council, if it is party to a conflict or a situation under consideration by the Peace and Security Council, shall be invited to present its case as appropriate and shall participate, without the right to vote, in the discussion;

- 2 any Member State which is not a Member of the Peace and Security Council may be invited to participate, without the right to vote, in the discussion of any question brought before the Peace and Security Council whenever that Member State considers that its interests are especially affected; and
- 3 any Regional Mechanism, international organization or civil society organization involved and/or interested in a conflict or a situation under consideration by the Peace and Security Council may be invited to participate, without the right to vote, in the discussion relating to that conflict or situation.

As it can be gathered from the foregoing provisions of the PSC Protocol, the focus of the open meetings addressed in these provisions relate to the open segment of an ordinary PSC meeting.

The PSC, in the course of carrying out its functions, has established a tradition of convening sessions that are fully open to the public. Invariably, the practice shows that open sessions are dedicated to thematic issues. In these sessions, the Council could receive briefings from designated briefers and statements on the thematic agenda from a wide range of invited participants including most notably civil society representatives. Ordinarily, open sessions are not held on specific conflict situations on the agenda of the PSC.

Although not specifically provided for in the PSC Protocol or the PSC Rules, when the PSC adopted the Conclusions of the Dakar Retreat on its working methods in July 2007, open sessions were envisaged for receiving briefings. Over the years, open meetings have become particularly useful for CSO engagement and for many other actors who don't otherwise get a chance to engage the PSC. It also affords PSC members an opportunity in collecting a wide range of perspectives from experts, the wider AU membership and the global diplomatic community based at the Headquarters of the AU.

In terms of their organization, open sessions also have two stages. As provided for in the Manual on PSC Working Methods, these consist of the open and closed stages. At the open stage ‘participants will deliver their statements following the presentations of the subject matter under consideration. The presentations are through a briefing, a report, expert’s presentation or any other method agreed upon by PSC members’ (para. 26). The closed stage is the phase at which the PSC enters into a closed session to discuss and adopt key elements for the outcome of the meeting,’ after the departure of the invited participants (para. 29).

Open sessions are not the most common type of PSC meeting. Usually, the PSC does not hold more than two open sessions in a month. The Chairperson of the PSC could decide not to hold open session. There are months when no open session is held.

There are times when the PSC holds partially open sessions. These are what the Manual on PSC Working Methods calls ‘open meetings to AU Member States’ (para. 30). These are open only to AU member states, who participate and make statement during the open stage of the open session.

It is important to note that open sessions are formal meetings of the PSC, which are considered as official PSC meetings that almost always come up with outcome. Press statement was the only form that the outcome of an open session carries. Over the years and through practice, the PSC introduced flexibility to this rule. Accordingly, although press statement is the usual outcome of an open session, the ‘Council consensually exercises flexibility, based on the flow of the discussion, in deciding the format of the outcome of its deliberations’ (para. 44, Manual on PSC Working Methods).

Informal consultations

The third format of PSC meeting as provided for in the PSC Protocol is informal consultation. In this form of meetings, the PSC may hold consultations with targeted stakeholders. According to Article 8(11) and Rule 16¹³, informal consultations are to be held with:

- Parties concerned by or interested in a conflict or a situation
- Regional Mechanisms, international organization and CSOs.

The holding of informal consultations has not been regularized. In particular, there is no publicly available data showing the practice of holding such informal consultations with ‘parties concerned by or interested in a conflict or situation’ under consideration by the PSC.

In preparation to its meetings, the PSC relies on a number of documents. The Manual on the PSC Working Methods (B, xi) lists working documents that may serve as background information to prepare PSC members or documents for PSC’s consideration. These include: report of the Chairperson of the AU Commission, Report of the PSC, Report of a particular AU organ or institution, briefing note, concept note and terms of reference (for field mission or retreats). These documents are often times prepared by the Commission, with input from the various entities that are designated to brief or make presentation to the PSC.

2.4 Format of decision-making and outcome of PSC meetings/activities

The procedures on PSC decision making are laid down in broad terms in Article 8 of the PSC Protocol. These broad terms of the Protocol are supplemented with more detailed provisions in the Rules of Procedure of the PSC and the Manual on PSC Working Methods.

¹³ Rules of Procedure of the Peace and Security Council

Article 8(12) stipulates that ‘each member of the Peace and Security Council shall have one vote’. This voting right is restated in Rule 27 of the Rules of Procedure. On method of voting, Article 8(13) provides that PSC decision ‘shall generally be guided by the principle of consensus’. Additionally, the Protocol under its Article 8(13) and Rule 28(1) of the Rules of Procedure provide for decision by majority vote where it cannot be made by consensus.

For purposes of voting, the PSC Protocol makes a distinction between ‘procedural matters’ and ‘all other matters’ (Art. 8(13)) and sets two separate threshold of majority vote. Accordingly, decisions on procedural matters are to be by simple majority vote, while ‘decisions on all other matters shall be made by a two-third vote of its members voting’.

The Rules of Procedure envisage issues which as a matter of necessity should be put for vote by the Chairperson of the PSC. Under Rule 9, where a point of order has been raised and the ruling of the Chairperson on the point of order is challenged, the ‘Chairperson shall submit it to the Council for immediate action’. Rule 11 states that where a member moves for the suspension or adjournment of a meeting, the ‘Chairperson shall immediately put such motion to vote.’

Both the PSC Protocol and the Rules of Procedure suggest that the preferred method of decision making in the PSC is by consensus. Indeed, the practice of the PSC thus far also reflects that PSC decisions are invariably taken by consensus. Even when divisions have arisen between members of the PSC over the formulation of outcome documents, the tendency has been to accommodate strongly held concerns of members by revising the language. There has been no instance in which the PSC took a decision by voting.

Although the PSC has strict procedures on safeguarding and owning its agenda and deliberations, in practice however agenda setting and decision-making process are outcomes of the interaction among various stakeholders both within the PSC and those outside the Council. The PSC members hold the primary role of decision-making and shaping the outcome of PSC's activities. Depending on the specific country or region or thematic focus members exert different level of influence. In principle, PSC decisions are adopted by consensus. In the Council, when consensus cannot be reached decisions on procedural matters are taken by a simple majority, and on substantive matters by a two-thirds majority (PSC Protocol, article 8(13)). In practice, the PSC rarely resorts to voting.

The decision-making process as stated in the conclusions of the Dakar retreat on working methods, stipulated that members are expected to assign an expert to a committee, where officers from the peace and security department will also be part of, to draft the outcome decision. The Chair of the PSC leads on the consultation of the draft, which will be ultimately adopted by the council.

In practice, the secretariat of the PSC is the body that extensively works on the drafting of decisions. The PSC Secretariat was established in line with article 10(4) of the PSC Protocol and sits within the Peace and Security Department (PSD) of the AU Commission. The Secretariat provides direct technical and operational support to the PSC.

Non-PSC AU members may also play a role in the decision-making dynamics. Countries within the region of the conflict or crisis-affected countries have increasingly shaped the direction of PSC decisions. Similarly, RECs/RMs have contributed in influencing responses and outcomes by utilizing their political and diplomatic clouts. In a number of cases, PSC decisions have been guided by the decision or direction taken by the concerned REC/RM.

The AU Commission through its expertise and institutional mechanisms applies a certain level of influence. Particularly the PSD, given its institutional position as repository of the technical knowhow and institutional memory, is the closest to the centre of PSC decision-making wielding significant influence by virtue of its functions. The Chairperson of the Commission may also bring to the PSC's attention any issue that he considers to constitute a threat to peace, security and stability on the continent, and may request briefings from PSC and its committees. Indeed, the Chairperson carries and sometimes exercises major influence. It was on the request of the Chairperson that the PSC for the first time suspended the application of the consequences of the occurrence of unconstitutional changes of government in Burkina Faso during its session on 3 November 2014. In September 2019, the Chairperson pushed for and secured the lifting of the suspension of Sudan.

Within the PSC, the monthly Chair plays a critical role in agenda setting and decision-making process. Although monthly agenda items are supposed to be informed by the Annual Indicative Program of the PSC and emerging conflicts, increasingly the trend indicates that Chairs are more inclined in promoting agenda items that are of particular interest of their respective nation. Cognizant of this challenge the PSC in its Cairo retreat in 2018 stated that 'the national interest of the Chairperson of the PSC of the month should not interfere or undermine the collective work of the PSC'. This kind of practice has impeded the PSC in becoming focused and in driving selected strategic issues over a long period of time. Often times the work of the PSC tends to be fragmented in the one month and there is little room for agendas to be taken forward by successive chairs. This matter is addressed in the Manual on the PSC Working Methods. In this regard, the incoming Chairperson is required to carry on issues pending from the outgoing Chairperson in order to ensure consistency and continuity of PSC's role. The way in which agendas are set by monthly chairpersons would benefit more from

consultation with the Commission in order to systematically respond to emerging issues while taking forward issues that require follow up over a long period of time.

The level of influence in agenda setting and decision-making process of the PSC Chairperson also depends on a number of factors including personal skills and technical capacity of the mission. The extent to which the Chair exercises his/her power to navigate the policy space in line with established standards has great effect on the kind of agenda that is tabled as well as on the kind of decision that is adopted. Over the various months, the kind of agenda items that are tabled and the kind of outcome documents that are adopted are also indications of the varied level of capacity of monthly Chairs.

In principle, irrespective of the position and preference of the monthly Chairperson, ongoing and emerging conflicts should inform and guide the agenda of the Council. However, in practice certain conflicts have received more attention than others and continue to dominate the agenda of the Council. While equally concerning conflicts may receive less, or even no, attention at all. The composition of the PSC may also partly play a role in determining which conflicts or crisis get on the agenda and which ones do not feature.

The Chairperson of the Commission is mandated to closely follow on the PSC agenda. Rule 7 of the PSC Rules of Procedure of the PSC task the Chairperson of the Commission to maintain a list of issues, which the PSC is seized with, and notifying the Council on agenda items, which it has not considered for two years.

The UN as well as UNSC permanent members are key players in the decision-making process particularly on peacekeeping and peace support operations. Other multilateral partners mainly the EU have also substantially shaped the processes and outcomes, especially in

the areas for which they give financial support, for instance in respect to the situation in Somalia particularly when it comes to AMISOM which the EU and the UN support financially and logistically. Invariably, the PSC liaises with and invites to its meetings the representatives of members of the UNSC, particularly the P5, the UN and the EU when dealing with the mandate of AMISOM.

The African three (A3) members of the UNSC also play a critical role particularly with respect to those issues on the agenda of the UNSC. Their role is particularly useful in helping the PSC understand the internal dynamics of the UNSC and take a policy position that best informs the decision of the UNSC on those items that are of interest for Africa.

2.5. Proceedings of PSC meetings

As the practice of the PSC shows, the proceeding of a PSC meeting has different segments. The first and closed segment of the proceeding of a PSC meeting focuses on the consideration and adoption of the agenda of the PSC meeting. The second segment is the opening part of the proceeding. This is the segment at which the Chairperson of the PSC makes opening remarks. Ordinarily, the opening remark of the Chairperson is oriented to introduce the focus of the agenda of the meeting (para 23 of Manual on PSC Working Methods). Sometimes, the opening remarks of the Chairperson of the PSC could not only set the tone for the deliberations on the agenda by framing the issues but also could shape the direction of the meeting.

The opening session is also where the Commissioner for Peace and Security or the Director of Peace and Security or any one delegated by the Commissioner or the Director also makes an introductory remark. Usually, apart from highlighting the issues relating to the agenda, it indicates the policy considerations that could inform the deliberations on the agenda.

The third and main segment of the proceeding involves the delivery of presentation/s, and/or briefing/s or presentation of a report, as the case may be, on the agenda of the meeting. The presentation, briefing or report provides the substantive input for the meeting. It provides analysis of the issues relating to the agenda of the meeting and the potential policy options for consideration by the PSC.

After the presentation, the Chairperson opens the floor for deliberation by members of the PSC. Pursuant to Rule 8(1), the Chairperson invites intervention based on a list of speakers that s/he maintains in the order in which they have signified their desire to speak. It is envisaged in the Manual on PSC Working Methods and the practice of the PSC that ‘the PSC Secretariat prepares a list of speakers and submits it to the PSC Chairperson who will use it as a guide for allocating the floor to all those who would have expressed their desire to speak’ (para. 33).

During the deliberation, members present their views on the agenda either based on inputs that they themselves prepared ahead of the meeting by way of a statement or based on their unscripted reflections drawing from the statements made in the introductory segment and the presentation, briefing or report presented. During the deliberations apart from presenting their inputs, member states of the PSC may also raise questions or seek clarification from the presenter/s or the briefer/s of the session. It is possible, and indeed not uncommon, that a member state could intervene more than ones. After the exhaustion of the intervention from member states, the Chairperson invites the presenter/s or briefer/s to respond to the questions raised or clarifications sought.

The final segment follows from the conclusion of the deliberations. This segment involves the recapitulation of the summary of the various items that would be used for drafting the outcome document of the meeting. The Manual on PSC Working Method provides,

At the end of the session, the PSC Chairperson presents a summary of the debate which guides the drafting of the outcome of the meeting (para. 51).

The practice shows that after providing the summary of the debates, the Chairperson invites the Head of the PSC Secretariat or his/her duly delegated official of the Secretariat to present the summary highlights of the summary records of the deliberations which also reflects the summary of the Chairperson. The Manual on PSC Working Methods stipulates that ‘at the end of each meeting, the PSC Secretariat, in consultation with the PSC Chairperson, shall prepare a summary of the deliberations of the meeting, in line with Rule 31 of the Rules of Procedure’ (para. 53).

2.6. Drafting of Outcome Documents

There are no specific provisions in the PSC Protocol on the preparation and drafting of the outcome documents of PSC meetings. However, the PSC Rules offer some indication on this. Rule 30 speaks of the summary records of PSC meetings and specifies that the AU Commission takes responsibility for keeping them. Rule 31 is even more explicit. It states that ‘a summary record of the proceedings of a closed meeting shall be **made** and kept by the Chairperson of the Commission’. This rule thus assigns to the AU Commission the role of preparing the summary records of the PSC meetings.

For a number of years, the practice in the PSC was that the burden of drafting both the working documents which the PSC used as input for guiding the deliberation of its meetings and the outcome document of the meetings has been born by the Peace and Security Department. The first clear statement recognizing the role of PSC member states in drafting of outcome documents was made when the PSC adopted the first document outlining the initial details on

its working methods at its Dakar Retreat in July 2007. Accordingly, the 2007 Conclusions of the Dakar Retreat provided for a committee of experts of member states and the AU Commission to be responsible for preparing the draft decisions of the PSC. This was reiterated in the Conclusions of the PSC Retreat on its working methods held in Yaoundé, Cameroon in November 2012.

Even after Dakar, the PSC has continued to rely on the draft prepared by the Peace and Security Department for purposes of issuing the outcome documents of its meetings, communiqués or press statements. Despite the assertion that the PSC is the author and custodian of its outcome documents, a practice of PSC members drafting outcome documents has not emerged. However, there have been significant changes in how PSC outcome documents are drafted, negotiated and agreed to. Thus, despite remaining lack of clarity, something akin to the ‘formula for guiding the process, from the point of seizure of an issue by the PSC to the stage where a decision is taken’ envisaged in paragraph 7 of the Conclusions of the Dakar retreat seems to be crystalizing. This marks a departure from the past practice where PSC member states had a passive role in shaping what went into the outcome documents of PSC meetings.

While the preparation for outcome document of a PSC meeting generally starts while planning for the meeting, the emerging practice as encapsulated in the Manual on the PSC Working Methods is that the summary records of the proceedings of the meeting serves as the base for initiating the draft communiqué or press statement. The Manual provides the following key elements on the preparation of the summary of a PSC meeting:

- At the end of each meeting the Chairperson of the PSC presents a summary of the debate which guides the drafting of the outcome of the meeting (para. 51).
- At the end of a meeting, procedure is envisaged for ‘adopting a summary of the discussions that constitutes the draft outcome of the meeting’ (para. 25).

- At the end of each meeting, the PSC Secretariat, in consultation with the PSC Chairperson, shall prepare a summary of the deliberations of the meeting, in line with Rule 31 of the Rules of Procedure. This summary, which shall be approved by the PSC Chairperson, will form part of the Council's records (para. 53).

The summary draws on the various inputs from the proceedings of the PSC meeting. These include the opening statements, the presentations/briefings delivered, statements/interventions made during the deliberations and relevant elements from the working documents of the meeting. Although the PSC Secretariat ordinarily keeps a summary of the PSC deliberations which, upon approval 'by the Chairperson of the PSC, will form part of the Council's records', the diversity of views of member states expressed during the meetings is not recorded verbatim and with attribution. As a result, there is no official and publicly available mechanism for knowing the individual contribution of PSC members in the formulation of the final outcome.

It is now envisaged in the Manual on the PSC Working Methods that after 'the end of each meeting the PSC Secretariat drafts an outcome, which can either be press statement or a communiqué' (para. 54). The practice shows that, depending on the agenda and the sensitivity of the policy position(s) expected to be reflected in the draft, this may be undertaken in coordination with the PSC Chairperson. Apart from the summary of the proceedings of the particular meeting, the draft also draws on previous communiqués or statements of the PSC and, as relevant, the outcome documents of the concerned REC/RM or regional or international bodies.

This current arrangement whereby the PSC Secretariat initiates the draft of PSC communiqués or press statements following clearly established processes involving the participation of member states is reflective of certain realities and needs in the workings of the PSC.

The institutional memory of the PSC, including on the Council's records, can be found, in as complete a form as it can be available, with the PSC Secretariat. There is also the issue of ensuring that the press statement or communiqué of the PSC conforms with the established standard of those documents in terms of their formulation and format. Although the relevant article in the PSC Protocol does not speak of outcome documents, the role of the AU Commission in the drafting of outcome documents can be seen as a reflection of the Commission's role in the preparation of PSC's working documents envisaged under Article 10(3)(c).

2.7 Consideration of and negotiations on draft outcome documents

An important addition that has been introduced in recent years in the PSC decision-making process relates to the process for the consideration and negotiation on the draft outcome documents prepared pursuant to paragraph 54 of the Manual on the PSC Working Methods. This process is known as the silence procedure.

The Manual on PSC Working Methods states that 'PSC communiqués or press statements, once drafted, are disseminated to the PSC Member States for review through a silence procedure' (para. 54). Such placement of draft outcome document on silence constitutes the last phase in the decision-making process of the PSC.

The silence procedure allows member states of the PSC to review the draft and break the silence if they so wish to propose changes to the draft outcome document. The duration of the silence procedure is 24 hours from the time the PSC secretariat circulates the draft to PSC members. It is therefore incumbent on members of the PSC to communicate proposed changes or amendments within the 24 hours period.

Where no amendments have been proposed or the amendments proposed 'are purely editorial and do not substantively alter the substance of the draft outcome', the copy of the draft has to be

cleared by the Chairperson of the PSC upon the expiration of the 24 hours period and after such editorial changes have been incorporated by the Secretariat (para. 55 Manual on PSC Working Methods). This paves the way for the PSC Secretariat to ‘publicize the communiqué or press statement’ (para. 55 Manual on PSC Working Methods).

What kind of changes or amendments are allowed?

The changes or amendments that member states propose may consist of two types: editorial focusing on format of formulation or linguistic issues and/or substantive that concern the content of the draft itself. The first type of changes is not considered to have material effect on the substance of the draft. As such they don’t need discussions. Neither will such amendments lead to the breaking of the silence procedure.

Members can propose substantive amendments. However, they cannot propose any kind of substantive changes. As per the Manual on PSC Working Methods, substantive amendments that member states propose have to be ‘within the spirit of the discussion which took place during the meeting’ (para. 56, Manual on PSC Working Methods).

Although it is not explicitly stated, changes or amendments have to be made in writing and made known to PSC Secretariat and all members of the PSC following the established process of communication in the silence procedure.

What happens when substantive amendments are proposed?

When the amendment that a member of the PSC proposed is substantive, ‘the Silence Procedure period will be considered to have been broken’. This would trigger revision of the draft. Accordingly, in consultation with the PSC Chairperson, the PSC Secretariat ‘will incorporate the changes into the main text, by highlighting them, and

re-launch the Silence Procedure’ (para. 56, Manual on PSC Working Methods). The consensus of member states is required for the proposed change to stand. Thus, upon the re-launch of the silence procedure, it is expected that member states review the changes and indicate their views within the new 24 hours period. Where there are no opposing views, the ‘communique or press statement will be published after the expiration of the second silence procedure’.

In cases where there are oppositions to the proposed amendment and members of the PSC are unable to agree after the second round of the silence procedure, the matter has to be considered in a formal meeting of the PSC. To this end, ‘the PSC Secretariat, in consultation

Silence procedure in practice

On 11 September the PSC held its 879th session on xenophobia attacks affecting nationals of other African countries in South Africa. Based on the deliberation of member states of the PSC and the various substantive views expressed during the session, a draft communique was prepared in accordance with paragraph 55 of the Manual on Working Methods of the PSC. Notwithstanding several rounds of silence procedure and more than a month after the session, member states were unable to agree on the areas of proposed substantive revision.

This called for the application of paragraph 57 of the Manual on the PSC Working Methods. Such a formal meeting of the PSC was convened on 22 October. The communique was subsequently publicized by the PSC Secretariat in accordance with para. 55 of the Manual on the PSC Working Methods based on the revised draft.

with the PSC Chairperson will organize a formal meeting of the PSC to reconsider and adopt a draft communique or press statement.’ The review of the draft will be open and the discussion of the meeting is envisaged to ‘focus on the issue of divergence’ (para. 57, Manual on PSC Working Methods).

2.8. The Chairship of the PSC

The modalities for the election of the Chairperson of the PSC are provided for in Article 8 (6) and Rule 23 of the Rules of Procedure. Drawing on Article 8(6) of the PSC Protocol, Rule 23 of the Rules of Procedure stipulates that the Chairperson of the PSC shall be held in turn by its members in the alphabetical order of their names for one calendar month.

Determination of the first Chairperson of the PSC

The PSC held its first meeting on 16 March 2004. The chairperson of the PSC was not established prior to the meeting. When the meeting convened, after consultation members of the PSC requested Mozambique, then Chair of the AU, to preside over the meeting. Subsequently, Mozambique was elected as the interim Chair of the Council for the remaining part of March. That was how Mozambique became the first chairperson of the PSC.

The preparation of the list of order of rotation for chairing the PSC was first provided for in a formal PSC document in the Conclusions of the 2007 Dakar Retreat of the PSC, which sanctioned the updating of the list in alphabetical order after every election. Accordingly, for several years, the list of the rotation of the Chairpersonship of the PSC was updated after every election of the PSC before the conclusion of the existing list of rotation. This meant that newly elected members were allowed to take up the role of chairing the PSC ahead of existing members that were on the existing list awaiting their turn to chair the PSC.

The effect of this practice was exclusion of some members of the PSC, who on the alphabetical order appear at the end of the list of rotation, from having a chance of serving as PSC chairperson. This happened to Zimbabwe when it was PSC member during 2010-2013. In order to rectify this gap, the Conclusions of the Yaoundé Retreat of the PSC in 2012 established that 'new members should queue at the rare so

as not to change the subsisting order of succession’. Based on this, the Manual on PSC Working Methods tasks the PSC Secretariat ‘to develop a new order of rotation of chairmanship, in (English) alphabetical order comprising all Member States of the newly configured Council’, following the exhaustion of the existing order of rotation (para. 64).

During 2020, some five members of the PSC did not have ambassadorial level representation. Benin, elected to the PSC only in February 2020, closed its embassy in Addis Ababa, thereby becoming the first PSC member states not to have permanent mission at the Headquarters of the AU as stipulated in Article 5(2)(h) of the PSC Protocol. Together with the absence of ambassadorial level representation of other four member states, the PSC was unable to apply the rotation of the monthly chairperson according to the alphabetical order. This resulted in the absence of substantive PSC for the months of August and December 2020. While the PSC did not have program of work for these two months, it resorted to addressing urgent and time sensitive matters through a stand-in-chairperson as envisaged in paragraph 67 of the Manual on the Working Methods of the PSC.

In August, Council convened only two sessions, one of which was an emergency session on Mali, convened as a response to the 18 August coup. In December, there was only one session on a substantive matter. This trend has been outside of the ordinary, if not contrary to Article 2 of the PSC Rules of Procedure, which stipulates that the Council should convene sessions at least twice a month.

What are the roles and duties of the Chairperson of the PSC?

The Chairperson of the PSC has many roles. S/he serves as, among others, an architect of the work of the Council, the conductor of the proceedings of the PSC, the representative of the PSC, spokesperson of the PSC and certifier of the outcome documents of the PSC.

The details of the roles of the Chairperson of the PSC are to be found in:

- The PSC Protocol;
- The Rules of Procedure;
- The conclusions of the various retreats of the PSC on its working methods as consolidated into the Manual on the PSC Working Methods; and
- The practice of the PSC.

The role of the Chairperson of the PSC as an architect of the work of the PSC covers the following:

- Preparation of the monthly program of work of the PSC (Art. 8(7) PSC Protocol, Rule 6(1) of the PSC Rules, para. 12 of the Manual on PSC Working Methods);
- Convening meetings when necessary (Rule 4 of the PSC Rules & para 16 of Manual on PSC Working Methods);
- Extending invitations to the Deputy Chairperson of the Commission and any other Commissioner to attend meetings (Rule 25 of the PSC Rules);
- Determine the format of PSC meetings, particularly on the convening of open meetings (existing practice);
- Determine the entity or entities that will brief or make presentation at particular sessions of the PSC (PSC practice and para. 12 Manual on PSC Working Methods);
- Work with the PSC Secretariat on the preparation of the agenda of each meeting;
- Oversee or follow up the preparation of the working documents for PSC meetings (existing practice) and the communication by the PSC Secretariat of the schedule, venue

and working documents of each PSC meeting to PSC members and others expected to participate in PSC meetings;

- Informing and engaging the representatives of countries whose situation will be considered by the PSC during the month (para 38, Manual on PSC Working Methods);
- Lead the field missions of the PSC (Conclusions of Dakar Retreat of the PSC); &
- Guide the preparation of field mission reports (para 95, Manual on PSC Working Methods)

The role of the Chairperson of the PSC as conductor of the proceedings of the PSC covers the following:

- Presiding over the proceedings of PSC meetings (Rule 24 (1) of the PSC Rules & para 61 of the Manual on PSC Working Methods);
- Introducing the agenda of the PSC meeting (para 23 of the Manual on PSC Working Methods);
- Inviting representatives of member states to speak (Rule 8 of the PSC Rules and para 33, the Manual on PSC Working Methods);
- According precedence for speaking during a meeting of the PSC (Rule 8(2) of the PSC Rules) and order of speaking during open sessions (para 27, Manual on PSC Working Methods);
- Controlling the time (para 34, Manual on PSC Working Methods);
- Ruling on a point of order or presenting same for Council decision where the ruling is challenged (Rule 9 of the PSC Rules);

- Putting a motion for suspension or adjournment of meetings to a vote (Rule 11 of the PSC Rules); and
- Summarizing debates of the proceedings of PSC meetings (para 5, Manual on PSC Working Methods)

The role of the Chairperson in certifying the outcome documents of the PSC covers:

- Approval of the summary records of proceedings of PSC meetings (para 53 of Manual on PSC Working Methods);
- Oversee the drafting of the outcome document of a PSC meeting based on the summary of the PSC meeting (practice);
- Coordinate negotiations on draft outcome documents that are under silence procedure and decide on convening of a formal meeting where PSC member states fail to agree (paras 56 & 57, Manual on PSC Working Methods); and
- Clearing of an outcome document of a PSC meeting for publication (para 55, Manual on PSC Working Methods). The Conclusions of the Kigali Retreat stipulated that ‘the power to authorize the publication of agreed PSC decisions and outcomes shall be a prerogative of the PSC Chairperson.’

The role of the Chairperson as representative of the PSC entails the following:

- Present to the AU Assembly regular reports on the PSC activities and the state of Peace and Security (Art. 7(q) PSC Protocol), which in practice involves introducing such reports to the Assembly (para 108, Manual on PSC Working Methods);
- Briefing the permanent Representatives Committee of the AU (para 62, Manual on PSC Working Methods);

- Representing the PSC in other activities of the Union related to peace and security issues in Africa (Rule 24(1) of the PSC Rules, para 61, Manual on PSC Working Methods) including participation in Commission initiated/led consultations at Headquarters on issues of peace and security (Conclusions of Dakar Retreat on PSC Working Methods);
- Briefing the Pan African Parliament (para 78, Manual on PSC Working Methods); and
- Presenting and defending the budget of the PSC (para 117, Manual on PSC Working Methods).

The spokesperson role of the PSC Chairperson includes the following:

- Briefing the press on the outcome of a PSC meeting (para 52, Manual on PSC Working Methods); and
- Making a statement on PSC field missions (para 47, Manual on PSC Working Methods)

The Chairperson of the PSC has certain duties:

- Under Rule 24(2) of the PSC Rules, the Chairperson shall vacate the Chair where the member state s/he represents is under sanction or is on the agenda of the PSC or a situation under consideration by the PSC (Art 8(9) PSC Protocol); and
- to be always available at AU Headquarters to steer the work of the PSC, including the prompt convening and chairing of PSC meetings whenever the need arises (para 66, Manual on PSC Working Methods).

2.9 Subsidiary bodies of the PSC

Apart from the foregoing, other dimensions of the PSC decision-making set up involve the subsidiary bodies of the PSC. As has been noted earlier, Article 8(5) of the PSC Protocol authorizes the PSC to

establish subsidiary bodies as it deems necessary and seek such military, legal and other forms of expertise as it may require. The PSC Protocol further provides for the establishment of the Military Staff Committee as one of the subsidiary bodies of the PSC.

Committee of Experts

One of the subsidiary bodies established by the PSC under Article 8(5) and has become operational is the Committee of Experts. This is a subsidiary body of the PSC in which all the 15 member states of the PSC are represented by designated representatives. The Committee of Experts is a key body of the PSC that undertakes preparatory work of various kinds for activities and sessions of the PSC that require the collective engagement of the members of the PSC prior to the implementation of such activities and convening of such sessions. It also deals with drafting of working documents, outcomes of the PSC and preparation of the meetings, particularly the annual consultative meetings.

The following are the various areas of engagement of the Committee of Experts:

- Review of the draft annual indicative program of work of the PSC;
- Support, together with the PSC Secretariat, the monthly incoming Chairperson of the PSC in the preparation of the monthly program of work;
- Drafting and negotiating the joint communique of the annual consultative meetings of the PSC and the UNSC and the PSC and the EU PSC;
- Following up implementation through developing a matrix on the implementation of PSC decisions
- Drafting together with the PSC Secretariat or reviewing the two reports of the PSC to the AU Assembly and the accompanying draft decision

Although it has been in the process of operationalization since 2015, its role has become regular and systematic since 2017. The Committee of Experts held a retreat from 11 to 16 December 2017, in Musanze, Kigali at which it adopted the Conclusions of the Retreat. It is assisted for its meeting by a staff of the PSC Secretariat. The PSC endorsed the conclusions of the Committee's first retreat at its 746th session held on 17 January 2018.

The Military Staff Committee

As noted above, the establishment of the Military Staff Committee (MSC) is envisaged in the PSC Protocol. The Protocol provides for the Committee to comprise senior military representatives from the 15 PSC Member States, chaired by the military/defence attaché of the Member State chairing the PSC in any given month. Notwithstanding this, constituting the MSC has for a long time proved difficult on account of lack of quorum. There have been a number of PSC member states without a defence attaché or military expert as part of its delegation to the AU. When the MSC convened its meeting in April 2012 under Angola's chairship of the PSC to launch its meetings, only seven of the PSC members participated.

The MSC assists and advises the PSC on military related issues. Additionally, it is envisaged to play key role in the operationalization of the ASF, in advising the PSC in considering the deployment and in monitoring the operation of AU's Peace Support Operations, in contributing to the development of relevant military technical instruments including those requiring consideration and adoption by the STC on Defence, Safety and Security and consideration of such other military issues as arms embargo and foreign military presence or operation in Africa.

Following its full operationalization, it has started to meet more regularly, playing key role in the operationalization of the ASF and the development or revision of Concept of Operations for peace

support operations. It has played a key role in developing the roadmap for the implementation of the harmonization of African Capacity for Immediate Response to Crises (ACIRC) in the ASF in pursuit of the various decisions of the AU Assembly based on Assembly/AU/Dec.679(XXX) and of the PSC. In 2020, the MSC has served as the key PSC body for working with the AU Commission towards the implementation of Assembly/AU/Dec.792(XXXIII) on the deployment of a force ‘composed of the Joint Multinational Task Force (JMTF) and 3000 troops for six (6) months, in order to degrade terrorist groups in the Sahel’. In this context, it provided strategic advice on force generation, resource mobilization, strategic planning and development of the Concept of Operations and reported to the PSC.

Other sub-committees established under Article 8(5) of the PSC Protocol but have not come into operation include the following:

- Committee on Sanctions – this was established from the PSC Decision of the PSC emanating from the Ezulwini PSC Retreat Conclusions, 2009. It is envisaged to be made up of representatives of fifteen (15) Members of the PSC;
- Committee on Counter-Terrorism – this committee was established by the decision of the 249th session of the PSC of 22 November 2010. It is envisaged to be composed of five (5) Members of the PSC representing one member from the five regions of the AU;
- Committee on Post-conflict Reconstruction and Development – it is a committee of the PSC established to help the PSC operationalize its post-conflict mandate and the AU PCR Policy of 2006. It is envisaged to be comprised of five (5) Members of the PSC, representing one member from the five regions of the AU. Its mandate was expanded to encompass all countries emerging from conflict on the Continent by PSC Decision emanating from the Djibouti Retreat.



PART THREE: STRUCTURES FOR SUPPORTING THE PSC AND IMPLEMENTING ITS DECISIONS

For supporting the mandate of the PSC and the implementation of its actions under the Protocol for promoting and maintaining peace, security and stability in Africa, the PSC is provided with structures that support various areas of its mandate. The preamble to the PSC Protocol envisages that the establishment of the PSC entails ‘operational structure for the effective implementation of the decisions taken in the areas of conflict prevention, peace-making, peace support operations and intervention, as well as peace-building and post-conflict reconstruction’.

While the structures established to support the PSC are listed under Article 2(2) of the PSC Protocol, further provisions are enunciated in Article 8, 13, 16 and in the provisions of the Protocol defining the power of the PSC stipulating on other bodies and implementation mechanisms that the PSC may establish and/or work with. These include PSC subsidiary bodies, entities established or recognized under the PSC Protocol and ad hoc bodies that the PSC itself establishes from time to time.

The structures envisaged under Article 2(2) of the PSC Protocol constitute what has come to be known as the African Peace and Security Architecture. In addition, there are PSC subsidiary bodies established within the framework of Article 8 of the PSC Protocol. Other bodies include structures making up the African Governance Architecture and the ad hoc bodies established by the PSC in the exercise of its power such as peace support operations or peace-making or mediation bodies.

3.1. African Peace and Security Architecture (APSA)

Article 2(2) of the PSC Protocol provides for the structures for supporting the PSC. It states:

The Peace and Security Council shall be supported by the Commission, a Panel of the Wise, a Continental Early Warning System, an African Standby Force and a Special Fund.

These structures/bodies established to support the PSC together constitute the core institutional components of the African Peace and Security Architecture (APSA). The PSC Protocol, PSC's Rules of Procedure, its working methods documents and its various decisions outline the role of each of these structures, how each is envisaged to work and operate in practice and how each interfaces with the PSC.

3.1.1. AU Commission

The first PSC support structure forming part of the APSA is the AU Commission. The AU Commission plays a major role in nearly all aspects of the workings of the PSC. It is the technical and operational arm of the AU. Accordingly, the Commission is not only one of the support structures of the PSC but also the body that serves as the institutional anchor and the bureaucratic basis for all other structures of the APSA.

It is headed by the Chairperson, who is vested with direct and specific powers for peace and security under the PSC Protocol, with the Deputy Chairperson being primarily responsible for administration and finance. In terms of functional organization, the Commission consists of eight thematic portfolios: Peace and Security; Political Affairs; Trade and Industry; Infrastructure and Energy; Social Affairs; Human Resources; Science and Technology; Rural Economy and Agriculture; and Economic Affairs. The different portfolios are supported by their respective departments. Following the decision of the 11th extraordinary session of the AU Assembly on the institutional reform of the AU held in November 2018, the number

of Commissioners would be reduced from eight to six. The new structure of the Commission takes effect in 2021 following the election of new members of the Commission.

Outside of the Office of the Chairperson, the two most relevant portfolios for the mandate of the PSC by the nature of the functions assigned to them are those of Peace and Security and Political Affairs. The PSC practice additionally reveals that other portfolios most notably Social Affairs and Rural Economy and Agriculture have also important role to play with respect to some thematic issues on the agenda of the PSC. Such has been notably the case with respect to climate change and PSC's response to non-conflict humanitarian emergencies such as in the context of the AU response to the Ebola outbreak in West Africa and most recently in the DRC. In 2020, the role of Social Affairs and its specialized body Africa CDC has been notable.

The role of the AU Commission takes various forms. The first role of the AU Commission relates to the organization and conduct of business of the PSC. In this respect, the AU Commission's role as defined in the various relevant instruments include:

- Proposing agenda to the PSC (Art. 8(7), PSC Protocol) & Rule 6(1), the PSC Rules);
- Establishing and sustaining the PSC Secretariat for supporting the day to day function of the PSC (Art. 10(4));
- Organizing induction to newly elected members of the PSC (para 118. Manual on PSC Working methods);
- Requesting the convening of a meeting of the PSC (Rule 4 (2) (c), the PSC Rules);
- Keeping, updating and circulating on a monthly basis to member states the list of the items of which the council is seized (Rule 7 (1) & (2), the PSC Rules);

- Making oral or written statement to the PSC (Rule 25(3), the PSC Rules);
- Preparation of comprehensive and periodic reports and documents as required, to enable the PSC and its subsidiary bodies to perform their functions effectively (Art. 10(3)(c)), PSC Protocol & Rule 26 (3)(c), the PSC Rules);
- Keeping the summary records of PSC meetings (Rules 30 & 31, the PSC Rules);
- Making detailed presentation on the activities of the PSC and the state of peace and security after the PSC report to the AU assembly has been introduced by chairperson of the month (para 108(2), Manual on PSC Working Methods); and
- Drafting of AUPSC outcome documents (para 54, Manual on PSC Working Methods)

It is worth noting that the power of the PSC outlined in Article 7 of the PSC Protocol is to be pursued ‘in conjunction with the Chairperson of the AU Commission’. Similarly, the role entrusted to the AU Commission Chairperson under Article 10 of the PSC Protocol is to be discharged ‘under the authority of the PSC’. Thus, beyond the support it gives to the PSC in the organization and conduct of its work, the AU Commission additionally provides implementation support to the conflict prevention, management, resolution and post-conflict reconstruction mandate of the PSC. Its roles in this respect cover, among others, the following:

- Deploy efforts and take all initiatives deemed appropriate to prevent, manage and resolve conflicts (Art. 10, PSC Protocol and Rule 26, PSC Rules of Procedure), including through the use of his good offices either personally or through special envoys, special representatives, the Panel of the wise or the regional Mechanisms (Art. 10(2)(c), PSC Protocol and Rule 26(2)(c) PSC Rules of Procedure);

- Bringing to the attention of the PSC (Art. 10(2), and advising the PSC on, potential conflicts and threats to peace and security in Africa and recommend the best course of action (Art. 12(5), PSC Protocol);
- Implementation and follow up of PSC decisions including mounting of peace support operations (Art. 10(3) (a) & (b), PSC Protocol);
- Proposing the tasks and modus operandi of peace support missions to be authorized by the PSC (Art. 13(5), PSC Protocol); and
- Mobilizing from member states troops for deployment in AU peace support operations (Art. 13.17(a), PSC Protocol).

In pursuing these roles, the Chairperson of the AU Commission has appointed various envoys or ad hoc committees for promoting specific peace and security themes or mediating specific conflict situations. Recent examples in this respect include the deployment of Ramtane Lamamra, the AU High Representative for Silencing the Guns in Africa, to Madagascar in 2018 and the assignment of Mohamed el Hacem Lebatt as the Chairperson's special envoy to Sudan in 2019. AU Commission Chairperson also deployed human rights monitors and military observers (to Burundi), election monitors to a number of countries and undertook visits to various hot spots including those not on the agenda of the PSC notably Cameroon. Also worthy of note is the role of the Commissioner for Peace and Security in facilitating peace talks between the government of the Central African Republic and 14-armed opposition groups during end of 2018 and beginning of 2019. One of the most common acts of the Chairperson of the AU Commission is the release of press statements on new developments or crisis situations.

Other additional roles of the AU Commission, as one of the support bodies of the PSC forming part of the APSA, include:

- Appointment of special representative (Art. 13.6, PSC Protocol);

- Selecting members of the Panel of the Wise (Art. 11, PSC protocol); and
- Harmonizing and coordinating the role of regional mechanisms (Art. 16(1)(a), PSC Protocol) including by convening periodic meetings (Art. 16(4), PSC Protocol) and serve as bridge between the PSC and regional mechanisms (Art 16(3), PSC Protocol).

These various roles of the Commission are implemented through the Chairperson of the AU Commission directly, or through

- The Commissioner for Peace and Security within the framework of Article 10(4) of the PSC Protocol;
- Specific divisions of the Peace and Security Department including notably Peace Support Operations Division;
- The PSC Secretariat;
- The Continental Early Warning System;
- The Panel of the Wise;
- A duly delegated representative of the AU Commission Chairperson or of the Commissioner for Peace and Security; or
- An ad hoc body established by the AU Commission Chairperson.

The PSC has had a number of occasions to interact with the AU Commission, particularly with the Chairperson in the context of various agenda items of the PSC, and with the various departments. It was during 2019 that the PSC held the first interactive meeting with the AUC. The interaction involved the Chairperson of the AU Commission, Moussa Faki Mahamat and the Commissioner for Peace and Security, Smail Chergui. Held on 16 September, the session focused on reviewing existing methods of interaction between the PSC and the AUC and the state of effective execution by the AUC of its roles vis-à-vis the peace and security agenda.

Within the framework of the AU Institutional Reform process that the AU Assembly adopted in its January 2017 summit [Assembly/AU.Dec.635], the Assembly, at its extraordinary Summit on AU institutional reform which was held at AU headquarters from 17 to 18 November 2018, adopted its decision [Ext/Assembly/AU/Dec.1(XI)] to reduce the size of the Commission from 10 to 8, in order to rationalise senior leadership portfolios and improve overall efficiency. A key part of this decision is the provision for the merger of the two Departments of Peace and Security and Political Affairs to be operational by 2021.

A major development in 2020 has been the adoption by the AU Assembly of the new Political Affairs, Peace and Security (PAPS) Department during the 33rd Ordinary Session of the Assembly held in February 2020 through Assembly/AU/Dec.750(XXXIII), with a broad mandate of facilitating conflict prevention, management and resolution.

3.1.2. Continental Early Warning System (CEWS)

The other structure established to support the PSC, as envisaged in Article 2 of the PSC Protocol, is the Continental Early Warning System (CEWS). As noted in Part I of this Handbook, this is the mechanism through which the PSC is meant to implement some of its key mandates relating to conflict prevention, namely those specified in Articles 3(b), 4 (b), 6 (b) and 7 (a) of the PSC Protocol. The CEWS is also the mechanism on which the Chairperson of the Commission draws for implementing his/her role under Article 10(2)(a), (b) and (c). Accordingly, Article 12(1) establishes a CEWS in order ‘to facilitate the anticipation and prevention of conflicts’.

Its major responsibility entails collecting and analysing relevant data for developing and providing early warning on impending crises or escalations or major changes in existing crises. To this end, CEWS Situation Room undertakes 24 hours and 7 days a week information

monitoring and data collection on, potential, emerging, actual and post-conflict situations in Africa.

In terms of its design, according to the Protocol, the CEWS consists of ‘an observation and monitoring centre, to be known as the Situation Room, located at the Conflict Management Directorate of the Union. The Situation Room is envisaged to be linked with ‘the observation and monitoring units of the Regional Mechanisms’ (or the early warning systems of RECs/RMs) directly through appropriate means of communications.

The Protocol provides that the CEWS undertakes its functions in collecting, analysing and transmitting its early warning analysis on potential conflicts or crisis situations based on the development by the system of ‘an early warning module based on clearly defined and accepted political, economic, social, military and humanitarian indicators.’

The CEWS is built on the rudimentary early warning outfit of the OAU Mechanism for Conflict Prevention, Management and Resolution. Its implementation started in 2006 on the adoption of the Framework for the Operationalization of the Continental Early Warning System. In 2008 the CEWS Handbook, which details the methodological framework of CEWS, was developed and a Memorandum of Understanding (MoU) between the AU and the RECs, intending to establish and improve coordination and information-sharing channels on peace and security issues, including on early warning was signed. While there remain gaps in terms of connectivity with RECs/RMs on account of variation between the open source-based monitoring of the CEWS and intelligence-based system of some RECs and the absence of effective arrangements in some regions, a software licensing agreement between CEWS and the RECs/RMs was developed to help facilitate data sharing. An internet portal has been set up to link CEWS with the Early Warning Systems of the RECs/RMs.

In terms of developments at RECs/RMs levels, Early Warning Systems of the Intergovernmental Authority for Development (IGAD) (CEWARN), the Economic Community of Western African States (ECOWAS) (ECOWARN) and the Southern Africa Development Community (SADC) Early Warning System have been functional, although the SADC system is intelligence-based and thus differs from the other systems which use publicly available sources. Early Warning Systems at the East African Community (EAC), the Common Market for Eastern and Southern Africa (COMESA, focus on economic and trade-related factors) and the Economic Community of Central African States (ECCAS) have also been under development.

The Situation Room is currently located at the Conflict Prevention and Early Warning Division (CPEWD) of the Peace and Security Department. It possesses modern technological infrastructures, including the Africa Media Monitor (AMM), the Africa Reporter, and Live-Mon, for monitoring conflict indicators, collecting and processing relevant data.¹⁴ For collecting and analysing structural information, CEWS uses the Indicators and Profiles Module and Africa Prospects. CEWS is also equipped with technical experts that analyse the data for developing early warning reports for alerting relevant bodies for initiating early action towards preventing conflicts.

CEWS produces multiple regular written products based on structural, dynamic, and actor data collection and analysis. These early warning products include a daily news highlight compiled from open-source reporting and made available to the public, a daily field report, which contains data received mostly from AU field mission reporting, a weekly update of political and military developments,

¹⁴ AUC, Report of the Chairperson of the Commission on the follow up to the Peace and Security Council Communique of 27 October 2014 on structural conflict prevention, AU Doc. PSC/PR/2(D) (29 April 2015) para. 6.

‘flash’ reports, which are designed to provide immediate attention to crisis situations as they develop, and updates on potential and present conflict situations and in-depth early warning reports for decision makers.

Concerning structural conflict prevention, the CEWS has also developed additional tools focusing particularly on addressing structural causes of conflicts. Of particular significance are the development of the Continental Structural Conflict Prevention Framework (CSCPF) and the adoption by the 12th ordinary meeting of the Specialized Technical Committee on Defence, Safety and Security of the AU Strategy for a Better Integrated Border Governance, on 19 December 2019. The CPEWD in facilitating the operationalization of CSCPF has developed the Country Structural Vulnerability and Resilience Assessment (CSVRA) and the Country structural Vulnerability Mitigation Strategy (CSVMS) to support member states in assessing and detecting any potential of violence or crisis at an early stage and to design measures to address any risks and strengthen preventive capacity. As voluntary instruments, Ghana is the only country that has thus far undertaken the assessment under the CSVRA.

Article 12(5) stipulates that the ‘Chairperson of the Commission shall use the information gathered through the Early Warning System timeously to advise the Peace and Security Council on potential conflicts and threats to peace and security in Africa and recommend the best course of action’. One of the key recommendations identified in the Framework Operationalizing¹⁵ CEWS adopted by the Executive Council in 2007 noted that ‘the true test of the CEWS will be its ability to generate not only timely analysis but also effective response options’.

¹⁵ Framework for the Operationalization of the Continental Early Warning System as Adopted by the Governmental Experts Meeting on Early Warning and Conflict Prevention, South Africa, 17-19 December 2006

To date, the channeling of information and early warning analysis produced through CEWS to the PSC for the decision making or early action has as yet to be fully operationalized. The 2015 APSA Assessment noted in this respect that ‘CEWS early warning reports are available to only a few selected users within the AU. This limits the reach and opportunities offered by the reports to engage efficiently on preventive diplomacy and mediation.’¹⁶

Additionally, the PSC in the Conclusions of its Cairo Retreat adopted in September 2019 emphasized the need for ‘[e]stablishing a trigger mechanism and indicators to facilitate the role of the PSC in assessing whether a given situation calls for an early action by the PSC. In this context, the Commission should elaborate the mechanism and indicators for consideration by the PSC (within the conteXt of operationalization of the CEWS)’. In 2020, this remains pending and may happen to be one of the decisions for follow up under the new merged department of Political Affairs, Peace and Security that will become operational in 2021.

The PSC in its press statement of its 527th session stated:

Council noted with concern, the gap that exists between early warning and early response and reiterated the importance of strengthening the linkages between early warning and early response, which requires that the relevant AU structures act effectively on early warning information provided to them regarding potential conflicts and crises. In this regard Council stressed the *imperative need of receiving regular early warning reports/briefings to enable it to take appropriate action.* (emphasis added)

The PSC has had a number of opportunities for engaging the CEWS. This practice of the PSC has addressed at various times a number of issues relating to the CEWS. One area of engagement of the PSC

¹⁶ African Peace and Security Architecture Assessment Study: Final Report (April 2015) para. 58.

concerned the operationalization of the CEWS. Additionally, in terms of operational or direct conflict prevention, the PSC at its 360th session decided ‘periodic review by Council, at least once every six months, of the state of peace and security on the continent, using horizon scanning approaches, on the basis of updates provided by the CEWS, relevant AU institutions, such as the Panel of the Wise, African and international think tanks, civil society organization and other stakeholders’. Although it is not always implemented biannually as stipulated in the PSC decision, this has established horizon-scanning briefings as standing agenda of the PSC.

The PSC also dedicated various sessions focusing on structural conflict prevention. At its 463rd meeting held on 27 October 2014, the PSC focused on “Structural Prevention of Conflict – Reinvigorating States in Fragile Situations in Africa”. This was followed by its 502nd session at which the PSC considered the report of the AU Commission Chairperson on structural conflict prevention.

Another aspect of PSC’s interaction with the CEWS shows the participation of RECs/RMs in PSC meetings. Accordingly, PSC at its 601st meeting held on 30 May 2016, received from the Commission, ECOWAS and the ECCAS a briefing on early warning and horizon scanning, as a follow-up to its Communiqué PSC/PR/COMM. (CCCLX) adopted at its 360th meeting held on 22 March 2013.

3.1.3. Panel of the Wise

The Panel of the Wise is the other component of the APSA referred to in Article 2(2) of the PSC Protocol to support the PSC in the execution of its mandate. The details on the establishment of and the roles and responsibilities of the Panel of the Wise are provided for in Article 11 of the PSC Protocol. Its sub-Article 1 thus calls for the establishment of the Panel in line with Article 2(2) of the Protocol ‘to support the efforts of the Peace and Security Council and those of the Chairperson of the Commission, particularly in the area of

conflict prevention’.

In terms of its roles, the areas of its responsibilities specified in the PSC Protocol cover the following:

- to advise the Peace and Security Council and the Chairperson of the AU Commission on all issues pertaining to the promotion, and maintenance of peace, security and stability in Africa;
- to undertake such action deemed appropriate to support the efforts of the Peace and Security Council and those of the Chairperson of the Commission for the prevention of conflicts; and
- to pronounce itself on issues relating to the promotion of peace, security and stability.

In carrying out its mandate as outlined above, the Panel may act either at the request of the Council or the Chairperson of the Commission, or at its own initiative.

The background to the Panel of the wise can be traced back to the OAU’s Commission on Mediation, Conciliation, and Arbitration. A more direct and specific origin of the idea of the Panel goes back to the call for establishment of an “Africa’s Elders Council for Peace” in the context of the decision for the revitalization of the OAU Commission on Mediation, Conciliation, and Arbitration when the 1992 OAU Summit in Kampala endorsed the Kampala Document on Conference on Security, Stability, Development and Co-operation in Africa (CSSDCA).

The Panel of the Wise came into operation in 2007 following both the election of the first members of the Panel during the 8th Ordinary Session of the AU and subsequent adoption of the modalities for the functioning of the panel envisaged under Article 11(7) of the PSC Protocol. The Modalities for the Functioning of the Panel was adopted by the PSC at its 100th session held on 12 November 2007.

The Panel was inaugurated on 18 December 2007 in Addis Ababa, Ethiopia. The Panel held its first working meeting on 18 February 2008 at which it adopted its program of work.

Consisting of 11 parts, the Modalities for the Functioning of the Panel is the instrument that outlines the operational details of the mandate, composition, working methods and modalities for its action. The modalities reaffirm the mandate of the Panel to support the PSC and the Chairperson of the Commission in conflict prevention as provided for in the PSC Protocol. To this end, it requires the Panel to 'keep the Chairperson of the Commission and, through him, the Chairperson of the Council informed of its activities and consult and coordinate with them as appropriate'. The instruments for the Panel's action provided for in the Modalities range from establishing channel of communication, shuttle diplomacy, fact-finding mission, assist and advise mediation teams to advising parties on how to resolve disputes over implementation of peace agreements. While the Panel can meet any time on the request of the PSC and/or the AU Commission Chairperson, the Panel is envisaged to meet at least three times annually to deliberate on its work program and identify regions or countries to visit.

In 2008, the Panel also adopted the following criteria for its direct engagement in conflict affected countries:

1. The degree to which a conflict situation already receives regional and international attention. Conflicts that have been neglected for lack of resources or other reasons may be especially appropriate cases for the panel to engage with;
2. Whether the PSC is already seized with a particular conflict situation and whether additional attention by the panel may add further value to existing efforts;
3. Whether a given situation has remained in conflict for a considerable amount of time or in danger of descending into conflict, despite multiple mediation and negotiation efforts. In such situation, the panel may advise and strengthen existing efforts, inject new urgency to mediation processes, or take a fresh look at the conflict dynamics at play;
4. Whether a conflict situation has experienced a sudden and speedy decline; and
5. Whether a conflict situation has experienced difficulties in implementing a peace agreement and therefore faces the risk of reverting to conflict.

The experience thus far shows that the Panel's work centres around two areas. The first consists of thematic reflections. Its work focusing on thematic reflections have addressed over the years various issues of importance, leading to the elaboration and adoption of thematic reports submitted to the PSC. Within this framework, the themes that the Panel has engaged in include election related disputes and political violence; peace, justice, and reconciliation in Africa; mitigating vulnerabilities of women and children in armed conflicts in Africa; and strengthening political governance for peace, security, and stability in Africa. The second area of work of the Panel involves undertaking preventive missions to countries facing risks of crisis,

often in the context of election, although not exclusively. It undertook missions to a number of countries including Central African Republic (CAR), Democratic Republic of Congo (DRC), Egypt, Ghana, Kenya, Mali, Senegal, and Tunisia.

As initially conceived under the PSC Protocol, the Panel of the Wise is composed of ‘five highly respected African personalities from various segments of society who have made outstanding contributions to the cause of peace, security and development on the continent’ (Article 11(2)). These personalities are selected by the chairperson of the AU Commission based on consultations with the member states concerned, on the basis of regional representation and are appointed through a decision of the Assembly of Heads of State and Government to serve for a period of three years (Article 11(2)).

To provide the Panel with administrative, technical and logistical support in the implementation of its mandate, a Secretariat of the Panel of the Wise was established in 2010 within the CPEWD of the Peace and Security Department of the AU. The evolution of the operation of the Secretariat shows that the Secretariat coordinates the preventive diplomacy missions of the Panel; undertakes activities related to capacity-building in mediation; provides capacity-building support to AU Envoys, Field Offices and the RECs/RMs on preventive diplomacy and mediation; coordinates the annual thematic reflections/reports of the Panel; and coordinates the departmental Knowledge Management Framework and other related mediation-support tools.

At the end of the term of the first members of the Panel, the AU Chairperson proposed the establishment of a group known as ‘Friends of the Panel of the Wise’ to support and enhance the work of the Panel. During the Kampala summit in July 2010, the AU Assembly endorsed the establishment of the ‘Friends of the Panel of the Wise’ with outgoing members of the Panel Miguel Trovoadá, Brigalia Bam, and Elizabeth Pognon serving as its members.

In the second term, between 2010 and 2014 the Panel's institutional working arrangement witnessed further enhancement through the creation of the Pan-African Network of the Wise (PanWise) (Assembly/AU/Decl.1(XXI)), a continental network that brings together various mechanisms including prevention and mediation counterpart units of RECs/RMs, AU Special Representatives and Envoys, the Friends of the Panel and individual mediators as well as institutions engaged in mediation. During this time the Panel was also able to institutionalize its retreats and statutory meetings.

During its third term, the Panel (2014-2017) focused on one of its thematic reflections on mainstreaming and promoting women's participation in the APSA structure. These efforts resulted in the establishment and launch of the African Network of Women in Conflict Prevention and Peace Mediation (FemWise). On 13 March 2017 the PSC endorsed the modalities of the Network. FemWise operates within APSA as a subsidiary mechanism of the Panel of the Wise and PanWise. This is envisaged to be an important avenue for promoting the participation of women in peace processes including most notably in preventive diplomacy, mediation and peace-making initiatives of the AU and RECs/RMs.

In terms of relations with the PSC, at the PSC's 176th meeting in March, 2009, the Panel held an exchange of views with the PSC for the first time with a view to briefing the PSC on the Panel's activities. The Panel would meet with the PSC again on 5 June 2009, to officially present its first thematic report titled *Report of the Panel of the Wise on Strengthening the Role of the African Union in the Prevention, Management and Resolution of Election-Related Disputes and Violent Conflicts in Africa*. There have been some more other engagements with the PSC over the years.

Developments in 2020

The AU Commission reported that starting from January 2021 it will, in collaboration with partners, deploy Fem-Wise members to AU Liaison Offices (AULOs) in Mali, Cote d'Ivoire, Sudan, as well as the AU office supporting Libya. During 2020, on account of the COVID-19 pandemic, the Panel was not fully active even with respect to engaging member states ahead of the convening of elections as it has been doing in the past.

3.1.4 African Standby Force (ASF)

Within the framework of Article 2(2) of the PSC Protocol identifying ASF as one of the components of the APSA, Article 13(1) of the Protocol stipulated that 'in order to enable the PSC to perform its responsibilities with respect to the deployment of peace support missions and intervention pursuant to article 4(h) and (j) of the Constitutive Act, an African Standby Force shall be established. Such a Force shall be composed of standby multidisciplinary contingents, with civilian and military components in the countries of origin and ready for rapid deployment at appropriate notice'.

In terms of its areas of responsibilities, Article 13(3) of the PSC Protocol provides that the ASF shall perform functions in the following areas:

- observation and monitoring missions;
- other types of peace support missions;
- intervention in accordance with articles 4(h) and (j) of the Constitutive Act;
- preventive deployment to hinder a conflict from escalating, or an ongoing conflict from spreading to neighbouring areas or states, or the resurgence of violence after peace agreements have been achieved;
- peacebuilding, including post-conflict disarmament and demobilisation;

- humanitarian assistance in situations of conflict and major natural disasters; and
- any other functions mandated by the PSC or the AU Assembly.

To guide the operationalization of the ASF and to implement the provisions of the Protocol, a *Policy Framework for the Establishment of the African Standby Force and Military Staff Committee (MSC)* was adopted by the AU Assembly of Heads of State and Government in May 2003. The Framework provides guidelines on the organization, strength, composition, training, command and control, funding modalities, operational scenarios and establishments for continental and regional planning elements.

The ASF is conceived under the Policy Framework to have multidimensional forces. It is thus designed and developed progressively to be composed of three components: military, police and civilian.

Based on Article 13 (3), the ASF Policy Framework envisages the ASF as a mechanism that would perform a wide range of functions that are organized around six scenarios as represented in the table below.

ASF Mission Scenarios	
Scenario	Description
1	AU/Regional military advisor to a political mission
2	AU/Regional observer mission co-deployed with a UN mission
3	Stand alone AU/Regional observer mission
4	AU regional peacekeeping force for Chapter VI and preventive deployment missions
5	AU peacekeeping force for complex multidimensional mission – low level spoilers
6	AU intervention in cases of grave circumstances

ASF is composed of pledged capabilities that are organized around the five regions of the AU: Economic Community of Central African States (ECCAS) Standby Force, Eastern Africa Standby Force (EASF), North African Regional Capability (NARC) Standby Force, Southern African Development Community (SADC) Standby Force and Economic Community of West African States (ECOWAS) Standby Force (ESF), Planning Elements (PLANELMs) in five RECs/RMs, a Continental Logistics Base (CLB) in Douala, Cameroon, and five Regional Logistics Depots (RLDs) which are under development with the Peace Support Operations Division of the AU Commission playing the role of strategic management.

The membership of the Five RECs/RMs Standby Forces

ECCAS Standby Force

Angola, Burundi, Cameroon, Central African Republic, Chad, Congo Republic, DR Congo, Equatorial Guinea, Gabon, and São Tomé and Príncipe

Eastern Africa Standby Force

Burundi, Comoros, Djibouti, Ethiopia, Kenya, Rwanda, Seychelles, Somalia, Sudan, Uganda and South Sudan (observer since 2013)

NARC Standby Force

Algeria, Libya, Saharawi Arab Republic, Egypt, Mauritania and Tunisia

SADC Standby Force

Angola, Botswana, DR Congo, eSwatini, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, South Africa, Tanzania, Zambia and Zimbabwe

ECOWAS Standby Force

Benin, Burkina Faso, Cape Verde, Cote d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo

Member states make the pledges that make up the ASF by identifying and earmarking military, police and civilian personnel as well as other capabilities including medical, engineering and airlift capabilities. Apart from the forces and capabilities pledged by member states, the constituent components of the regional forces involve a secretariat and full-time planning element (PLANLEM), a Standby Force HQ, a Logistic Base and Rapid Deployment Capabilities (RDC). They are also envisaged to have an operations centre.

For developing and operationalizing the ASF, three roadmaps were developed to guide the operationalization: Roadmap I, adopted in

March 2005, covering the period June 2006 to March 2008; Roadmap II, adopted in April 2008, covering the period April 2008 to December 2010; and Roadmap III, adopted in December 2010, covering the period December 2010 – December 2015. At the end of these various phases in the development of the ASF, the ASF is to be operationally ready for deployment. After the initial AMANI Africa exercise in 2010, the ASF was declared to have attained Initial Operational Capability (IOC). By the end of Roadmap III and after exercise AMANI Africa II, the ASF, including its RDC, would achieve full operational capability. AMANI Africa II aimed ‘to validate the capacity of the African Union to grant a mandate for the use of a Rapid Deployment Capability, as an initial operation for scenario six and lead in the process, a fully-fledged multidimensional peace operation (scenario 5)’.

The AU held AMANI Africa II, in November 2015, in Addis Ababa, Ethiopia, and at the South African Army Combat Training Centre, in Lohatla, South Africa. As a follow up, the AU Assembly in January 2016 directed that an evaluation mission be undertaken by the AUC and RECs/RMs to verify the state of readiness of the Regional Standby Forces (Assembly/AU/Dec.589(XXVI)). This process was conducted from 19 July to 31 October 2017 by an AUC-constituted panel of experts led by Professor Ibrahim Gambari. The Report was presented to and endorsed by the 10th Ordinary Session of the Specialized Technical Committee on Defence, Safety and Security held on 9 January 2018.

Establishment of ACIRC and its incorporation into the ASF

In a 2013 ‘Report of the Chairperson of the Commission on the Operationalization of the Rapid Deployment Capability of the African Standby Force and the Establishment of an African Capacity for Immediate Response to Crisis’, presented to the 6th Ordinary Session of the STCDSS, the Chairperson argued that the Malian crisis

highlighted the need for a transitional formula, while the ASF and its RDC are being fully operationalized. Subsequently, at its 22nd session, held in Addis Ababa in May 2013, the AU Assembly established the African Capacity for Immediate Response to Crises (ACIRC) as an interim mechanism for immediate response to crises pending the full operationalization of the ASF and its RDC (Assembly/AU/Dec.489(XXII)).

In January 2014, the AU Assembly operationalised ACIRC as a transitional arrangement (Assembly/AU/Dec.515(XXII)) that provides the AU with a flexible and robust force, voluntarily provided by Member States, to effectively respond to emergency situations within the APSA and subject to authorization by the PSC. ACIRC is made up of 14 volunteer states: Algeria, Angola, Benin, Chad, Burkina Faso, Egypt, Mozambique, Niger, Rwanda, Senegal, South Africa, Sudan, Tanzania and Uganda.

In January 2016, the 26th Ordinary Session of the AU Assembly decided (Assembly/AU/ Dec.589 (XXVI)) that ACIRC will continue its mandate until after the completion of AMANI AFRICA II Field Training Exercise After Review Action and the evaluation mission by the AUC and RECs/RM to verify the state of readiness of the Regional Standby Forces. Towards the operationalization of ACIRC, ACIRC volunteer nations conducted three command post exercises Utulivu Africa I 2014, held in Tanzania from 25 to 28 November 2014; Utulivu Africa II 2015, held in Angola from 22 to 26 August 2016; and Utulivu Africa III CPX 2017, held in Rwanda from 13 March to 2 April 2017. With Uganda on standby as a framework nation (FN) from January to December 2018 and as part of readiness maintenance, a command-post exercise Utulivu Africa IV CPX was held in Uganda from 30 August to 4 September 2018.

Following the Proposal of Gambari's Panel for the integration of ACIRC into the ASF, the AU Assembly at its January 2018 summit decided the ACIRC should harmonise its activities with the ASF

framework (see Assembly/AU/Dec.679). The AU Assembly reiterated its decision again in Assembly/AU/Dec.695 (XXXI) and called on the harmonization of the ACIRC activities into the ASF. The PSC in its Communiqué adopted at its 821st meeting convened on 9 January 2019, agreed that the term ‘harmonization’, in the context of the Assembly decisions, means that ACIRC should be integrated within the ASF Framework. Accordingly, the PSC adopted a six-step roadmap towards the complete integration of ACIRC within ASF.

The AU Assembly at its 32nd ordinary session held in Addis Ababa in February 2019 commending the efforts of the PSC including the outcome of its 821st meeting, requested (Assembly/AU/Dec.718) the AU Commission to expedite the implementation of the provisions of the PSC Communiqué [PSC/PR/COMM (DCCCXXI)]. Following a meeting of ACIRC volunteer nations ministers of Defence in September 2019 in South Africa as a follow up to the Assembly decision, it was proposed, among others, that a) each volunteer nation decides on the status and utilization of its volunteer pledges (including on whether it should be part of the ASF RDC), b) best practices and lessons from ACIRC including conduct of exercises, decision-making process, Framework Nation and Standby roster arrangement to be integrated into the ASF and c) harmonization of ACIRC within the ASF to be completed by June 2020.

The 14th Extraordinary Session of the Assembly of the Union on Silencing the Guns in Africa held on 6 December 2020, which declared the ASF fully operational decided ‘to dissolve the African Capacity for Immediate Response to Crisis (ACIRC) taking note of the fact that ASF is operational and REQUESTS the Heads of State and Government of the ACIRC Volunteering Nations to wind down the operations of ACIRC by the February 2021 Ordinary Session of the Assembly.’

Other measures in the operationalization of the ASF

As part of the operationalization of the ASF, in 2008 a MoU was signed with the regional mechanisms responsible for the development of the regional ASF capabilities. Following a proposal by an AU Panel for it to be reviewed, the AU Commission reported to the 12th Ordinary Session of the STC on Defence, Safety and Security held in Cairo, Egypt on 15-19 December 2019 that a new draft MoU has been finalized.

The CLB in Douala, Cameroon has become operational. The Military Staff Committee of the PSC has already visited the continental base and presented its key findings to the Council including areas that require improvement around security, infrastructure and staffing of the CLB in 2019.

While the operationalization of various dimensions of the ASF remains a work in progress, the AU Commission in its report on the implementation of decisions observed that it has not as yet deployed in any situation (EX.CL/1253(XXXVIII)). However, there are attempts at utilizing ASF in some situations. One such example is the SADC deployment of a multidimensional observation mission to the Kingdom of Lesotho in order to stabilize the political situation while preventive diplomacy and mediation were underway. The ESF has also deployed the ECOWAS Mission in Guinea Bissau (ECOMIB). Various other peacekeeping engagements on the continent also drew on the ASF. These include the African-led International Support Mission to Mali (AFISMA) deployed in Mali, the EASF Member States have deployed as part of the 22,126 AMISOM troops in Somalia and 2,500 troops under IGAD to South Sudan, while SADC Member States have deployed 3,069 peacekeepers under a UN Intervention Brigade in the DRC.

Developments in 2020

Council's 960th meeting focused on the establishment of Special Counterterrorism Unit within the ASF. This meeting was convened as a follow up to the decision of the AU Assembly at its 33rd Ordinary Session held in February 2020. In pursuit of initiating efforts for the establishment of the special unit, the AUC was requested to establish a task force comprising all relevant stakeholders to provide technical guidance & submit concrete proposals on technical aspects regarding establishment of the unit within the ASF.

Following the decision of the 13th meeting of the Specialized Technical Committee on Defense, Safety and Security (STCDSS) on 4 November 2020, the finalization of the revision of the AU Doctrine on Peace Support Operations was completed for presentation to an extraordinary session of the STCDSS scheduled to take place ahead of the February 2021 AU Assembly session. Other important developments include the decision for the AU Commission to prepare a new five-year plan to replace the Maputo Strategic Work Plan on the Enhancement of the ASF (2016-2020) during the 13th Ordinary Session of the STC on Defense, Safety and Security held on 4 November 2020. The ASF in the context of the COVID-19 pandemic facilitated the deployment of health workers and distribution of health equipment to member states.

3.1.5. Peace Fund

The other major component of the APSA provided for in Article 2 (2) of the PSC Protocol is the Peace Fund. Article 21 (1) of the PSC Protocol provides for the establishment of the Fund in order 'to provide the necessary financial resources for peace support missions and other operational activities related to peace and security'. The Protocol further provides in its Article 21(2) that the Peace Fund to be made up of financial appropriations from the regular AU budget; voluntary contributions from Member States, international partners and other sources, such as the private sector, civil society and

individuals; as well as through fund-raising activities. Under Article 21(3), the Chairperson of the AUC is mandated to raise and accept voluntary contributions from sources outside Africa, in conformity with the AU's objectives and principles.

The Peace Fund traces its origin back to 1993 and to the Establishment of the OAU Mechanism on Conflict Prevention, Management and Resolution. For a number of years, the Peace Fund received inadequate attention in the process of operationalization of the APSA.

On the inadequate development of the Peace Fund, the 2007 AU Audit Report pointed out that the 'Peace Fund remains small and precarious. On average, only 6% of the regular budget is allocated to the Peace Fund. This is a paltry sum viewed against the needs for peacekeeping activities on the continent. The assessed contributions to finance peacekeeping have not been done and the reimbursement within six months of States contributing contingents to peace support operations, as provided in the Protocol, has not always been honoured'. The 2015 AU APSA Assessment Report noted that '[b]etween 2004 and 2007, an average 1.9% of the total resources channelled through the Peace Fund came from the Member States.'

Member states took the first step towards enhancing the Peace Fund in 2009. At the Sirte Summit they agreed to increase their contributions to the Peace Fund from 6% to 12% of the AU regular budget. Although in 2010 the Executive Council agreed that this would be implemented over a period of three years, commencing in 2011, by the end of the three years period the contribution to the Peace Fund increased only by one percent standing at 7%. The overall amount of the Peace Fund has steadily increased from \$2.8 million in 2006 to \$5.7 million in 2014. Yet the amount from the Peace Fund remained utterly inadequate compared to the cost of AU peace processes, particularly its peace support operations which in 2016 cost as much as \$1.2 billion. Beginning in 2015, new efforts have been

launched to revitalize the Peace Fund. At the 24th and 25th AU Assembly Ordinary Sessions (Assembly/ AU/Dec.561 (XXIV) and Assembly/AU/Dec.578 (XXV) member states agreed to fund 100 percent of the operational budget, 75 percent of the program budget and 25 percent of the peace support operations budget.

In its decision Assembly/AU/Dec.605 (XXVII) on the financing of the Union adopted at its 27th Ordinary Session held in July 2016 in Kigali, Rwanda, member states agreed to endow the AU Peace Fund with \$400m by 2020 from the 0.2 percent levy on all eligible imported goods into African states.

According to the 2015 APSA assessment report, while 75 % of the allocation from the assessed contribution to the Peace Fund has been used to service PCRD activities in post-conflict countries, the remaining 25% is utilized for supporting AU Liaison Offices in crisis countries and for limited support to peace operations. With the decision on the revitalization of the Peace Fund, the PSC at its 30 May 2017 session decided the Peace Fund to have three (3) thematic windows, namely Mediation and Preventive Diplomacy; Institutional Capacity; and Peace Support Operations, as well as the Crisis Reserve facility provided for in Article 21 (4) of the PSC protocol and envisaged to fund rapid response to emergency crisis.

The \$400 million amount that member states agreed to mobilize for the Peace Fund would contribute to not only the 25% of the AU peace support operations as per the 2015 decision but also covers a) preventive diplomacy, mediation activities (Window 1 of the Peace Fund), b) building of critical APSA capabilities (Window 2) and c) peace support operations (Window 3) as well as a crisis reserve facility (with an amount of no less than 50 million USD) for funding rapid response to emergency crisis.

The revitalized Peace Fund is made to have governance and operational structures, including for financial management and

accountability as well as legal instruments notably financial rules governing the Fund. The first of these structures is the Board of Trustees. This is the body that plays the key role in terms of the financial and administrative oversight of the Fund required to ensure high fiduciary standards and integrity and the provision of strategic coherence. The other structures of the Peace Fund are the Executive Management Committee, Independent Evaluation Group, the Fund Manager and a Peace Fund Secretariat.

In January 2018, the AU Assembly decided, as part of the institutional reform of the Union, to adopt the Instrument Relating to the Enhanced Governance and Management structure of the Peace Fund (Assembly/AU/Dec.687(XXX)). In a step towards the operationalization of the revitalized Peace Fund, one of the important steps taken by the AU has been the appointment of the Board of Trustees of the Fund in November 2018. The Board consists of five individuals representing the five regions of the continent and two institutions. The five individuals are Zainadine Ahmed of Nigeria, Kamel Morjane of Tunisia, Ellen Mekonen of Ethiopia, Tito Mboweni of South Africa and Anicent Dologuele of Central African Republic. The two institutions are the major partner organizations of the AU, namely the United Nations and the European Union.

Institutional set-up of the revitalized Peace Fund

- Within the framework of the AU, the responsibility for political oversight lies with the PSC, with the support of the AU Commission Chairperson, although details of how the PSC interacts with the Peace Fund and the eligibility criteria for utilizing the fund are as yet to be fully worked out.
- At strategic level, it is envisaged that the AUC Chairperson assisted by an Executive Management Committee oversees the operations of the Fund.
- Other components of the Peace Fund include the Independent Evaluation Panel and the Fund manager.
- At the operational level for the day-to-day management of the affairs of the Fund, it is envisaged that the Peace Fund would have its own secretariat.

During its 2 May 2019 meeting, the Board of Trustees approved the terms of reference for the remaining structures: the Fund Manager, Independent Evaluation Panel and Peace Fund Secretariat. The structure of the Peace Fund Secretariat, which is envisaged to be located in the Bureau of the AU Commission Chairperson, was endorsed as part of the new AU Commission departmental structure during the February 2020 AU Assembly session.

In terms of the legal instruments, a Peace Fund Instrument codifying the enhanced governance and management arrangements involving the Peace Fund Financial and Procurement Rules and Regulations was developed and reviewed by AU Legal Counsel in August 2017 and has since been adopted in the January 2018 AU summit decision Assembly/AU/ Dec.9(XXX).

Other related instruments cover the development of the Standard Operating Procedures and Manuals of the Fund. The AU Common Costs Document was also developed by the Commission as part of its efforts towards efficient and effective utilization of the Peace Fund. This is also envisaged to guide the Commission in facilitating

planning, rapid deployment and sustenance of AU Peace Support Operations. The Document was approved by the 10th Meeting of the AU Specialized Technical Committee on Defence, Safety and Security on 9 January 2018.

Developments in 2020

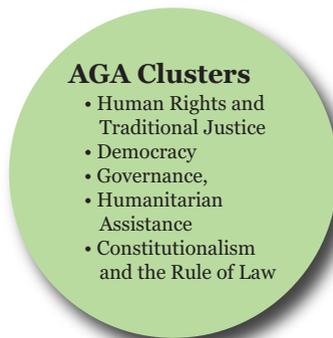
Although the initial plan was to endow the Peace Fund with \$400 million by 2020, the AU Assembly during its February 2020 session extended the timeline to 2023. The initial decision of the AU Assembly (Assembly Decision 605 July 2016) was that the Peace Fund would be financed through equal contributions from each AU region. The Assembly in its decision Assembly/AU/Dec.734 (XXXII) switched the basis for contribution to be the use of the scale of assessment for the regular budget. While four regions of Africa supported the use of the scale of assessment, the North Africa region favor the regional formula under Assembly decision 605. The Executive Council in its October 2020 extraordinary session adopted by consensus with reservation by the North region the use of the scale of assessment for the regular budget for contribution to the Peace Fund EX.CL Dec./1100(XXXVII). The High Representative reported in October 2020 that 50 AU member States have paid their contributions on the basis of the scale of assessment. As at the end of December 2020, the contribution to the Peace Fund was about \$200 million.

The discussion on establishing benchmarks and procedure that guide the utilization of the Fund is also pending the 2020 planned retreat by the PSC. The PSC held the high-level retreat on 11 January 2020. The retreat agreed to implement the following key milestones in 2020: (a) Common African Position on Financing of Peace and Security Activities; (b) a revised draft UNSC Resolution on access to UN Assessed Contribution by the AU; (c) Peace Fund Workflow processes; and (d) Strategic Priorities to be funded from the Peace Fund. Following the disruption that the COVID19 pandemic, these milestones are to be rolled out during 2021.

3.2. African Governance Architecture

African Governance Architecture (AGA) is a complementary mechanism to the APSA. Unlike APSA, AGA is not attached to a specific binding treaty. Rather AGA's normative basis is the Declaration by the AU Assembly on Shared Values which consists of a number of instruments including the African Charter of Democracy, Elections and Governance and African Charter on Human and People's Rights. AGA is also guided by the AU Constitutive Act provision that envisions to 'promote and protect human and people's rights, consolidate democratic institutions and culture and ensure good governance and the rule of law'.

AGA, as established by the Assembly of the AU Heads of State and Government (AU/Dec.304 (XV)) in July 2010, is organized along five clusters.



Its Secretariat is placed in the Department of Political Affairs (DPA) and serves as the coordinating hub of the AGA Platform.

The members of the Platform are: the AU Peace and Security Council, AUC, RECs, African Commission on Human and Peoples' Rights, African Court on Human and Peoples' Rights, Pan-African Parliament, African Peer Review Mechanism, Economic, Social and Cultural Council, AU Advisory Board on Corruption, African Committee of Experts on the Rights and Welfare of the Child, African Union Commission on International Law and AU Development Agency-NEPAD.

PART FOUR: TOOLS AND MECHANISMS OF THE PSC FOR PROMOTION AND MAINTENANCE OF PEACE AND SECURITY IN AFRICA

4.1. Conflict prevention and preventive diplomacy

One of the main objectives of the PSC as stipulated in Article 3 of the Protocol is the anticipation and prevention of conflict. The Protocol also identifies various mechanisms through which the PSC fulfils this mandate including through the determination of its agenda (Article 8 (7)), through the collective intervention of the Council itself, or through its Chairperson and/or the Chairperson of the Commission, the Panel of the Wise, and/or in collaboration with the Regional Mechanisms (Article 9), the CEWS (Article 12), and the ASF (Article 13 (3d)).

The range of tools that are used for purposes of operational conflict prevention include good offices of the AU Commission Chairperson, facilitation, shuttle diplomacy, and/or other forms of preventive diplomacy. Activities that fall under good offices include steps taken publicly or in private by or through the Chairperson of the Commission to prevent disputes from erupting into violent conflict, escalating or spreading.

Facilitation

In April 2016 in the context of the rising tension between the government and opposition forces in the DRC around the convening of national elections, the AU Commission Chairperson appointed Edem Kodjo, then a member of the Panel of the Wise, ‘as the Facilitator for the national dialogue in the Democratic Republic of Congo’. Despite opposition misgivings about the facilitation and the lack of follow through with the agreement, his role contributed to the signing of agreement of the conclusion of the national dialogue in the DRC in October 2016.

As envisaged in Articles 9 and 10 of the PSC Protocol, these various preventive tools may be used by the Chairperson herself/himself or through her or his special envoys, special representatives, ad hoc committees, high-level panels, the Panel of the Wise or by others (such as the Commissioner for Peace and Security) acting on her or his behalf.

Addressing cases of fragile elections and horizon scanning briefings

Although the PSC's engagement in conflict prevention has been less than its conflict management and resolution works, its periodic briefings on elections and the horizon scanning briefing are used as established frameworks in conflict prevention. During its 360th meeting, held on 22 March 2013, the PSC dedicated a session on the use of all available tools in preventive diplomacy. In an effort to have a more systematic approach, in the communiqué from that session, the PSC identified: a) periodic review at least biannually of the state of peace and security using horizon-scanning approaches, b) briefings on electoral process in Africa at least every two-month, c) effective follow up on the progress towards democratic practices, good governance and the rule of law and d) bi-annual meetings on preventive diplomacy and conflict prevention.

Although there is a lot of room for improvement to use these mechanisms for mobilizing collective action, briefings on elections (by the Department of Political Affairs) and horizon-scanning briefings (usually by the Conflict Prevention and Early Warning Division of the Peace and Security Department) have since been established as standing agenda of the PSC. Accordingly, between 2016 to 2018, the PSC held no less than 14 sessions on issues related to elections. The PSC on its own or through the AU has accordingly addressed cases of fragile electoral processes including through diplomatic statements, PSC communiqués, the deployment of election observers, special envoys and/or field visits by the PSC.

These various preventive initiatives seek to influence the calculation of key actors with a view to dissuading them from engaging in actions that would escalate violence and conflict. One good example of this is PSC's engagement with respect to the fragile electoral process in Guinea Bissau. In a strongly worded communiqué of its 892nd session, the PSC 'condemned the illegal dismissal of the legitimate and internationally recognized Government of Guinea Bissau, and the appointment of a new Prime Minister' and 'declared the unconstitutional Decrees issued by President Jose Mario Vaz, on 28 and on 29 October 2019 null and void'. Together with the pressure from ECOWAS, this strong rejection of the President's action precipitated the resignation of the new Prime Minister along with the members of his government. The PSC held another session on 18 November to sustain its engagement for maintaining the continental pressure on Guinea Bissau actors and AU's support for the critical role of ECOWAS. These collective initiatives made significant contribution not only to averting a constitutional crisis in Guinea Bissau and the risks of further instability associated with it but also to the convening of the presidential election as scheduled on 24 November.

In terms of the horizon-scanning briefing, the idea is to use this format for sharing with PSC members early warning analysis to enable the PSC take action for preventing disputes from erupting into violent conflicts or for preventing the escalation of conflicts or for preventing the collapse of a peace settlement from leading to relapse back to conflict. Currently, it is mostly used to provide update to the PSC on the development and operationalization of the various conflict prevention and early warning instruments developed within the framework of the Conflict Prevention and Early Warning Division of the AU.

Other preventive tools available to the PSC

Apart from the foregoing periodic sessions, within the framework of the PSC, the tools available for the PSC in pursuing its mandate of conflict prevention include:

- Getting seized with a situation;
- Convening a session on a situation;
- Adopting statements or communiqués;
- Mandating the deployment of diplomatic initiatives or undertaking preventive field visit;
- Investigation mission or commission of inquiry;
- Human rights monitoring;
- Use of preventive deployment; and
- Sanctions

The experience of the PSC generally shows that timely action for prevention by the PSC is lacking. There is as a result a need for the PSC to be seized with a situation timeously and initiate the response required in good time for it to have meaningful engagement to prevent tensions from escalating into full blown crisis or conflict.

PSC press statement or communiqué

In terms of the use of statements/communiqués, one good recent example, in addition to the case of Guinea Bissau cited above, is the communiqué of the 873rd session of the PSC on the maritime boundary dispute between Somalia and Kenya. The communiqué called on the two member states of the AU ‘to pursue and intensify their engagements with a view to finding an amicable and sustainable solution to their maritime boundary dispute ... to refrain from any action that may threaten the existing good neighbourliness between the two countries’ (PSC/PR/COMM.(DCCCLXXIII)).

Preventive diplomacy

One of the avenues through which preventive diplomacy is deployed is the Panel of the Wise. There are a number of cases, mostly related to fragile electoral process, in which the Panel deployed preventive diplomacy. One such case concerns its mission to Guinea ahead of that country's election in 2010. Acting under persuasion from the Panel and ECOWAS, Cellou Diallo, the contestant who stood against Alpha Condé in a highly contested presidential run-off in November 2010, resorted to Guinea's Constitutional Court to resolve election disputes. In the event, Guinea narrowly avoided an intensification of conflict that could have escalated into deadly violence.

The Panel undertook similar mission to the DRC ahead of that country's election in 2011. It undertook the mission first on 6-8 October along with various regional groupings and on 6-8 November with the Chairperson of the AU Commission, although the diplomatic effort did not avert the electoral violence that accompanied the election in DRC.

On 21-25 February 2012, the Panel undertook a mission jointly with ECOWAS, represented by former President of Nigeria Olusegun Obasanjo, to Senegal in an attempt to de-escalate the mounting tension relating to the electoral process in the country. The mission sought dialogue with many important actors such as the president and the leader of the opposition, and contributed to religious leaders taking a neutral stance during the election campaign as well as President Abdoulaye Wade acknowledging his electoral defeat. In 2020, ahead of the elections in Cote d'Ivoire, the AU joined ECOWAS and the UN in undertaking several preventive diplomacy missions.

Preventive field mission

As noted above, another tool at the disposal of the PSC is to undertake preventive field missions to countries that exhibit high risks of violent conflicts or relapse to conflicts. One recent example

of such a mission was the visit to Guinea Bissau. At its 85th session held on 11 June, the PSC followed ECOWAS in putting pressure on Guinea Bissau's President to ensure that he appoints the parliamentary government in line with the will of the people expressed in the March 2019 parliamentary election and that he announces the date of the presidential election before the end of his term of office on 23rd June. It also decided 'to urgently dispatch the PSC Troika to Guinea Bissau'. Acting on this decision, the PSC conducted the field mission to Guinea Bissau on 16-18 June and directly engaged the various political actors including the President urging the necessity of announcing the schedule of the presidential election by the President before expiry of his term of office on 23 June. This visit along with the diplomatic measures of the UN and the muscular pressure of ECOWAS helped in breaking the stalemate and securing the announcement on 18 June of the date of the presidential election for 24 November 2019.

Sanctions and coercive deployment for cases of unconstitutional changes of government

As noted earlier and envisaged in Article 7 (g) of the PSC Protocol, one of the tools at the disposal of the PSC is the institution of sanctions whenever an unconstitutional change of government takes place in a member state. Since the adoption of the PSC Protocol, Article 7(g) of the PSC Protocol has been applied in response to 16 cases of unconstitutional changes of government including in Central African Republic (twice), São Tomé and Príncipe, Guinea-Bissau, Togo, Mauritania (twice), Guinea, Madagascar (twice), Niger, Cote d'Ivoire, Mali (twice), Egypt, Burkina Faso and Sudan. The situation in Sudan that emerged in April 2019 is a most recent case in which the PSC applied Article 7(g) of the PSC Protocol. In most cases, the sanction involved is the suspension of the country involved from participation in the activities of the AU in accordance with Article 30 of the Constitutive Act.

There have also been instances in which the PSC also called for additional sanctions taking the form of targeted sanctions against identified individuals (as in Madagascar or Mali) and economic sanctions (Cote d'Ivoire and Mali). The AU imposed sanctions on the separatist Anjouan Island of Comoros and the leader Abdourahim Saïd Bacar in October 2007. These took the form of economic and travel sanctions and the freezing of assets.

In two instances, the PSC also used coercive deployment for addressing cases of unconstitutionality. The first case of Comoros involved breach of constitutional term by the incumbent using illegal election and the second case of The Gambia related to the refusal of an incumbent to hand over power after losing an election. In March 2008, the AU launched Operation Democracy in the Comoros to end the illegitimate rule of the incumbent regime on the Comorian island of Anjouan. Spearheaded by troops from Tanzania and Sudan the operation forced the incumbent ruler Mohammed Bacar to step down after he had organized an illegal election in order to cling onto power. In this instance, the AU used military force to restore constitutional governance. In 2016, the AU endorsed an ECOWAS military operation, ECOMIG, to ensure the election results in the Gambia were upheld and implemented, and that the incumbent who lost the election was made to surrender power to the democratically elected president Adama Barrow.

Preventive deployment

An example of preventive deployment involves the decision of the PSC in the communique of its 565th session held on 17 December 2015 on the situation in Burundi. Noting that despite various efforts 'the situation in Burundi continues to deteriorate and that there is a real risk of the situation degenerating into widespread violence, with catastrophic consequences for Burundi and the entire region', the PSC reaffirmed 'its determination to fully assume its responsibilities,

having in mind the relevant provisions of the Protocol Relating to the Establishment of the Peace and Security Council, in particular those relating to early response to contain crisis situations so as to prevent them from developing into full blown conflict (article 4 b) ... the anticipation and prevention of policies that may lead to crimes against humanity (article 7 1a)'. Accordingly, it decided 'to authorize the deployment of an African Prevention and Protection Mission in Burundi (MAPROBU)' within the framework of Article 4(h) of the Constitutive Act' PSC/PR/COMM.(DLXV).

Indicating the preventive nature of the deployment, the PSC mandated MAPROBU to, among others 'a) prevent any deterioration of the security situation, monitor its evolution and report developments on the ground; (b) contribute, within its capacity and in its areas of deployment, to the protection of civilian populations under imminent threat; (c) contribute to the creation of the necessary conditions for the successful holding of the inter-Burundian dialogue and to the preservation of the gains made through the Arusha Agreement for Peace and Reconciliation in Burundi'.

Although in the end the AU Assembly at its January 2016 summit did not proceed with the plan of deploying MAPROBU, the communiqué, by increasing the stakes on the stakeholders in Burundi and mobilizing international attention on the situation, contributed to the de-escalation of the situation with significant decline in the scale of violence.

Human rights monitoring

While the AU deployed human rights observers as part of its peace support operations to Mali, CAR and Somalia, the situation in Burundi was the first case in which the PSC authorized the use of human rights monitoring for preventive purposes. On 13 June 2015, the PSC authorised the deployment of human rights observers (HROs) to Burundi to monitor the human rights situation, and report possible violations of human rights and international humanitarian law and the deployment of military experts (MEs) to verify, in collaboration with the government and other stakeholders, the disarmament of militias and other armed groups [PSC/PR/COMM.2(DXV)].

The AU deployed the first group of human rights monitors and military experts on 23 July 2015. In a press release it issued on 23 July, the AU Commission noted that the deployment ‘aims to prevent an escalation of the violence in Burundi and to facilitate the resolution of the serious crisis facing the country.’ On 17 October 2015, the PSC decided to increase the number of HROs and MEs deployed in Burundi to 100, including a police component [PSC/PR/COMM.(DLI)].

4.2 Peace making and Mediation

Peacemaking and mediation have become critical instruments in AU’s efforts for managing and resolving conflicts. As part of the effort to institutionalize and provide sustained technical support for peacemaking and mediation process, the AU established the Mediation Support Unit (MSU). This Unit became operational in 2019 and is tasked to institutionalize and strengthen the mediation efforts of the AU through the establishment of a systematic mechanism for delivering technical operational support to AU led or AU supported mediation efforts.

As highlighted in earlier parts of this handbook, the PSC Protocol envisages the use of peace-making and mediation tools as instruments for the management and resolution of crisis and conflict. These may consist of:

- ad hoc committees for mediation consisting of an individual state or group of states (Art. 8(5) of the PSC Protocol,)
- Special envoys (Art. 10(2)(c)), and
- Special representatives (Art. 10(2)(c))

From the practice of the AU, the peace making and mediation tools include

- High-level Panels, and
- High Representatives

It is therefore clear from the above that there are five categories of peace making and mediation arrangements that the AU deploys either at the initiative of the AU Assembly, the PSC or the AU Commission Chairperson.

High Level Ad Hoc Committees: one of the mediation mechanisms provided for in Article 8(5) of the PSC Protocol, these committees are set up on an ad hoc basis often for mobilizing the leverage of a group of states with some influence. An example of previous such committee is the high-level ad hoc committee on Cote d'Ivoire, established in the aftermath of the disputed 2010 elections.

An example of an active ad hoc committee currently in operation is the AU high level ad hoc committee on South Sudan, appointed in 2015. This body has been active in supporting the IGAD led mediation effort and since 2019 in facilitating compromise between the parties to the Revitalized-Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS) over the number and boundaries of the states in South Sudan.

The AU High-Level Ad Hoc Committee for Libya is another such committee that was established following the descent of Libya into civil war in 2011. Established pursuant to the communique of the 265th session of the PSC held on 10 March 2011 the committee was initially composed of the Heads of State and Government of Congo (Chair of the Committee), Mali, Mauritania, South Africa and Uganda. Subsequently, in line with the PSC communique of 459th meeting convened in September 2014, the Assembly decided, at its January 2016 Summit, to establish a High-Level Committee of Heads of State and Government composed of the Presidents of Congo Republic, South Africa, Mauritania, Gabon and Niger, and the Prime Minister of Ethiopia. In January 2017, the Assembly through its decision (Assembly/AU/Dec.629(XXVIII)) expanded the membership to include Libya's neighbors, Algeria, Chad, Egypt, Sudan and Tunisia.

The February 2020 AU Summit, through decision Assembly/AU/Dec.792(XXXIII), provided for the establishment of a Contact Group, chaired by the Republic of Congo, deriving from the Members of the AU High Level Committee on Libya, and any other country the Chair of the Contact Group may wish to add, to provide political leadership, as well promote coordination of international efforts in the search for a solution to the Libyan crisis. Since then, the Contact Group met twice in March and May 2020.

The Assembly in its decision 792 also decided to upgrade to the level of mission the current AU Liaison Office in Libya, and to equip it with the necessary political, diplomatic and military capacity, in order to ensuring greater contribution and participation of the AU in the efforts. In this respect one notable development has been the offer of the UN Secretary General, within the framework of the AU-UN Framework Partnership for Peace and Security, to host the African Union Mission within UNSMIL, which the AU Contact Group on Libya welcomed.

High-Level Panels – these are a team of very senior personalities who are often, but not exclusively, former heads of state and government or ministers. These are people with political and diplomatic gravitas able to mobilize required leverage for peace making or mediation efforts which they are assigned to lead. Previous examples include:

- High-Level Panel on Darfur (AUPD) - AUPD was established by the PSC on 21 July 2008 at its 142nd meeting (Communiqué PSC/MIN/COMM(CXLII)). Its mandate was to examine the situation in depth and submit recommendations to the AU Executive Council on issues of accountability, potentially including through truth and/or reconciliation commissions supported by the AU and international community. The Panel ended its work after submission of its report to the PSC in October 2009.
- High-Level Panel for Egypt – This Panel was established by the PSC on 5 July 2013 (PSC/PR/COMM. (CCCLXXXIV)). The Panel’s mandate is to interact with the ruling authorities and other Egyptian stakeholders as well as countries from the Gulf region to establish a constructive political dialogue aimed at national reconciliation, as well as contributing to efforts towards a transition that would lead to an early return to constitutional order and consolidate the democratic process. The Panel concluded its work upon submission of its final report to the AU Assembly in June 2014. Chaired by Alpha Oumar Konaré, former President of the Republic of Mali and former Chairperson of the AU Commission, the Panel was made up of Festus Gontebanye Mogae, former President of the Republic of Botswana; and Dileita Mohamed Dileita, former Prime Minister of the Republic of Djibouti.

A high-level panel that is currently operational is the High-Level Implementation Panel on Sudan and South Sudan (AUHIP).

Established by the PSC on 29 October 2009 at its 207th Heads of State and Government meeting (PSC/AHG/COMM.1(CCVII)), the Panel has three members with former South African President Thabo Mbeki serving as its Chairperson. Other members of the Panel Pierre Buyoya, former President of Burundi (until 2013) and Abdulsalami Alhaji Abubakar, former President of Nigeria, with Ramtane Lamamra, former Foreign Minister of Algeria added on the expansion of the Panel's mandate to cover Horn of Africa. Initially established to assist with the implementation of the CPA and the recommendations of the AUPD report, the Panel's mandate was extended to facilitate negotiations on post-session issues between Sudan and South Sudan, including issues such as oil, security, citizenship, assets and the common border. Within this framework, it contributed to the peaceful convening of the South Sudan referendum and facilitated the signing of the 2012 cooperation agreement intended to promote peace and security between them. In undertaking its mediation work, the AUHIP worked closely with the Special Envoy of the UN Secretary General for Sudan and South Sudan, the IGAD representative in Sudan and the Joint Special Representative and Head of the UN-AU Hybrid Mission in Darfur (UNAMID).

High Representative of the AU Commission Chairperson - The high-level representatives tend to be very senior former ministers or heads of state with leadership skills. These representatives often times are appointed to either champion a specific initiative/project or to lead on efforts directed to specific countries, regions or peace processes. The appointment may also serve for an extended period of time or it may have the objective of addressing a specific and immediate issue.

High Representatives of the AU Commission Chairperson

High Representative for Mali and Sahel: Pierre Buyoya, Burundi, October 2012 and appointed Special Representative in January 2013 until November 2020.

High Representative for South Sudan: Alpha Oumar Konaré, Mali, June 2015

High Representative for Financing the AU and the Peace Fund: Donald Kaberuka, Rwanda, January 2016

High Representative for Silencing the Guns in Africa: Ramtane Lamamra, Algeria, October 2017

High Representative for Libya: Jakaya Mrisho Kikwete, Tanzania, January 2016

Special envoys – These are appointees of the AU Commission Chairperson who are assigned to deal with either a specific crisis situation or a particular thematic issue relating to a structural dimension of conflict prevention, management and resolution. They operate under the direction and authority of the Chairperson of the Commission and have less autonomy than high-level panels. While special envoys generally have strong expertise and often rich experience and diplomatic skills, it is not necessary that they possess previous experience as ministers or heads of state and government, although it can happen.

Special Envoys of the Chairperson of the Commission

Special Envoy for Women, Peace and Security: Bineta Diop, Senegal, January 2014

Special Envoy for Western Sahara: Joaquim Alberto Chissano, June 2014 (appointed by the PSC)

Special Envoy of the African Union for the Lord's Resistance Army (LRA): Jackson Kiprono Tuwei, Kenya, July 2014

Special Envoy on Youth, Aya Chebbi, Tunisia, appointed by the Chairperson of the Commission in November 2018 to December 2020.

Special Representatives are often appointed for purposes of heading and implementing the mandate of peace support operations or the liaison offices of the AU. They maintain regular contacts with key stakeholders, participate in and support initiatives for conflict management and resolution processes, for implementing post-conflict initiatives and establish line of communication between national authorities and the AU. They are appointed by the AU Commission Chairperson.

Special Representatives of the Chairperson of the Commission

Special Representative for Guinea Bissau: Ovidio Manuel Barbosa Pequeno, São Tomé and Príncipe, May 2012

Special Representative for the Great Lakes Region: Basile Ikouebe, Congo Republic, September 2017

AU–UN Joint Special Representative for Darfur: Jeremiah Nyamane Kingsley Mamabolo, South Africa, April 2017 (jointly appointed by the UN Secretary-General and the Chairperson of the Commission)

Special Representative and Head of Office in CAR: Matias Bertino Matondo, Angola, March 2019

Special Representative for Counter-Terrorism Cooperation: Larry Gbevlo-Lartey, Ghana, March 2016

Special Representative and Head of AU Office in DRC: Michelle Ndiaye, Senegal, May 2020

AU Representative on the tripartite team for Humanitarian Assistance to South Kordofan and Blue Nile State: Teferra Shiawl-Kidanekal, Ethiopia, 2012

Special Representative for Somalia and Head of the AU Mission in Somalia (AMISOM): Francisco Caetano Jose Madeira, Mozambique October 2015

Special Representative and Head of the AU Mission to Libya, Wahida Ayari, Tunisia, 2016

Although the appointment of the special representatives and envoys has increasingly become a common practice, the PSC Cairo Retreat particularly highlighted the need to rationalize their work and ensure effectiveness of their mandate in conflict prevention and crisis management, including through the ‘assignment of time bound benchmarks to each representative, placement of time limit for each appointment and ensuring rotation to allow all member states to get

the opportunity for their nationals to serve in this category'. Also of interest for the PSC is the establishment of structured and regular interaction by special envoys and special representatives with the PSC.

Investigative bodies

As it can be observed in previous practices, the PSC may also mandate ad-hoc bodies to undertake investigation and produce report that can inform its policy actions. A very good early experience of the use of such mechanism for management and resolution of conflicts in this respect was the work of the AU High-Level Panel on Darfur (AUPD). The PSC adopted a decision for the establishment of the AUPD on 21 July 2008 to submit recommendations 'on accountability and combating impunity, on the one hand, and reconciliation and healing, on the other hand'. The AU Assembly at its session in January 2009 endorsed the decision of the PSC and decided that the AUPD be chaired by President Thabo Mbeki.

In a precedent setting methodology, the AUPD held over a six-month period consultations and series of hearings in Sudan, mostly across Darfur. As the basis for producing its report that was authentically and fully informed by the views of Darfurians, the Panel spent more than 40 days in town-hall style meetings with displaced persons, women, traditional leaders, civil society activists, farmers, nomads and local authorities in order to solicit the views of various sections of society on the causes and drivers of the conflict and the approaches for accountability, non-impunity and peace, reconciliation and healing. Separate sessions were held for political parties, traditional/community leaders, members of civil society and internally displaced persons. The final report titled *Darfur: The quest for peace, justice and reconciliation* recommended an inclusive process fully owned by all those affected by the conflict and an 'integrated justice and reconciliation response'.

Commission of Inquiry on South Sudan

The PSC on 30 December 2013 mandated the establishment of the Commission of Inquiry on South Sudan to investigate the human rights violations committed during the conflict and to make recommendations on options to ensure accountability and reconciliation.

Subsequently, the AU Commission Chairperson appointed the members of the Commission of Inquiry and the members were sworn in on 12 March 2014. In line with its mandate the Commission conducted consultations with the various South Sudanese stakeholders, undertook visit to parts of the country affected by violence and submitted its report to the AUC Chair on 15 October 2014. The report documented and analysed the various violations perpetrated in the course of the conflict. Importantly, it outlined the political reforms and the accountability and reconciliation measures required both for resolving the conflict and addressing the crimes and violations that the conflict parties committed during the conflict.

Although the PSC delayed the receipt of the report after its finalization, it adopted, at its 547th session held at the level of Heads of State and Government on 26 September 2015, a decision endorsing the recommendations from both the main report of the Commission of Inquiry and the Separate Opinion of one of its members. The decisions of the communique of the 547th session covered measures for political and other reforms (such as building of accountable, inclusive and efficient institutions, separation of powers, security sector reform and constitutional review with devolution of resources), accountability measures (including a hybrid court, traditional mechanisms and Compensation and reparation Fund) and healing and reconciliation measures (including return of IDPs and refugees, national process to provide a forum for engaging their history, the related and often competing narratives to discover the truth about the conflicts and human rights violations including through a truth and reconciliation process and establishment of a framework for memorialization).

Much of the issues raised in the Report informed the framing of the peace agreement that the conflict parties signed under the IGAD mediation process in August 2015.

4.3 Peace Support Operations

Peace Support Operations (PSOs) are key aspects of the conflict prevention, management and resolution tools. The PSC Protocol under Article 7 (1, c-d) stipulates that the PSC has the power to ‘authorize the mounting and deployment of peace support operations’ and ‘lay down general guidelines for the conduct of such missions... and undertake periodic reviews of these guidelines.’

Between 2003 and 2020, the AU has mandated, authorized or endorsed over a dozen peace operations (see the list in the table below). These peace support operations have been conducted by AU forces, regional organizations and ad hoc coalitions of states and have performed a variety of roles including ceasefire monitoring, electoral observation, peace-building, stabilization and even counter terrorism. The first mission authorized and deployed under the AU was the AU Mission to Burundi (AMIB). Made up of 2600 troops from Ethiopia, Mozambique and South Africa, AMIB was mandated to help implement the Arusha Accords, the ceasefire protocols and the Disarmament, Demobilisation and Reintegration (DDR) programme. The mission successfully stabilized the situation in Burundi and created the conditions for the implementation of the peace process enabling the UN to take over the responsibility from AMIB and deploy the UN Operation in Burundi (UNOB).

Currently the AU oversees one mandated mission, and three authorized missions.

Peace Support Mission	Country	Years of Operation
AU-Mandated Missions		
AU Mission in Burundi	Burundi	2003-04
AU Mission in Sudan	Sudan	2004-07
AU Observer Mission in the Comoros	Comoros	2004
AU Mission for Support to the Elections in the Comoros	Comoros	2006
AU Mission in Somalia	Somalia	2007-present
AU Electoral and Security Assistance Mission in the Comoros	Comoros	2007-08
AU-UN Hybrid Operation in Darfur	Sudan	2008-Dec. 2020
African-led International Support Mission in Mali	Mali	2013-14
African-led International Support Mission in the Central African Republic	Central African Republic	2013-14
African Union-Authorized Missions		
Operation Democracy in the Comoros	Comoros	2008
Regional Coordination Initiative for the Elimination of the Lord's Resistance Army	Central African Republic, Democratic Republic of the Congo, South Sudan, Uganda	2011-18
Multinational Joint Task Force	Cameroon, Chad, Niger, Nigeria	2015-Present
G5 Sahel Joint Force	Burkina Faso, Chad, Mali, Mauritania, Niger	2017-Present
SADC Prevention Mission to Lesotho	Lesotho	2018-2020
AU Military Observers Mission to CAR (MOUACA)	CAR	2020-present

In addition to the foregoing, the PSC also authorized the deployment of two humanitarian operation missions. The first was the AU Support against Ebola Operation in West Africa (ASEOWA) deployed in 2014. Most recently in a communique of its 862nd session the PSC also decided to authorize the immediate deployment of the second such mission, an AU Mission Against Ebola in DRC (MAEC).

Developments in 2020

There were two major initiatives for the deployment of AU peace support operations. First, the AU Assembly through its decision Assembly/AU/D ec.792(XXXIII) tasked the AU Commission to initiate the deployment of a force composed of the Joint-Multinational Task Force (JMTF) and 3000 troops for six (6) months. As a follow up to this, at its 920th meeting, Council welcomed the 'Draft Strategic Concept Note on Planning Guidance for the Deployment of 3000 troops to Sahel' developed by the AUC. At its 950th meeting, the draft revised Strategic Concept Note was endorsed by the PSC with a request for the AUC to operationalise the Technical Committee provided for in the draft. In addition, PSC has repeatedly called on the AUC, ECOWAS and the Member States of the G5 Sahel to develop Concept of Operations (CONOPS) for the deployment of the 3000 troops. In its report on implementation of decisions, the AU Commission is finalizing a draft CONOPS that outline the detailed modalities for the deployment of the force for consideration by the PSC. The Commission is also in contact with relevant partners to mobilize resources to support the deployment of the force.

Second, the AU has also commenced the deployment of a Military Observer Mission in the CAR (MOUACA). It was at its 936th session that the PSC authorized the deployment of MOUACA on the basis of the 'Concept Note of the African Union Military Observers Mission to the Central African Republic (MOUACA)' that the PSC considered

and adopted during the same session. This is intended to support and monitor the implementation of the CAR Peace Agreement, including the provisions relating to cessation of hostilities and DDR processes.

In terms of renewal of mandates, the table below shows the 2020 renewal of the mandates of the four existing missions authorized or mandated by the PSC.

Mandate Renewals in 2020	
AMISOM	Mandate renewed for a period of 12 months from 27 May 2020 [at PSC's 923rd meeting] - expiring on 27 May 2021
G5-Sahel Joint Force	At its 920th session PSC authorized roll-over of the mandate of G5-Sahel Joint Force for a three-month period. Subsequently, the mandate renewed for a period of twelve (12) months, starting from 13 July 2020 [at PSC's 939 th meeting] - expiring on 13 July 2021.
UNAMID	Mandate extended up to 31 December 2020 [at PSC's 927 th meeting]
MNJTF	At its 898th session held on 28 November 2019, the PSC renewed the mandate of the MNJTF for a period of 12 month starting from January 2020

4.4 Post-conflict Reconstruction and Development interventions

AU's effort in post-conflict reconstruction and development (PCRD), peacebuilding and recovery is anchored in its PCRD policy adopted in 2006 (Decision EX.CL/Dec.302(X)). This is one of the few areas of the mandate of the PSC that have been least developed and operationalized. In recent year, encouraging signs of translating the PCRD policy into action by engaging in peacebuilding activities have been observed. One example is the establishment in the AU Commission of an inter-departmental Task Force on PCRD. The

taskforce was inaugurated on 16 May 2016 as platform for coordination and facilitating implementation of the PCRD policy. The Taskforce, whose membership includes representatives of RECs/RMS, undertook a mission to CAR in August 2016.

The institutional set up for implementing PCRD received further impetus with the establishment of the AU Centre for PCRD. It was during the its 16th Ordinary Session held in Addis Ababa in January 2011 that the AU Assembly, on the proposal of Egypt, adopted a decision for the Establishment of the Centre (decision Assembly/AU/Dec.351(XVI)). Through decision (Assembly /AU/Dec.710(XXXI)), the Assembly in 2018 accepted the offer of Egypt for hosting the Centre. The purpose of the Centre is to consolidate the implementation of PCRD programs in countries coming out of conflicts.

Following the signing of the host agreement in December 2019, the Centre's structure was approved and is eXpected to consist of 28 positions headed by an EXecutive Secretary, a Director, a Programme Coordinator (Deputy Director) and a Finance Officer. A start-up team is working in the AU Commission in Addis Ababa to facilitate the operationalization of the Centre. Egypt has identified the building where the Centre will be housed.

Within its Quick Impact/Peace Strengthening Project Policy Framework, the Commission, through its Liaison Offices, provided support for the establishment of a National Human Rights Commission in the Central African Republic, the rehabilitation of the Judiciary Police Prison in Bandim, Guinea Bissau and the procurement and installations of border/security monitoring equipment, supporting girl child education through the Grand Bassa Community College in Liberia and several community level peacebuilding projects in Somalia, and a rule of law project in Madagascar.

PCRD support mission

In support of the peacebuilding efforts of The Gambia, the AU deployed a AU Technical Support Team to the Gambia (AUTSTG) to support the SSR and the constitutional review processes. At its 844th session, the PSC extended the mandate of the AUTSTG for an additional period of twelve (12) months, until 31 August 2020. At its 942nd session, extended the mandate of the AUTSTG for additional four months until 31 December 2020 and requested the AU Commission to brief Council on the mission's activities and mobilisation of resources, for Council to consider further extension of its mandate post December 2020. Due to lack of funding, the AUTSTG came to an end upon the expiry of the extension adopted in August 2020.

In the first APSA related session of 2020, Council's 958th meeting focused on the review of implementation of the PCRD. The meeting presented an occasion to welcome the inauguration of the Cairo based AUPCRD Centre and to emphasise the potential contribution it could make to achieve the objective of STG. Council decided at the session to reactivate its Sub-Committee on PCRD. The Council also decided to be briefed twice a year by the AUC, on activities of the AUPCRD. It is worth noting that 2020 has witnessed a deliberate and sustained effort at mainstreaming PCRD with particular focus on the role of the AU PCRD Centre in the context of PSC's consideration of country and region-specific sessions. This can be gathered from the 913th session on Sudan, 945th session on South Sudan, 949th session on Somalia, 954th session on Mali and 966th session on Abyei.

The AU Commission has completed the elaboration of an AU SSR Strategy for three years (2021-2023). The Strategy aims at providing assistance in strengthening capacities of Member States and RECs for the effective implementation of the AU Policy Framework on SSR,

guided by nationally-led SSR initiatives. Another development in 2020 has been the initiation by the AU Commission of the development of a stabilization strategy for the Sahel to assist the affected countries in their quest for lasting and more sustainable peace and calls on AU Member States to support this process and its implementation.

AU Liaison offices and political missions

The AU currently has some 13 liaison offices and political missions operating in countries in conflict and those moving to or in post-conflict stage. These offices and/or political missions serve as primary sources of early warning and information for CEWS and for updating the PSC on the country or regional situation of concern. They also play a role in mediation and peace making and in facilitating and supporting post-conflict reconstruction and development. For instance, MISAHHEL continued to support the implementation of the Agreement on Peace and Reconciliation in Mali and the implementation of the AU Strategy for the Sahel Region. Similarly, the AU Mission in South Sudan supports the implementation of the Revitalized Peace Agreement in South Sudan.

List of AU Liaison Offices in Africa

AU Liaison Office	Heads of the Mission	Year of Appointment
African Union Liaison Office in Burundi	Basile Ikouebe (Congo Republic)	September 2017
African Union Liaison Office in Central African Republic	Matias Bertino Matondo (Angola)	March 2019
African Union Liaison Office in Côte d'Ivoire	Josephine-Charlotte Mayuma Kala (DR Congo)	April 2015
African Union Liaison Office in Guinea-Bissau	Ovidio Manuel Barbosa Pequeno (São Tomé and Príncipe)	May 2012
African Union Liaison Office in Kinshasa (DR Congo)	Abdou Abarry (Niger)	March 2016
African Union Liaison Office in Liberia	Ibrahim Mbaba Kamara (Sierra Leone)	January 2017
African Union Liaison Office in Libya, elevated to a status of a mission	Wahida Ayari (Tunisia)	October 2016
African Union/Southern African Development Community (SADC) Liaison Office in Madagascar	Hawa Ahmed Youssouf (Djibouti)	November 2013
African Union Mission for Mali and Sahel (MISAHEL)	Pierre Buyoya (Burundi)	January 2013 until Nov 2020
African Union Liaison Office in N'Djamena, Chad	Zaina Nyiramata (Rwanda)	April 2015 until August 2020
African Union Mission in Somalia (AMISOM)	Francisco Caetano Jose Madeira (Mozambique)	October 2015
African Union Liaison Office in South Sudan elevated to a status of a mission	Joram Mukama Biswaro (Tanzania)	October 2016
African Union Liaison Office in Sudan	Mohamed Belaich (Morocco)	March 2019

4.5. Other activities of the PSC

4.5.1. Field Missions

Undertaking field missions has become part of the working methods of the PSC in pursuing its mandate. As early as its 2nd session in March 2004, the PSC envisaged to undertake field mission. The PSC started undertaking field missions in 2007. This took the PSC to Sudan and Chad from 21 to 24 May and to CAR from 5-11 June. It discussed on its methods of work relating to field missions during its 209th session during which it decided to undertake a mission to Sudan, which took place in November 2009. After its mission to Cote d'Ivoire from 27 September to 3 October 2010 and Sudan from 15 to 18 December 2010, it took three years before the PSC undertook the next field visit in 2013.

Field visit has formally become part of the tools that the PSC employs and its use has become institutionalized with the adoption of the Conclusions of the Yaoundé Retreat of the PSC held on 15-16 November 2012. The Conclusions provided that members agreed to 'the need to undertake field missions, especially to the conflict areas'. The following year the PSC undertook field visits to a number of major conflict zones, notably Darfur in Sudan, Goma in the eastern DRC, Mogadishu in Somalia and Abyei.

Between 2007 and 2020, the PSC has undertaken some 28 field missions. The PSC had field visits to Sudan six times and to South Sudan four times and Guinea Bissau three times. The field visits undertaken thus far have taken the PSC to all parts of the continent except North Africa.

The PSC field visits serve a wide range of purposes in terms of the effective implementation of the PSC Protocol. They provide PSC members first hand insights on the conflict parties, the nature of the conflict and indeed the security and humanitarian impact of particular conflicts. Such insights would help PSC members to have

a more effective participation in the policy deliberations of the PSC on the specific conflict situations. Field visits can also play a role of supporting ongoing efforts for the prevention, management and resolution of conflicts including mediation and peace-making efforts as well as peace support operations. In an ongoing conflict, field visits, if implemented effectively and are accompanied by follow up action, can contribute towards reducing violence.

The current practice shows that PSC field visits are organized based on specific terms of reference. Often, the PSC Chair of the Month decides in consultation with others on the destination of the visit and on inclusion of field visit in the monthly program of work of the PSC.

In terms of best practice, the PSC has started issuing statements on field visits. Thus, when the PSC commenced its field visit to South Sudan in 2018, the AU issued a press statement outlining the purpose of the visit, how it relates to ongoing efforts for resolution of the conflict and the places that the PSC would travel to during its field visit in South Sudan. Even more interesting is the fact that the PSC Secretariat issued press release on PSC's field visit to Sudan two times. The first time was on 7 May 2018 after its arrival and commencement of the field visit. Apart from providing the itinerary of the PSC, it highlighted the various stakeholders the PSC plans to interact with. As the press statement for the field visit to South Sudan, this one also indicated the significance of the timing of the field visit.

It can also be gathered from these visits that timing of visits is generally tied with significant developments relating to the conflict situation. While the visit to South Sudan comes at a time when the sub-regional body, IGAD, has been trying to have the peace process back on track with its High-Level Revitalization Process, the visit to Sudan is linked to the ongoing process on the review and downsizing of the UN-AU Hybrid Mission to Darfur (UNAMID).

Another good practice is the preparation of the field visits report and its presentation to and consideration by the PSC. This is very critical. The report helps not only in documenting the information gathered during the field visit but also in informing the follow up to the field visits.

The Cairo Retreat and the Manual on the PSC Working Methods highlight the need to raise the level of participation of the PSC member states in field missions to conflict/post conflict areas. To this end, the PSC agreed that for any field mission the PSC should be represented by at least ten (10) permanent representatives/ambassadors of the PSC for the mission to be undertaken. The Manual further stipulates that ‘the PSC Member States are expected to be represented in all activities of the Council at the level of Permanent Representatives, including in field missions. A minimum number of confirmations of at least five Ambassadors, one from each region should be required’.

The PSC also undertakes joint field missions with the EU Political and Security Committee (EUPSC) in countries on which the two have common interest. As noted above, the first joint visit was to Mali and it took place from 11 to 13 February 2015. The latest joint mission was undertaken in CAR in March 2018 co-led by the PSC monthly chair Ambassador of Niger and EU PSC Permanent Chair.

Although the PSC has agreed to undertake joint field missions to conflict and post-conflict situations in the continent with the UNSC, the two Councils are yet to conduct such joint missions. They have as yet to agree on the modalities and formats of their joint field visits, an issue that featured prominently during the 13th annual consultative meeting held in October 2019.

In 2020, the PSC undertook only one field mission prior to the declaration of COVID19 as a global pandemic of international concern. It travelled to South Sudan on 18-20 February 2020. The report of the field mission was considered and adopted at the 912th session of the PSC on 27 February 2020.

4.5.2 High-level seminars

In 2013, the PSC held a high-level seminar in Oran, Algeria focusing on coordination of its work with the African three non-permanent members of the UN Security Council. Since then, the convening of this seminar became part of the annual work plan of the PSC. The Manual on the PSC Working Methods of 2019 stipulates that the PSC convenes an annual high-level seminar on “Peace and Security in Africa: Assisting incoming African Members of the UN Security Council”. It further stipulates that the seminar is held during the third quarter of the year, although the most recent edition of the seminar was held in January 2020. The purpose of the Seminar is to enhance the role of the A3 in promoting, advocating and defending the common African positions on peace and security issues concerning Africa within the UN Security Council decision-making process.

The first four high-level seminars of the PSC were held in Oran, Algeria. Following the decision of the PSC for rotation of the annual high-level seminar, subsequent seminars have been held in various cities. The Fifth High-Level Seminar was held in Livingstone, Zambia from 4 to 5 December 2017. The PSC held its sixth high-level seminar in Nairobi, Kenya on 13-14 December 2018. The latest edition of the seminar was held in Libreville, Gabon on 13-14 January 2020.

Apart from introducing the new members of the A3 non-permanent members of the UN Security Council to the work of the PSC, the high-level seminar serves as a platform for discussing issues that require robust coordinated follow up and support by the A3 within the UN Security Council. During the 6th edition of the seminar, such issue that received particular attention was the draft UNSC resolution on the financing of AU-led peace support operations tabled for adoption by the A3 at the time namely, Cote d’Ivoire, Equatorial Guinea and Ethiopia. The latest edition of the seminar discussed specific conflict situations in the Continent, namely Central African Republic (CAR),

Sahel region, South Sudan, Sudan and Libya, and one broad thematic issue “Silencing the Guns in Africa: creating conducive environment for children affected by armed conflicts”.

Apart from the opportunity it affords to establish contact between the PSC and representatives of the A3, the Seminar led to the establishment of the A3 coordination and modality of interaction between the PSC and the A3. Over the years, representatives of the A3 in Addis Ababa have also been invited to participate in the meetings of the PSC that address matters on the agenda of the PSC. Although it has yet to be fully institutionalized, a video teleconference meeting between the PSC Troika and the A3 has also been introduced. In New York, the A3 have started presenting joint statement. Following the military takeover of power in Sudan and the reluctance of the UNSC to support the initiative of the PSC, the A3 gave a joint address to the UN media corps expressing support to the PSC.

Underscoring the need for the PSC to pronounce itself timely to enable the A3 to make the necessary preparation and follow up ahead of the consideration of relevant issues by the UNSC, the outcome of the Libreville seminar underscored the ‘need for the PSC to timeously provide strategic guidance to the A3’. Seeking to enhance close working relationship, the conclusions of the Libreville seminar ‘[s]tressed the need for joint field missions of the PSC and the A3’.

4.5.3 PSC Retreats

Retreats provide an alternative space, in addition to the formal sessions regularly conducted, to extensively deliberate on specific issues affecting the work of the PSC.

Since its operationalization in 2004, The PSC had so far held twelve retreats. Half of the retreats focused on its working methods. The first retreat was dedicated on the working methods of the PSC, which

was held in Dakar on 5-6 July 2007. Other retreats on working methods took place in Yaoundé on 15-16 November 2012, in Djibouti on 9-10 February 2013, Namibia on 21-23 May 2015, in Abuja, Nigeria on 14-16 September, in Cairo, Egypt on 29-31 October 2018 and the last one in Rabat, Morocco on 24-26 June 2019.

The first retreat on the working methods of the PSC held in Dakar provided an elaborate guidance on the role of the chair including: representation, interaction with the commission and the PRC. Regarding annual activities, the retreat identified various areas to be considered by the PSC amongst others: conflict situations, retreats, meeting with RMs, the UNSC, organs of the AU and CSOs. It also states the need for the ‘chairperson and the chairpersons of the next three or six months of the PSC, in consultation with the commission’ to ‘elaborate an indicative program of work for a period of three to six months, which shall be considered by the PSC members.

Moreover, towards enhancing implementation of the PSC decisions the retreat called for the development of an implementation matrix to track progress and challenges. This initial retreat also envisioned the establishment of two subsidiary committees: on resource mobilization and a committee on procedures and mechanisms for peace support operations.

During its second retreat on working methods held in Yaoundé, the PSC made some revisions mainly on the role of the PSC chairperson; organization of work; decision-making process; format of outcomes of PSC meetings/decisions; follow up on the implementation of PSC decisions; establishment of the subsidiarity bodies of the PSC; preparation of the PSC report on its activities and state of peace and security in Africa; the implementation of the provision of the PSC protocol relating to the PSC’s working relationship with other relevant entities; framework of field missions and enhancement of the Peace Fund.

On the role of the monthly Chair the Yaoundé retreat concluded that new members of the PSC ‘should queue at the rear so as not to change the subsisting order of the succession of the rotating PSC Chair’. As stated in an earlier part of the Handbook, this rectified previous procedural challenges which prevented some members of the PSC from chairing the PSC as new members are allowed to interrupt the line of succession for chairing the PSC. The retreat also deliberated on the need to have the Chair at the AU headquarter throughout the month and the chairperson for the next month stand-in chair.

The second key point of the deliberation was on membership criteria. The conclusions stressed ‘the need for effective membership’ including fulfilling ‘the obligations as elaborated in Article 5(2) of the PSC protocol’ and ‘the need for periodic review by the Assembly of the Union with a view to assessing compliance by member of the PSC’. This issue of meeting the membership standards set in the PSC Protocol has been one of the challenges raised in the PSC reform process, although it has as yet to be addressed concretely.

The Yaoundé retreat has added an additional element to improve the organization of work by calling on the committee of experts in collaboration with the Commission to prepare the annual program of activities of the PSC. Moreover, it clearly states the role of the incoming chair with the support of the PSC committee of experts to prepare the monthly program of work two weeks before assuming chairmanship. Whereas in the first retreat the preparation of the monthly program of work was expected to be finalized within twenty days. Regarding time management, the retreat stressed on the need for strict allocation of time and for speakers to adhere to this.

Towards facilitating implementation, at the Yaoundé retreat the PSC agreed to review progress every six months beginning January 2013 and for the implementation matrix to be an integral part of the

annual program of work. It also called for the operationalization of the subsidiary bodies including: committee of experts, committee on terrorism, and committee on sanctions. Presently the Committee of Experts and the Military Staff Committee are operational and hold regular sessions on tasks assigned to them that feed into PSC sessions.

The other issue on working methods, which has regularly featured in the various retreats is the preparation of the report of the PSC on its activities and the state of peace and security in Africa. In the Dakar retreat the PSC, based on the provisions of Article 7 of its Protocol highlighted that both reports need to be submitted and presented to the AU Assembly through the Chairperson of the PSC. The Yaoundé retreat conclusions particularly tasked the Commission to elaborate and submit the report ahead of time to allow the Council's consideration. Although the Protocol itself clearly stipulates for the reports to be submitted through the PSC Chair, for a number of years the Commission was presenting the report.

The PSC, in its Working Methods Manual, established that the Chairperson of the PSC for the month in which the AU Summit falls would introduce the PSC Reports to the Assembly and the AU Commissioner for Peace and Security would deliver detailed presentation of the report and provide responses to issues and questions that Member States may raise.

The third retreat on the working methods in Djibouti further solidified the reviews made in Yaoundé. It particularly called for the operationalization of the subsidiary bodies of the PSC: Military Staff Committee, PSC Committee on Sanctions and PSC Committee on Terrorism. The Djibouti retreat also reiterated the need to respect the requirements and procedure for the invitation of non-PSC members. The conclusions of the retreat looked at enhancing the PSC's capacity in delivering on the various aspects of its mandate

from prevention, mediation, peace building, peace support operations and to post-conflict reconstruction and humanitarian action.

The last retreat took place in Rabat, Morocco on 24-26 June 2019. The Rabat retreat deliberated on full cycle of conflict prevention, management and resolution and the PSC also considered its manual on working methods, which consolidated the conclusions of its various previous retreats into a single coherent text. In 2020, the PSC was unable to hold a retreat on account of the COVID19 pandemic.

Over the years, the PSC, in its various retreats, has addressed issues that did not necessarily feature in its formal sessions. It has used retreats to have more in-depth consideration of issues, which require time that the formal sessions cannot provide. For instance, before the PSC held its inaugural consultative meeting with the RECs/RMs in May 2019 it deliberated on the modalities of cooperation with the regional actors in a retreat held in September 2015 in Abuja, Nigeria. Moreover, it held two retreats that aimed at enhancing its partnership with CSOs in Livingstone, Zambia in December 2008 and in Maseru, the Kingdom of Lesotho in February 2014.

List of PSC retreats 2004-2019

Retreat	Venue	Date
Retreat on working methods	Dakar, Senegal	5-6 July 2007
Mechanism for interaction between the peace and security of the AU and civil society organization in the promotion of peace, security and stability in Africa	Livingstone, Zambia	4-5 December 2008
Ezulwini framework for the enhancement of the implementation of measures of the AU in situations of unconstitutional changes of government in Africa	Ezulwini, Swaziland	17-19 December 2009
Retreat on working methods	Yaoundé, Cameroon	15-16 November 2012
Retreat on working methods	Djibouti, Djibouti	9-10 February 2013
Enhancing the implementation of the Livingstone Formula for interaction between the peace and security council and civil society organizations in the promotion of peace, security and stability in Africa	Maseru, Lesotho	22-23 February 2014
Issues and challenges in the promotion of peace, security and stability in Africa	Swakopmund	21-23 May 2015
Enhancement of cooperation between the AU PSC and the RECs/RMs in the promotion of the peace, security and stability in Africa	Namibia Abuja, Nigeria	14-16 September 2015
African Union Master Roadmap of Practical Steps to Silence the Guns in Africa by Year 2020	Lusaka, Zambia	7-9 November 2016
Implementation of the conclusions of successive PSC retreats and Related PSC decisions from 2007-2016	Kigali, Rwanda	3-5 May 2017
Retreat of the Peace and Security Council of the African Union on the African Peace and Security Architecture Study and Working Methods of the Peace and Security Council	Cairo, Egypt	29-31 October 2018
Retreat of the Peace and Security Council of the African Union on Strengthening its Working Methods and Efforts in Conflict Prevention, Conflict Management and Peace Consolidation in Africa	Rabat, Morocco	24-26 June 2019

4.5.4 Agenda 2063 flagship project on peace and security: Silencing the Guns

The PSC has assumed a leading role in promoting the realization of the AU Agenda 2063 flagship project on peace and security namely, Silencing the Guns by 2020. The initiative was first introduced in the Solemn Declaration adopted by the Heads of State and Government during the 50th Anniversary of the OAU/AU in 2013. In the declaration, leaders committed to end all wars in the continent by the year 2020. Silencing the Guns was also later recognized as one of Agenda 2063's fourteen flagship projects that have been identified as key enablers of Africa's socio-economic transformation in line with the values and ideals of the continent.

The initiative is anchored on existing continental policies and legal frameworks including the AU Constitutive Act, Agenda 2063 and its 10-year implementation plan, and African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons as well as instruments developed at RECs/RMs level. Similar to the key premises of Agenda 2063, Silencing the Guns has adopted an approach to conflict resolution that sought to ensure the systematic integration of women and youth in the efforts towards a peaceful and secure Africa.

Towards realizing this ambitious vision, the AU Master Roadmap of Practical Steps to Silence the Guns by the Year 2020, also known as the Lusaka Roadmap was developed in 2016. This was later adopted by the 28th Ordinary Session of the Assembly in January 2017. The roadmap looked at the broad political, economic, social, environmental and legal aspects of the peace and security challenges in the continent. The roadmap also covers the full cycle of conflict including prevention, management, resolution and post-conflict reconstruction.

In line with the vision of Silencing the Guns, Assembly/AU/Dec.645 (XXIX), declared the month of September each year, up to 2020, as

‘Africa Amnesty Month’ for the surrender and collection of illegally owned weapons/arms. This has been observed annually since 2017. This was in relation to the severe challenge posed by illegal weapons on the security of the continent and in realizing a conflict free Africa. The joint report of the AU Commission and Small Arms Survey suggests that African civilian actors including individuals, registered businesses such as private security companies, and non-state armed groups, hold 80% of all small arms on the continent and only 15% has been officially registered.

Beyond disarmament, the initiative seeks to address the root causes of violence and crisis in the continent and to provide long-term and sustainable solutions to conflicts. Although the AU and its policy organs have made strides in addressing conflicts in many parts of the continent over the years, there are still conflict hotspots in the Sahel, Lake Chad Basin, Horn of Africa regions and in North Africa particularly Libya. The proliferation and flow of illicit small arms and light weapons, the strengthened linkage among transnational organized crime and terrorist groups and networks has posed serious challenges in advancing the core objectives of the initiative.

AUC Chairperson Introductory note to the Report on the Activities of the Union and its Organs for the period January to December 2018 [EX.CL/1134(XXXIV)]

Despite all efforts at Silencing the Guns in Africa by 2020, old conflicts persist and fresh ones have broken out. There is a continued proliferation of threats, especially terrorism and violent extremism, to peace and security in Africa. Other issues of concern include the persistent upsurge and spate of various forms and occurrences of inter-communal violence; conflicts over access to, and control of, natural resources, such as land, water and mining; and governance deficits (para.137).

The Silencing the Guns initiative has received international political support through the collaboration of the A3 and the AU High Representative for Silencing the Guns in Africa Ramtane Lamamra.

On 27 February 2019, the AU High Representative presented the AU strategy for silencing the guns to the UNSC during Equatorial Guinea's presidency, which led to the unanimous adoption of Resolution 2457 (2019) on Silencing the Guns in Africa by the Year 2020. At the UN level, the Secretary General has set up a taskforce in the headquarter led by Assistant Secretary General for Peacekeeping Operations for Africa, to coordinate all UN agencies to support the 'Silencing the Guns' campaign.

The declaration of the AU theme of the year in 2020 is 'Silencing the guns: Creating Conducive Conditions for Africa's development'. The AU plans to initiate a campaign on Silencing the Guns that will run until December 2020. The campaign places the primary responsibility of securing peace and security on national governments while also recognizing the active role of regional and international organizations, NGOs and other partners.

At its 943rd session, the PSC has decided to extend the Africa Amnesty Month within the context of the first 10-year implementation plan of Agenda 2063 (2013-2023). Moreover, the extraordinary Summit on Silencing the Guns held on 6 December 2020 decided to extend the period for ten years (2021-2030). Similarly, the Summit also extended the implementation of the AU master roadmap on Silencing the Guns in Africa for 10 years (2021-2030).

The decision of the 14th Extraordinary Session of the Assembly of the AU on Silencing the Guns also contains various elements. First, it extended the project on Silencing the Guns for 10 years (2021-2030), subject to periodic review of every two years. Second, it mandated the PSC to name and shame those who deny emerging crisis and to complete the process of building platform/framework of engagement between PSC and Member States in situations where a looming crisis comes to the surface. Third, it declared the ASF fully operational and directed the PSC to utilize its framework in mandating and authorizing AU Peace Support Operations.



PART FIVE: RELATIONS WITH OTHER BODIES

5.1 African Union Commission

As noted in an earlier part of this Handbook, the AU Commission plays key role with respect to the work of the PSC. Various parts of the AU Commission contribute variously to the work of the PSC. Key among these is the PSC Secretariat.

The PSC secretariat is established in accordance with Article 10 of the PSC Protocol. Housed in the Peace and Security Department, the Secretariat is mandated to facilitate the Chairperson of the Commission support to the PSC. Moreover, the Commissioner for Peace and Security elected by the Executive Council and appointed by the Assembly serves for four years and can be re-elected for one more term. The Commissioner supports the Chair in exercising his/her mandate in areas of peace and security. The Commissioner, who is responsible for the Peace and Security Department including the work of the PSC, provides regular briefings to the Council on a wide range of areas that are of concern to the mandate of the PSC.

The Department of Political Affairs provides regular briefing on standing thematic issues of the PSC particularly on elections in Africa, humanitarian affairs and on the overall operationalization of the African Governance Architecture (AGA).

The office of the legal counsel (OLC) provides a unified central legal service for the AU including all its organs and institutions. The OLC ensures that decision-making processes are compliant with AU legal frameworks, provides advice on the interpretation of AU legal instruments and conducts elections for the Executive Council and Assembly. The OLC also provides legal advice on partnership with international organizations and legal services for special political missions and peacekeeping operations.

Over the years the OLC provided legal interpretation and advice to the PSC. In 2014, the OLC was requested to advise the PSC on whether participation in PSC open sessions by a member state under AU sanction constitutes an activity of the AU in respect of which the participation of such a state is suspended. In 2016, the OLC also provided legal analysis and presentation for the PSC in the context of issues raised in respect to the application of Morocco for membership in the AU. Most recently in September 2019, the OLC also delivered a briefing to the PSC on the case pending before the International Court of Justice in the context of PSC's consideration of the maritime boundary dispute between Kenya and Somalia. The OLC also provided legal interpretation on the AU decision relating to the integration of ACIRC within the ASF, paving the way for the AU Extraordinary summit decision of 6 December 2020 ending the ACIRC.

The Department of Social Affairs hosts a wide range of specialized bodies which are pertinent to the work of the PSC including Africa Centre for Disease Control (CDC), the secretariat of the African Committee on the Right and Welfare of the Child (ACEWRC) and the Labour, Employment and Migration division. The department plays a critical role in providing up-to-date briefing through its specialized body the African CDC particularly on Ebola outbreak in conflict affected areas. It is through the CDC that the PSC operationalizes its decision authorizing the deployment of AU Mission Against Ebola in DRC (MAEC) which the PSC mandated at its 862nd session.

The Department of Rural Economy and Agriculture has over the years increased its engagement with the PSC particularly in areas of climate change, disaster risk reduction, rapid and slow onset disasters and their implication on peace and security. The briefing by the department which often times takes place at open session level has particularly addressed the compounding effects of natural disaster and conflict.

The Department of Infrastructure and Energy provides briefing one of the emerging security threat in the continent i.e. cyber security.

5.2 AU policy organs

Assembly

- Executive Council
- Specialized Technical Committees
- Permanent Representative Committee

5.2.1 Permanent Representatives Committee (PRC)

Under Article 7(2) of the PSC Protocol, it is stipulated that in carrying out its duties under the Protocol, the PSC acts on behalf of all member states. As part of its working methods and practice, the PSC is expected to provide regular update and briefing on its work to the Permanent Representative Committees (PRC). Under the Manual on the PSC Working Methods, it is thus stipulated that each Chairperson of the PSC briefs the PRC at the end of his/her chairing month on the activities of the PSC for the particular month. The PSC Chairs include monthly briefings to the PRC in their agenda, although this has not been consistently acted upon.

5.2.2 Executive Council

The legal framework for interaction with the Executive Council is limited. The Executive Council is mandated to conduct elections of the PSC members pursuant to the Assembly decision Assembly/AU/Dec.16 (II). In substantive terms, the Executive Council, upon the direction of the AU Assembly under Article 9(g) of the Constitutive Act of the AU, follow up ‘on the management of conflicts, war and other emergency situations and the restoration of peace.’ The Executive Council in facilitating and overseeing the

operationalization of the Revitalized Peace Fund. In this context, the AU High-Representative for Financing the Union and the Peace Fund has been presenting progress reports to the Executive Council.

5.2.3 The AU Assembly

As the highest decision-making body of the AU, it is with the Assembly that the PSC has much more substantive interface in respect of its area of responsibility than with the Executive Council. Under Article 7(1)(q) of the PSC Protocol, the PSC is required to submit, through its Chairperson, regular reports to the AU Assembly on its activities and the state of peace and security in Africa. Within this framework, the PSC submits reports to each ordinary session of the Assembly. Since 2017, the PSC has been submitting two reports to the Assembly: report on its activities and the state of peace and security in Africa and the report on the implementation of the AU Master Roadmap on Silencing the Guns in Africa by 2020.

When considering the report of the PSC, the Assembly can take decisions or request on measures to be taken in respect to any of the items including specific conflict situations. It was within this context that the Assembly decided at its mid-year summit in 2018 held in Nouakchott, Mauritania to limit the engagement of the PSC with respect to the Western Sahara conflict. In entrusting the file to a body composed of the AU Troika and the AU Commission Chairperson, who report to the Assembly and, as necessary to the Peace and Security Council at Heads of State level, the Assembly decided that ‘the issue of Western Sahara will only be raised within this framework and at this level’ (Assembly/AU /Dec.693/712(XXXI)).

The 14th Extraordinary Session of the Assembly also requested the PSC ‘at Heads of State and Government level’ to engage both the Kingdom of Morocco and the Saharawi Republic to address the escalating military tensions between the two that led to the violation of the 1991 Ceasefire Agreement.

In 2020, the Assembly during its 33rd ordinary session and as a follow up to PSC summit level meeting held on 8 February, tasked the AU Commission to initiate a process for the deployment of a force composed of a Joint Multinational Task Force (JMTF) and 3000 troops for six (6) months, in order to degrade terrorist groups in the Sahel (Assembly/AU/ Dec. 792 (XXXIII)).

Under Article 7(e) of the PSC Protocol, the PSC plays the key role of initiating the responsibility of the Assembly under Article 4(h) of the Constitutive Act for undertaking intervention in cases of grave circumstances. This article thus stipulates that the PSC shall 'recommend to the Assembly, pursuant to Article 4(h) of the Constitutive Act, intervention, on behalf of the Union, in a Member State in respect of grave circumstances, namely war crimes, genocide and crimes against humanity, as defined in relevant international conventions and instruments.'

Thus far, there has been only one instance in which the PSC expressly invoked its Article 7(e) power. Accordingly, in the communique of its 565th session held on 17 December 2015, the PSC in deciding to deploy African Prevention and Protection Mission in Burundi (MAPROBU) stated, 'in the event of non acceptance of the deployment of MAPROBU, to recommend to the Assembly of the Union, in accordance with the powers which are conferred to Council, jointly with the Chairperson of the Commission, under article 7 (e) of the Protocol Relating to the Establishment of the Peace and Security Council, the implementation of article 4 (h) of the Constitutive Act relating to intervention in a Member State in certain serious circumstances.' Following the PSC summit level meeting at its 571st session decision declaring the proposed deployment 'premature', the AU Assembly in its ordinary session of January 2016 decided not to proceed with the proposal for deploying under Article 4(h) of the Constitutive Act. Instead, it decided to both dispatch a high-level delegation of representatives of AU Heads of State and

Government to Burundi and expand the presence of human rights monitors and military observers in the country.

5.2.4 STC on Defence, Safety and Security

Specialized Technical Committee (STC) on Defence, Safety and Security (STCDSS) is a key policy organ that considers policy frameworks and instruments before their adoption by the Assembly. This is also the body that has been responsible for reviewing the processes in the operationalization of the various APSA components. It also shares some responsibilities with the PSC, notably in the areas of the Common African Defence and Security Policy and the policy making process relating to defence and security and the institutions of the APSA.

The role of STC accordingly includes: enhancement of the Continental Early Warning System; implementation of the Common African Defence and Security Policy; implementation of the AU Policy on Post-Conflict Stabilisation; implementation of the AU Policy Framework on Security Sector Reform; continuous enhancement of the African Standby Force's (ASF's) Planning Elements, the ASF's civilian, military and police components, and its Rapid Deployment Capability (RDC); facilitation and coordination, through AU policy organs, of AU Member States' police, intelligence and other security institutions in the fight against transnational crime, illicit arms proliferation, cybercrime and terrorism; implementation of the AU Border Programme (AUBP); and any other functions and tasks as may be assigned to it by the Executive Council or the Assembly.

The STC is scheduled to meet in ordinary session once a year and also meets in extraordinary sessions. The 12th Ordinary Session was held on 15-19 December 2019 in Cairo, Egypt. On 4 November 2020, the STCDSS held its 13th ordinary session virtually culminating in the adoption of various decisions.

5.2.5 Other AU organs

Under the PSC Protocol, the PSC is envisaged to have working relationship with relevant organs of the AU. The Manual on the PSC Working Methods states in paragraph 78 that the ‘PSC engages sister Organs individually whenever necessary.’

Under Article 18, the Protocol stipulates that the PSC shall have close working relations with the Pan-African parliament in the furtherance of peace, security and stability in Africa. Accordingly, among others, the Protocol under this Article envisages that the PSC submits reports to the Pan-African Parliament. Paragraph 78 of the Manual on the PSC Working Methods states that the ‘PSC Chairperson is regularly invited to brief the sessions of the Pan-African parliament on peace and security in Africa.’

The PSC Protocol under Article 19 provides that the PSC establishes close working relationship with the African Commission on Human and Peoples’ Rights. Over the years, the PSC has intermittently and on an ad hoc basis engaged the African Commission on Human and Peoples’ Rights. In 2015, the PSC requested the Commission to undertake investigation mission to Burundi to examine the human rights violations that took place in the country in the course of the violent political crisis in the country. The Commission after undertaking the investigation mission in December 2015 submitted its report to the PSC in February 2016. The PSC and the African Commission held the first annual consultative meeting envisaged in the conclusions of the 2007 Dakar Retreat on 8 August 2019 at the 866th session of the PSC. The communiqué of the session has established human rights in conflict situations as a standing thematic agenda of the PSC and the convening of consultative meeting with the African Commission every August of the year.

For a number of years, the PSC has addressed the issue of children affected by armed conflict. With this thematic issue established as

an annual standing agenda item of the PSC, the AU organ that annually presents a briefing on the subject of children affected by armed conflict to the PSC is the Committee of Experts on the Rights and Welfare of the African Child.

5.3 RECs/RMs

AU's peace and security architecture anchored on the PSC Protocol is unique in not only recognizing the existence of sub-regional organizations/bodies with a mandate on peace and security but also in its attempt at making them integral part of the architecture. The Preamble to the PSC reflects that the architecture is premised on the recognition of both 'the contribution of African Regional Mechanisms for Conflict Prevention, Management and Resolution in the maintenance and promotion of peace, security and stability on the continent' and 'the need to develop formal coordination and cooperation arrangements between these regional mechanisms and the African Union'.

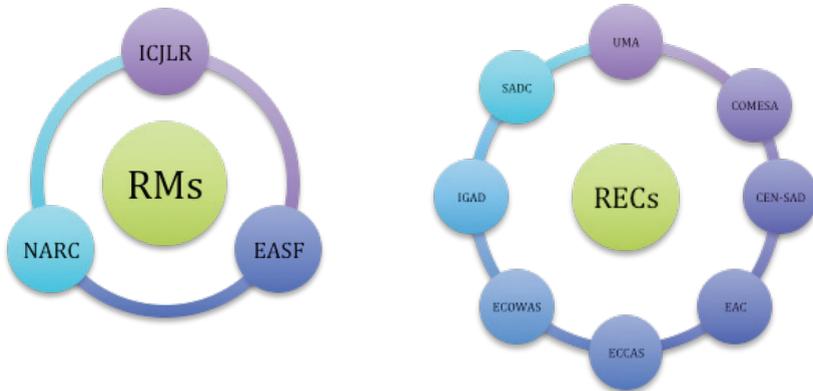
Historical background and RECs/RMs with institutional relationship with the AU

The foundation on the role of Regional Economic Communities/Regional Mechanisms (RECs/RMs) is laid down in the 1980 Lagos Plan of Action for the Development of Africa. Subsequently, the 1991 Treaty Establishing the African Economic Community (the Abuja Treaty), laid the foundation for the creation of the RECs as the basis for African economic integration at the regional and continental levels. The Constitutive Act of the AU has among its key objectives the coordination and harmonization of policies with RECs/RMs toward realizing the objectives of the Union (Article 3(1)).

While there are a number of regional bodies, the AU recognises eight RECs. These are:

- Arab Maghreb Union (UMA)
- Common Market for Eastern and Southern Africa (COMESA)
- Community of Sahel–Saharan States (CEN–SAD)
- East African Community (EAC)
- Economic Community of Central African States (ECCAS)
- Economic Community of West African States (ECOWAS)
- Intergovernmental Authority on Development (IGAD)
- Southern African Development Community (SADC).

With the exception of UMA, the other seven RECs have signed a Memorandum of Understanding (MoU) in 2008 on Cooperation in the Areas of Peace and Security between the AU and RECs/RMs. Additionally, the MoU has also been signed by the North African Regional Capability (NARC) and the East African Standby Force. In October 2010, a separate MoU outside of Article 16 of the PSC Protocol was signed with the International Conference on the Great Lakes Region. UMA signed the MoU in December 2018.



Although no general MoU for cooperation on peace and security has been established, the AU has established working relationship with the Lake Chad Basin Commission, particularly in the context of the implementation of the Multi-National Task Force (MNJTF) operation against Boko Haram in the Lake Chad Basin region.

The place of RECs/RMs in the APSA

While the preamble of the PSC Protocol recognizes the role of the RECs/RMs, most important in terms of the place that RECs/RMs occupy in the APSA is Article 16 of the Protocol. Sub-article 1 of this article provides that the Regional Mechanisms on Conflict Prevention, Management and Resolution ‘are part of the overall security architecture of the Union, which has the primary responsibility for promoting peace, security and stability in Africa.’ This provision not only makes Regional Mechanisms to be an integral part of the APSA but also establishes ‘the primacy of the AU’ as a principle.

Partnership as the main basis of the relationship

Along with the primacy of the AU envisioned in the Protocol noted above, another key term used in framing the relationship with RECs/RMs is partnership.

Pursuant to Article 16(1)(a) of the PSC Protocol, the PSC and the Chairperson of the AUC shall harmonize and coordinate the activities of the regional mechanisms to ensure that they are consistent with the objectives and principles of the Union. The Protocol further stipulates that they shall work closely with these mechanisms to ensure effective *partnership* between them and the PSC (Art 16(1)(b)). Accordingly, partnership is the framework on the basis of which the PSC and the RECs/RMs coordinate their actions.

Article 16(1)(b) states that the modalities for the partnership are to be determined by ‘the comparative advantage of each and the

prevailing circumstances.’ It is worth noting that no reference is made in the PSC Protocol to the principle of subsidiarity.

Policy and institutional level relationships

The normative framework that governs the relationship between the AU and the RECs is first and foremost laid down in the provisions of Article 16 of the PSC Protocol and the operational instruments or decisions made by the PSC. As articulated in Article 16, the relationship with what the Protocol calls ‘Regional Mechanisms on Conflict Prevention, Management and Resolution’ is organized at two levels. The first level is at the level of the policy making organs. The second is at the level of the secretariats of the AU and the Regional Mechanisms.

Relationship at the level of policy making bodies

At the level of policy/decision making, Article 7(1)(j) provides that an important aspect of the mandate of the PSC is ‘to promote close harmonization, co-ordination and co-operation between Regional Mechanisms and the Union in the promotion and maintenance of peace, security and stability in Africa.’ Article 9 of the PSC Protocol also provides that in initiating action for prevention, management and resolution of conflicts, one of the avenues it can use to effect entry is ‘in collaboration with the Regional Mechanisms’.

Modalities for coordination and consultation at level of policy bodies

For purposes of consultations and engagement in decision making, the key avenues established under Article 16 are:

- Regional Mechanisms shall be invited to participate in the discussion of any question brought before the Peace and Security Council whenever that question is being addressed by a Regional Mechanism is of special interest to that Organization (Art. 16(6)); and

- The Chairperson of the Commission shall be invited to participate in meetings and deliberations of Regional Mechanisms (Art. 16(7)).

In pursuit of the foregoing, the Conclusions of the Dakar Retreat of the PSC Provided for the convening of annual consultation with RMs. However, as the 2010 assessment of the African Peace and Security Architecture (APSA) put it: ‘There appears to be a disconnect between the AU PSC and similar organs in the RECs. This is a crucial gap given that enforcing PSC decisions rests with its members who are also members of the RECs.... Thus, without proper coordination, implementing PSC decisions will be significantly diminished, potentially undermining the credibility of the PSC’ (para. 189).

To address these gaps, more detailed modalities have been elaborated in the Conclusions of the Swakopmund Retreat of the PSC of May 2015 and the Conclusions of the Abuja Retreat of the PSC held in September 2015, which was entirely dedicated to the relationship between the PSC and RECs/RMs. To enhance participation of RECs/RMs in decision-making, these conclusions envisage that RECs/RMs provide input during sessions dealing with a situation of which the RECs/RMs are concerned.

Under the Manual on the PSC Working Methods, it is stipulated that ‘the PSC holds annual consultative meetings with the RECs/RMs’ (para. 76) and ‘RECs/RMs involved or concerned with a situation which is on the agenda of the PSC are always invited to attend PSC meetings and make submissions for consideration by the PSC’ (para. 77).

Against the background of the conclusions of the Swakopmund and Abuja retreats of the PSC, the Annual Indicative Program of Work of the PSC started providing for the annual consultative meeting with the policy-bodies of RECs/RMs to take place in December of each year. However, this has not been operationalized for some years.

Thus the 2015 APSA assessment noted that '[t]here is insufficient consultation and collaboration between the PSC and similar decision-making forums of the RECs/RMs.'

In practice, the only avenue available for engagement of RECs/RMs in the decision-making process of the PSC has been through the invitation of the representatives of the country chairing the regional organization concerned during the sessions of the PSC. Accordingly, when it comes to situations in West Africa, the country, chairing the ECOWAS Authority at the time of the consideration by the PSC of situations in that region, is invited to provide input during those sessions of the PSC for the consideration of those situations. The same applies for situations in the Central Africa, the Southern Africa and East Africa regions. Accordingly, when the PSC considered the situations in Somalia, South Sudan or Sudan, Ethiopia, as the Chairperson of IGAD, was invited to make input during those sessions of the PSC.

Clearly, although provision is made in Rule 15(2)(b) of the Rules of Procedure of the PSC for the PSC to invite any 'Regional Mechanism ...which is involved and/or interested in a conflict or situation related to the discussion under consideration by the PSC' for its open sessions, in practice and as established particularly in the Swakopmund and Abuja retreat conclusions on PSC Working Methods, this is extended to apply for closed sessions of the PSC as well. This has now been formally institutionalized in the Manual on PSC Working Methods.

In terms of the consultative meeting between the PSC and similar policy bodies of RECs/RMs, 2019 has been a landmark year. The first such meeting took place in May 2019 (as shown in the table below) and a follow up meeting was held as a follow up to the mid-year coordination meeting between the AU and the RECs/RMs held in July 2019 in Niamey, Niger. As the joint communique (Inaugural

Meeting (I) PSC/REC/RMS) of the inaugural consultative meeting pointed out, the meeting was ‘the first ever opportunity for PSC and the RECs/RMs Policy Organs to reflect on issues relating to the harmonization/division of labour on their decision-making processes, enhancement of coordination and strengthening of synergy in the implementation of the APSA and AGA at both the regional and continental levels.’

JOINT COMMUNIQUÉ

1ST JOINT CONSULTATIVE MEETING BETWEEN THE PEACE AND SECURITY

COUNCIL OF THE AFRICAN UNION AND THE REGIONAL ECONOMIC COMMUNITIES/REGIONAL MECHANISMS FOR CONFLICT PREVENTION, MANAGEMENT AND RESOLUTION (RECS/RMS)

...

9. Underscore that the RECs/RMs are the first responders to the crisis/conflict situations which arise in their geographic areas of mandate and stress that the African Standby Force should be deployed/employed within a partnership between the PSC and the RECs/RMs policy organs;
10. Emphasize the imperative of the PSC to continue and enhance its provision of political guidance and strategic coordination of actions of the APSA actors/stakeholders and promote inclusive and transparent approach, in order to facilitate effective and efficient synergies in the promotion of peace, security and stability in Africa;

...

16. Agree to establish a team of focal points from all RECs/RMs and the PSC Secretariat, on peace and security issues which will facilitate a well-coordinated network for regular meetings/consultations, particularly on issues in the agenda of the PSC and also in the agenda of the RECs/RMs; ...

continued to next page...

18. Also agree to institutionalize their relationship, in particular through the following:
 - i. holding of annual joint consultative meetings, between the PSC and the RECs/RMs policy organs on peace and security issues, alternately in Addis Ababa and in the headquarters of the RECs/RMs, in rotation. In this context, the joint consultative meeting should be convened ahead of the mid-year coordination summit between the AU and RECs/RMs;
 - ii. swiftly communicate decisions on peace and security issues to each other for enhancing subsidiarity and complementarity, while ensuring coherence in decision- making process;
 - iii. regular interaction between the PSC and the RECs/RMs Chairpersons of the policy organs and/or equivalent relevant structures on peace and security matters, on issues of common concern, including through the use of the video-teleconferencing;
 - iv. joint field missions to assess situations of common concern and identify further joint action as may be needed;
 - v. holding of joint retreats/brainstorming sessions to reflect on priorities on peace and security issues of the PSC and the RECs/RMs and develop appropriate common response strategies; and
 - vi. organizing staff exchange visits.
20. Agree to convene their future consultative meetings in May each year and, in this regard, agree to hold the next joint consultative meeting in May 2020.

Relationship between the AU Commission and Secretaries/ Commissions of RECs/RMs

As envisaged in the PSC Protocol, there are at least two modalities for establishing working relationship between the AU Commission and the Secretariats/Commissions of RECs/RMs.

- ***Meeting between the AU Commission Chairperson and the Chief Executives of RECs/RMs***

The first of this is the meetings that the Chairperson of the Commission shall convene periodically, 'but at least once a year, with the Chief Executives and/or the officials in charge of peace and security within the Regional Mechanisms' (Art. 16(4)). In 2014, Joint Task Force on Strengthening Relations between the AU and the RECs/RMs in the Area of Peace and Security was established to ensure implementation of the existing legal and policy frameworks regarding AU-REC/RM collaboration and coordination in the area of peace and security.

- ***AU and RECs/RMs Liaison offices***

The other and main mechanisms for institutional coordination between the PSC and the relevant decision-making forums of the RECs/RMs are the AU Liaison Offices in the RECs/RMs and the RECs/RMs Liaison Offices at the AU headquarters. The PSC Protocol requires the establishment of AU Liaison Offices in the RECs/RMs and the establishment of RECs/RMs Liaison Offices in the AU.

With initial support from the Capacity Building Programme of the African Peace Facility (APF) funded by the EU, **nine** REC/RMs including COMESA, EAC, ECCAS, ECOWAS, IGAD and SADC have fully established Liaison Offices located within the AU Commission headquarters in Addis Ababa. The AU also has Liaison Offices situated in the headquarters of **six** RECs. The Liaison Officers of the RECs/RMs are expected to attend meetings of the PSC, the Panel of the Wise and other AU forums as observers in order to provide the RECs/RMs with up-to-date information on matters of interest to them and to facilitate agreement on common positions and joint actions on conflict issues.

The 2008 MoU

Within the framework of the provisions of Article 16, the AU Commission and the Secretaries/Commissions of seven RECs and two RMs signed an MoU in 2008. UMA also signed the MoU in 2018. Its objectives include contributing to the full operationalization and effective functioning of APSA and fostering closer partnership and coordination in the maintenance of peace, security and stability. It sets out a number of principles that include recognition of, and respect for, the primary responsibility of the AU in the maintenance of peace, security and stability; acknowledgement of the role and responsibilities of the RECs in their respective areas of jurisdiction; and adherence to the principles of subsidiarity, complementarity and comparative advantage. This is the instrument that introduced the principle of subsidiarity, a principle that was not specified in Article 16 the PSC Protocol.

The designated areas of cooperation include: the operationalization and functioning of APSA; the prevention, management and resolution of conflict; humanitarian action and disaster response; PCRDC; arms control and disarmament; counter-terrorism and the prevention and combating of transnational organised crime; border management; capacity-building; and resource mobilization.

PSC-RECs/RMs relationship in the context of the institutional reform of the AU

In his report “*The Imperative to Strengthen our Union: Proposed Recommendations for the Institutional Reform of the African Union*”, President Paul Kagame proposed as one of the areas of reform the clarification of the division of labour ‘between the African Union, RECs, regional mechanisms, the Member States and continental institutions’. In its decision endorsing the report, the AU Assembly [Assembly/AU/Dec.635(XXVIII)], at its January 2017 Summit, decided that instead of the June/July Summit, ‘the Bureau of the African Union Assembly shall hold a coordination meeting

with the Regional Economic Communities, with the participation of the Chairpersons of the Regional Economic Communities, the AU Commission and Regional Mechanisms.’

The AU Assembly further decided that ‘[t]here should be a clear division of labour and effective collaboration between the African Union, the Regional Economic Communities (RECs), the Regional Mechanisms (RMs), the Member States, and other continental institutions, in line with the principle of subsidiarity.’ This manifests a further entrenchment of the principle of subsidiarity. Yet, no reference is made to complementarity and comparative advantage, principles specifically mentioned in Article 16 of the PSC Protocol.

Subsequently, the AU assembly adopted further decisions. In July 2018 through its decision [Assembly/AU/Dec.690(XXXI)], the Assembly ‘requested the implementation of the roadmap on the clarification of the division of labour among the AU, RECs, Member States and continental organizations’. At its 11th extraordinary summit held in November 2018, the Assembly through its decision [Ext/Assembly/AU/Dec.1(XI)] mandated ‘the Commission, in collaboration with the RECs, AU organs, relevant continental organizations, to develop a proposal on an effective division of labour among the AU, the RECs, the Member States, and other continental institutions, in line with the principle of subsidiarity, for submission to the First Mid-Year Coordination Meeting in June/July 2019.’ Here again, no reference is made to the principles of complementarity and comparative advantage.

The AU convened the first coordination meeting provided for in AU Assembly decision [Assembly/AU/Dec.635(XXVIII)] in July 2019 in Niamey, Niger. This brought together the Bureau of the AU Assembly and the Heads of the eight RECs/RMs. Following presentation by the AU Commission of an initial proposal on the division of labour, the Coordination meeting in its declaration [MYCM/Decl.1(I)] requested ‘the Commission, RECs and Member States to prepare a

more detailed proposal on division of labour for consideration and adoption by the upcoming Ordinary Session of the AU Assembly in February 2020 after due consideration by the 36th Ordinary Session of the Executive Council in February 2020’.

Within the framework of the foregoing, a draft revised protocol on the relationship between the AU and RECs/RMs was also presented to the mid-year meeting. The meeting decided that the draft be considered by member states and the STC on Justice and Legal Affairs for submission and adoption by the AU Assembly in February 2020.

Developments in 2020

The protocol was consequently adopted in February 2020 along with the Rules of Procedure for the Mid-Year Coordination Meetings.

The revised draft as adopted by the STC on Justice and Legal Affairs for submission to the AU Assembly in the Preamble states their agreement ‘on the need to maintain peace and security in conformity with the Protocol Relating to the Establishment of the Peace and Security Council of the African Union, the Memorandum of Understanding on Cooperation in the Area of Peace and Security between the African Union, the Regional Economic Communities and the Coordinating Mechanisms of the Regional Standby Brigades of Eastern Africa and Northern Africa, and the African Peace and Security Architecture’. In the substantive text, the MoU contains only one article dealing with peace and security. It thus restates in Article 26 in three summarized provisions the general principles of Article 16 of the PSC Protocol.

In recognition of the need for further work in clarifying the division of labour in the area of peace and security, the coordination meeting, while welcoming the efforts of the PSC to deepen its strategic partnership with the RECs and RMs Policy Organs responsible for peace and security, urged ‘the AU, RECs, and RMs *to rapidly*

establish practical modalities to facilitate timely and coordinated responses to continental crises.’

Despite the decision of the inaugural meeting of the PSC and the policy organs of the RECs/RMs for holding a session annually, no such meeting was convened in 2020 presumably on account of the disruptions from the COVID19 pandemic.

5.4 Relations with the UN and other international bodies

Under Article 7(1) of the PSC Protocol, the PSC is mandated to ‘promote and develop a strong “partnership for peace and security” between the Union and the United Nations and its agencies, as well as with other relevant international organizations’. Further details on the establishment of working relationship with the UN and other international bodies is provided for in Article 17 of the PSC Protocol. Accordingly, under sub-article 1 of this article, the PSC, ‘in the fulfilment of its mandate in the promotion and maintenance of peace, security and stability in Africa,’ is required to ‘cooperate and work closely with the United Nations Security Council, which has the primary responsibility for the maintenance of international peace and security.’

Within the framework of Article 17(1), the PSC has established working relationship with the UN Security Council (UNSC) to develop strategic partnership for achieving not only policy coherence and operational coordination but also a fair framework for burden sharing in the maintenance of international peace and security in Africa. One of the avenues that the PSC established with the UNSC in pursuing its mandate under Article 17(1) is the annual consultative meeting between itself and the UNSC that rotates between Addis Ababa and New York. Since its launch in 2007, the two bodies held 14 such annual consultative meetings with the latest consultative meeting held in October 2019 in Addis Ababa. As of 2016, the two councils have started to organize an informal seminar to consult on thematic issues ahead of the formal consultation.

The PSC has also been able to pursue the development of partnership with the UNSC including on specific conflict situation or peace and security issue including through the African members of the UNSC as envisaged in Article 17(3) of the PSC Protocol. Partnership peacekeeping is one of the areas in respect of which the PSC and the UNSC have been pursuing a process for developing a model for burden sharing.

At the secretarial level the two institutions have signed a joint framework of partnership and established structures to manage their partnership particularly in the areas of peace and security.

AU-UN Partnership on Peace and Security	Annual Desk-to-Desk Meeting
	Joint Task Force
	Annual Conference

There is a certain hierarchy at the secretariat level of the cooperation along the various components of the partnership structure. The annual desk-to-desk meeting, which has been held since 2008, operates at the technical level and brings together experts from AU and UN departments on conflict prevention, management and resolution. The group refers more political issues to the Joint Task Force. The Task Force, which was launched in 2010, convenes biannually on the side-lines of the AU Summit and UN General Assembly at the senior leadership of level of relevant departments and commissions. Issues that require the highest political attention are escalated to the Annual Conference. The Conference is the most recent area of engagement and it takes place at the AU Commission Chairperson and UN Secretary-General level.

Some of the key developments in 2019 involve the inclusion for the first-time officials from the headquarters of the RECs/RMs in the

AU-UN consultations, which is in line with the institutional reform in bringing enhanced coordination for collective action in peace and security.

The UN-AU Joint Framework for Enhanced Partnership in Peace and Security

- Preventing and Mediating Conflict and Sustainable Peace
- Responding to Conflict
- Addressing Root Causes
- Continuous Partnership Review and Enhancement
- Enhancing the Predictability, sustainability and flexibility of financing for AU-led peace support operations

Under Article 17, the PSC is also mandated to establish relationship with other international organizations. It has established a relationship similar to that of the UN with the EUPSC. The PSC has held annual consultative meeting with the EUPSC since 2008. Going beyond the consultative meeting, the PSC has also started conducting joint field visits with the EUPSC. The two undertook such mission to Mali in 2015 and to the Central African Republic in 2018.

The PSC also initiated similar relationship with the League of Arab States (LAS) and held consultative meetings with the LAS since 2010, although this consultative meeting has not been as regular and annual based as its other consultation meetings.

Developments in 2020

The PSC and the Members of the UN Security Council held, virtually, their 5th Informal Joint Seminar and 14th Annual Joint Consultative Meeting on 29 and 30 September 2020, respectively. During the Joint Consultative meeting, the PSC and UNSC, considered country/region specific issues including Mali and the Sahel region, as well as the situation in Somalia. The two organs also stressed the

imperative of addressing ‘fundamental root causes and the drivers of conflicts in Africa’. During the informal seminar, the PSC and UNSC assessed and exchanged views on strengthening cooperation in the area of peace and security.

On 26 October 2020, the PSC and the European Union Political and Security Committee held their 12th Annual Joint Consultative Meeting, virtually. This annual consultative meeting paid attention to the developments in Mali and the wider Sahel region, as well as Somalia and Sudan from the Horn of Africa.

The PSC has also held annual consultative meeting with the UN Peacebuilding Commission (UNPBC). At its 958th meeting held on 23 October 2020, the PSC held its annual informal consultation with the UNPBC.

5.5 Relations with non-state actors: CSOs and policy research organizations

The Constitutive Act of the AU states that one of the objectives of the Union is ‘to build a partnership between governments and all segments of civil society’ and to promote the ‘participation of the African peoples in the activities of the Union’ (African Union, 2000: Preamble). The Statutes of the AU Economic Social and Cultural Council (ECOSOCC) describe civil society as including social, professional groups, Non-Governmental Organizations (NGOs), community-Based Organizations (CBOs), as well as voluntary and cultural organizations.¹⁷

In respect of the mandate of the PSC, Article 20 of the PSC Protocol states that: ‘the Peace and Security Council shall encourage non-governmental organizations, community-based and other civil

¹⁷ African Union, *Economic Social and Cultural Council (ECOSOCC)*, (Addis Ababa: African Union, 2002).

society organizations, particularly women's organizations, to participate actively in the efforts aimed at promoting peace, security and stability in Africa. When required, such organizations may be invited to address the Peace and Security Council.'

As one avenue of operationalization of Article 20, the PSC Protocol under Article 8 enables the PSC to hold 'informal consultations' with civil society organisations 'as may be needed for the discharge of its responsibilities.'

To operationalize the provisions of Article 20 of the Protocol, the *Conclusions of the Retreat of the Peace and Security Council of the African Union* which were issued in Dakar, Senegal, stipulated that 'an appropriate formula to be approved by the PSC shall be established to allow for the interaction between the PSC and the Civil Society Organisations with a view to giving effect to Article 20 of the PSC Protocol.'

The PSC held two retreats on the operationalization of Article 20 of the PSC Protocol. The first retreat held on 4-5 December 2008 in Livingstone, Zambia, in pursuit of the decision of the PSC in its *Conclusions of the Dakar Retreat*, sought to discuss and elaborate the formula for interaction between the PSC and CSOs. The Retreat established what is known as the Livingstone Formula which stipulated, among others, that CSOs may provide technical support to the AU 'by undertaking early warning reporting and situation analysis which feeds information into the decision-making process of the PSC' (PSC/PR/(CLX): page 3). The Livingstone Formula additionally provides for CSO's engagement:

- in support of mediation and peace making processes,
- in provision of expertise for peace support operations, and
- in trainings on the activities and workings of the PSC.

After five years of operation of the Livingstone Formula, the PSC held its second retreat under Article 20 on 22-23 February 2014 in Maseru, the Kingdom of Lesotho to review state of implementation and update the Livingstone Formula. The Conclusions of the Maseru Retreat established a more flexible and needs based arrangement for interaction between the PSC and CSOs and research organizations.

Although the informal consultation envisaged in Article 8 and the Rules of Procedure of the PSC has as yet to be operationalized, CSOs are invited to and engage in the open sessions of the PSC at which they present statements on the agenda of the session. The Manual on the PSC Working Methods also envisages: ‘In line with Rule 21 and 22 of the PSC Rules of Procedure, the PSC invites CSOs, which have an observer status to the AU, to its open sessions to make contributions to its deliberations on various thematic issues related to the PSC mandate. During such open session of the PSC, invited CSOs provide key/lead speakers or presenters.’ (para. 79)

PART SIX: OVERVIEW OF 16 YEARS OF WORK OF THE PSC

2020 marks the 16 years anniversary of the operationalization of the PSC. With the AU Commission providing significant weight lifting in terms of the production of analysis and reports on threats to peace and security as well as in the drafting of the inputs for PSC's sessions and meetings, the PSC has shown increasing willingness to exercise its mandate and thereby present itself as the main site of decision-making on matters of peace and security in Africa. Notably, the PSC is emerging to be the major decision-making body that regional and global actors reckon with when it comes to peace and security issues on the continent. As its engagement witnessed huge expansion and acquired increasing, though sometimes challenged, authority, the PSC has come to significantly affect the internal politics of AU member states, the relations between them and ultimately Africa's relations with the wider international community and the latter's engagement on peace and security issues on the continent.

Since its operationalization, the engagement of the PSC on the continent's peace and security issues has shown exponential growth in both numbers and diversity of its sessions. The frequency of its meetings has increased by many folds as noted earlier and shown further below. Significantly as highlighted in earlier parts of the Handbook, the activities of the PSC and the AUC have also expanded in diversity of issues addressed and scope of engagement. The PSC has addressed itself to a wide number of peace and security issues that the continent faced ranging from traditional intra-state conflicts taking the form of civil wars (Burundi, DRC, Sudan, CAR, Cote d'Ivoire, South Sudan) to insurgencies and acts of terrorism as well as state collapse (Somalia, Mali, & Libya), to election related violence and instability (such as in Kenya and Cote d'Ivoire), to unconstitutional changes of government.

6.1. Countries and regions on the agenda of the PSC over the years

By the end of 2020 the PSC held 972 sessions. The frequency of meetings has increased exponentially over the years. From 21 sessions in 2004, the PSC held some 70 sessions in the year 2020, indicating the surge in the number of sessions held by the PSC. Highlighting the impact of COVID19, the number of sessions in 2020 show a decrease of about 10 sessions from the previous year.

A visible trend is also the change in the distribution of items on the agenda of the PSC along thematic and country/region specific topics. In the earlier years of the Council, country/region specific sessions have dominated the agenda. However increasingly thematic issues have taken ever wider percentage of the PSC agenda. By 2019 there was almost a 50-50 distribution between country/region specific situations and thematic issues addressed by the PSC as compared to the first three years during which there was around a 90% and 10% distribution between country/region specific situations and thematic issues respectively on the agenda of the PSC. As captured in the table below, in 2020 out of the total sessions with publicly available outcome documents (which were 57), 53% were on conflict specific agenda items and the remaining 47% were on thematic agenda items.

Table on 2020 sessions of the PSC

PSC Sessions with Outcome Documents (57 Sessions)					
Country Specific Sessions (30 Sessions)					
North Africa	East and Horn of Africa	Central Africa	West Africa	Southern Africa	
1 session	16 Sessions	2 Sessions	10 Sessions	1 Session	
Thematic Sessions (27)					
APSA	Consultative Meetings	Specific Category of People	Election & Gov.	General Themes	COVID-19
2 Sessions	3 Sessions	5 Sessions	2 Sessions	10 Sessions	5 Sessions

As demonstrated in the table below, during the 16 years of the PSC’s work, East and Horn of Africa region has been on agenda of the PSC more than other regions, followed by West Africa and Central Africa. North Africa and particularly Southern Africa have been on the agenda to a much lesser extent.

Table 2004-2020 PSC Country and Regional Distribution

North Africa	Horn and East Africa	Central Africa	West Africa	Southern Africa
57	308	125	167	5

In the Horn and East Africa region, Somalia, Sudan and South Sudan have prominently featured on the agenda of the PSC. The situation in the Sudans alone amounted to 154 sessions, which includes the situation in Darfur for which the PSC dedicated 64 sessions.

With regards to Somalia, Sudan and South Sudan the PSC authorized and mandated the deployment of peace support operations missions including IGAD Peace Support Mission to Somalia (IGASOM) (PSC 62nd meeting), AU Mission to Sudan (AMIS) (PSC 17th meeting), African Union Mission in Somalia (AMISOM) (PSC 69th meeting), and UN-AU Hybrid Operation in Darfur (UNAMID) (PSC 79th meeting). It also established investigative panel (Darfur), a commission of inquiry (South Sudan), high-level panel (Sudan-South Sudan), high-level ad hoc committee (South Sudan) and a panel of imminent persons (Kenya).

The West Africa region has demonstrated variation in terms of the countries that are frequently tabled on the agenda. Until 2011, Cote D’Ivoire accounted for a substantial percentage of the work of the PSC. After 2012 the focus within the region has sharply shifted to the situation in Mali and Sahel as well the Lake Chad region. Guinea Bissau has consistently featured on the PSC agenda particularly from 2012 onwards. The PSC has adopted sanction for unconstitutional

change of government that affected a number of countries in the region, deployed peace support operation (Mali), established high-level ad hoc committee (Cote d'Ivoire) and initiated anti-terrorism coordination platform in the form of the Nouakchott process.

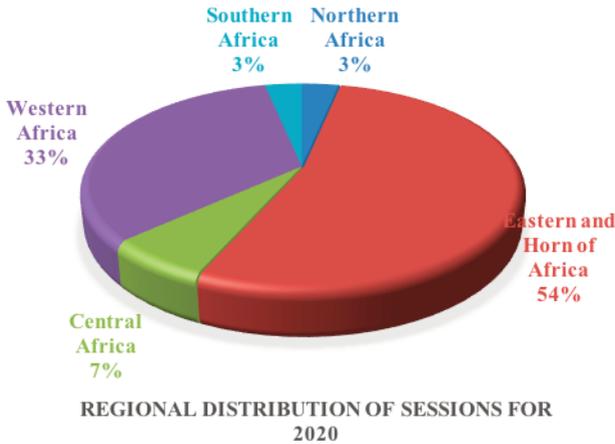
The Central African region, which, ranks third in number of sessions, three countries namely Burundi, the Democratic Republic of Congo and Central African Republic (CAR), have particularly dominated the agenda of the PSC. CAR alone covers almost one third of the sessions in the region. 2013/2014, which marks the beginning of the recent conflict in the CAR for which the AU deployed a peace support operation, and 2019, when the PSC was considering the peace deal signed in February, were the peak years for PSC's engagement in the country. Here again apart from diplomatic action involving the adoption of statements and communiqués, the PSC initiated preventive diplomacy, authorized preventive deployment, oversaw a peace support operation, imposed sanction and deployed human rights monitors.

North Africa, accounted for about 9% of the total country/region specific sessions over the years. Until 2009 Mauritania was the only country that featured from North Africa. This drastically changed after 2011 following the popular uprisings in Tunisia, Libya and Egypt. In the following years, especially the latter two regularly appeared on the PSC agenda. Currently, only Libya is on the PSC's agenda. Libya accounts for about 46% of the total sessions focused on North Africa. For the situations in this region as well, the PSC not only adopted diplomatic measures including preventive diplomacy but also established a high-level ad hoc committee, a high-level panel and imposed sanction for unconstitutional changes of government.

The Southern Africa region features the least on the agenda of the PSC. But cases that featured on the agenda from the region include Madagascar, Lesotho and Zimbabwe. The PSC has also addressed

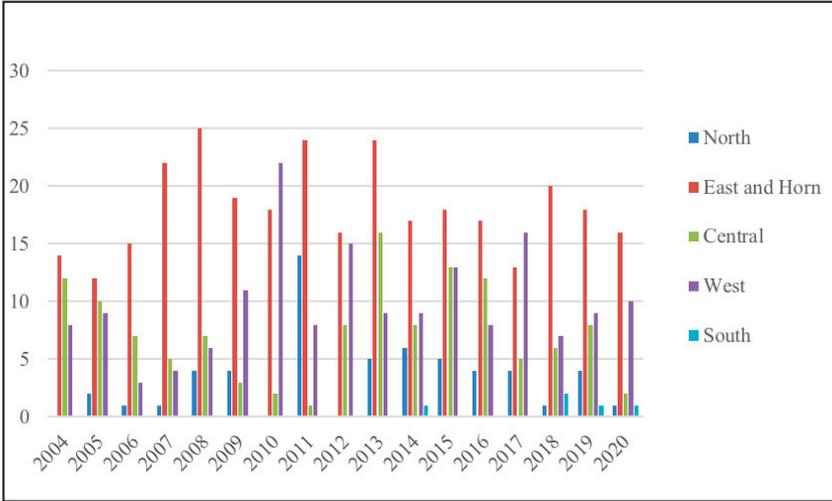
incidents of xenophobic attacks that took place in South Africa including most recently at its 879th session held in September 2019. At its 929th meeting, which had a focus on cessation of hostilities within the context of COVID-19, the PSC addressed itself to the terrorist attacks in northern Mozambique, expressing its condemnation of the attacks and noting the negative impacts of the terrorist attacks. Welcoming the 19 May 2020 Troika Summit of the Southern African Development Community (SADC) on the situation in Mozambique, the PSC expressed its readiness to support the efforts of SADC.

The 2020 regional distribution of the sessions of the PSC is captured in the chart below.



The trend in the regional focus of the sessions of the PSC for the past 16 years is reflected in the table below.

Regional Distribution of PSC’s Work over the years



Although in broad terms East and Horn of Africa is the region that dominated the agenda of the PSC, there were certain years when the West Africa region has dominated the agenda. In 2010 due to the civil war in Cote D’Ivoire, the region featured more prominently. In 2017 as well, the PSC dedicated more sessions to the situation in the Lake Chad and the Sahel regions as compared to East and Horn region.

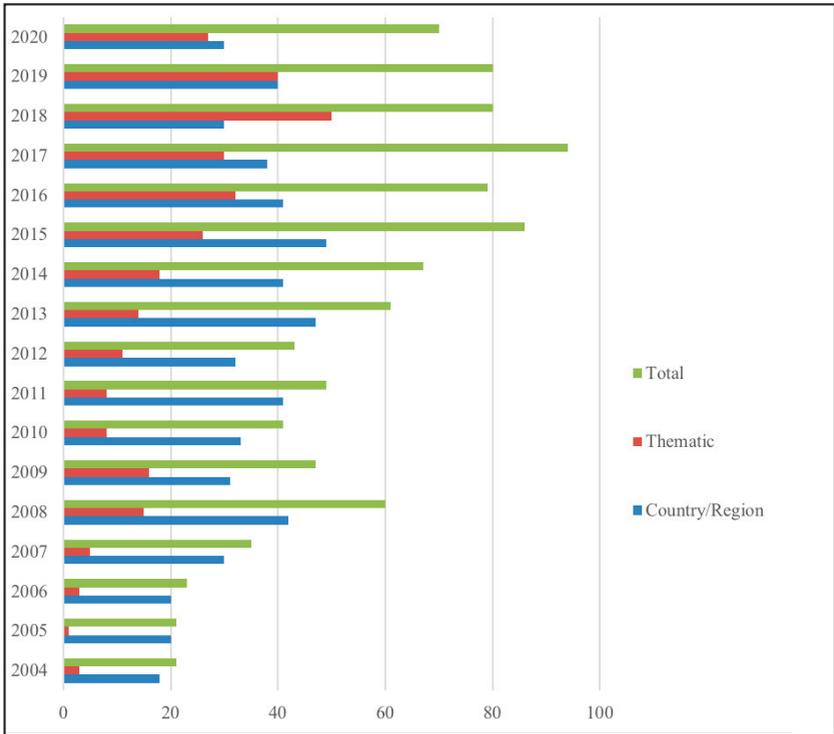
While they generally reflect prevailing peace and security trends on the continent, it can also be observed that security threats do not always match the regional distribution of PSC’s agenda. There remain a number of country specific situations that warrant PSC attention but did not feature on its agenda, giving rise to perception of selectivity on the part of the PSC.

6.2 Thematic issues on the agenda of the PSC

As noted above, thematic issues have come to take increasing portion of the agenda of the PSC over the years. As the table below shows,

between 2004 and 2020, there has been many fold increase in the number of thematic focused sessions of the PSC. One of the thematic issues that has continued to receive a more regular and structured attention on the agenda of the PSC is the agenda on women and peace and security. It is the first thematic issues on the agenda of the PSC for which the AU Commission appointed a special envoy.

Graphic Representation of Country/Region & Thematic agenda of the PSC (2004-2020, based on available outcome documents)



Over the years certain thematic issues have evolved into becoming the standing agenda items of the Council. Briefing on elections is a recurrent agenda item, which was established in the context of AU’s

response to electoral disputes and the accompanying violence witnessed in many countries. Briefings on this item are provided by the Department of Political Affairs with occasional contribution from the Panel of the Wise.

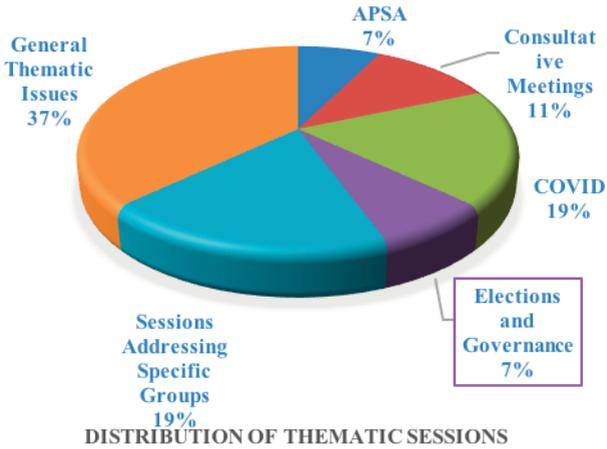
Issues related to terrorism and transnational organized crime has also been a key recurring agenda item. Indicating the rise of terrorism related threats on the continent (particularly in 2010s), the PSC held about 19 sessions to this theme, of which three are held at the level of Heads of State and Government. The PSC held for the very first time a summit level meeting on this theme in September 2014. This is one of the themes in respect of which the PSC requested submission of annual report by the AU Commission Chairperson.

Starting in 2010, the themes on women and peace and security and children affected by armed conflict have transformed into a standing agenda. From 2018 onwards, the youth peace and security agenda has also become a standing agenda of the PSC. In 2020, the PSC adopted the Continental Framework on Youth, Peace and Security at its 933rd meeting held on 23 June 2020. As of August 2019, human rights and peace and security is established as a standing thematic agenda of the PSC. In 2020, the PSC and the African Commission on Human and Peoples' Rights convened their second consultative meeting during the 953rd session of the PSC in October 2020.

Emerging themes including climate change and cyber security have also featured in the agenda of the PSC. Climate change and Natural Disasters is another thematic issue that evolved into a standing thematic agenda since 2016. This theme has featured regularly on the PSC agenda since 2015. Other thematic issues that featured on the agenda of the PSC include, protection of civilians, financing of peace support operations, and collaboration and partnerships with various AU bodies, the UN, the EU and CSOs.

The chart below represents the various thematic issues on which the PSC held sessions during 2020. It is worth noting that some regular sessions such as the one on the fight against the ideology of hate and genocide could not be held due to COVID19.

2020 thematic sessions of the PSC



PSC STANDING THEMATIC ISSUES

No.	Thematic agenda item	Year in which the PSC decided to elevate the item as a standing agenda	Number of sessions	List of sessions	PSC decision making the theme a standing theme of its agenda
1	Terrorism and violent extremism in Africa	Terrorism and violent extremism in Africa	19	249 th , 303 rd , 341 st , 455 th (at the level of Heads of State and Government), 499 th , 543 rd , 560 th , 571 st (at the level of Heads of State and Government), 592 nd , 593 rd , 628 th , 644 th , 650 th , 687 th , 711 th , 731 st , 749 th (at the level of Heads of State and Government), 812 th , 957 th	At its 957 th meeting held on 20 October 2020, the PSC decided to 'dedicate an annual session to assess progress in the Continental efforts in combating the scourge of terrorism, radicalization and violent extremism, as well as foreign terrorist fighters'. This standing thematic issue also received the highest political attention from the PSC given the number of sessions convened at the level of Heads of State and Government. 455 th , 571 st , and 749 th sessions of the PSC were convened at the level of Heads of State and Government, which is unparalleled by any of the other standing thematic issues.
2	Women, Peace and Security	2010	18	223 rd , 269 th , 407 th , 461 st , 476 th , 491 st , 600 th , 635 th , 659 th , 728 th , 757 th , 772 nd , 803 rd , 833 rd , 862 nd , 887 th , 951 st , 987 th (Ministerial)	The PSC, at its 223 rd session convened on 30 March 2010, agreed to devote every year an open session to the theme of 'women and children and other vulnerable groups in armed conflicts' It is worth noting that the PSC initially addressed the WPS and Children affected by armed conflicts as one standing thematic agenda. The Chairperson of the AUC also appointed a Special Envoy for Women, Peace and Security in January 2014.

continued to next page...

3	Children affected by Armed Conflicts	2014	16	223 rd , 269 th , 407 th , 420 th , 434 th , 461 st , 491 st , 597 th , 615 th , 661 th (Ministerial), 706 th , 757 th , 789 th , 841 st , 924 th , 965 th	<p>223rd, 269th, 407th, 461st, 491st, and 757th sessions deal both women and children in armed conflicts and as such, these sessions are included under both thematic areas of WPS and Children affected by armed conflicts.</p> <p>The PSC, at its 420th session convened on 18 February 2014, agreed to hold, each year, an open session of the PSC, devoted to issues of children on the continent</p> <p>During the PSC 434th meeting held on 8 May 2014, 'Participants and Council recommended the appointment of an AU Special Envoy for Children in Africa to sustain efforts in the protection of children's rights in the context of armed conflict on the continent'. The AU Assembly also reiterated its call for the Chairperson of the AUC to appoint a special envoy for children in armed conflict during its 33rd Ordinary Session held on 9-10 February 2020.</p>
4	Youth, Peace and Security	2018	4	807 th , 895 th , 933 rd , 963 rd	<p>The PSC, at its 807th meeting held on 8 November 2018, decided to 'institutionalize and regularize an annual open session dedicated to the theme of "Youth, Peace and Security in Africa"</p> <p>The Chairperson of the AU Commission also appointed a special envoy for youth in November 2018.</p>
5	Health Pandemic	2018	17	450 th , 464 th , 471 st , 478 th , 481 st , 484 th (at the level of Heads of State and Government), 520 th , 529 th , 553 rd , 565 th , 570 th , 742 nd , 910 th , 915 th , 918 th , 922 nd , 926 th	<p>At its 742nd session convened on 11 January 2018, the PSC agreed to 'have a regular briefing by the Africa CDC on public health threats to peace and security in Africa, at least once every year, and whenever the need arises, within the context of early warning'.</p> <p>The PSC also requested the Chairperson of the Commission to appoint a Special Representative for Public Health, Peace and Security.</p>

continued to next page...

6	Elections in Africa	2018	17	317 th , 392 nd , 438 th , 520 th , 550 th , 573 rd , 589 th , 620 th , 653 rd , 713 th , 747 th , 791 st , 815 th , 869 th , 935 th , 97 th , 982 nd	At its 791 st meeting convened on 22 August 2018, the PSC agreed to 'institutionalize and regularize an annual open session dedicated to a review of the status of implementation of the African Charter on Democracy, Elections and Governance'.
7	Humanitarian Issues	2014	11	99 th , 161 st , 276 th , 338 th , 469 th , 634 th , 695 th , 762 nd , 775 th , 859 th , 904 th	At its 469 th meeting held on 25 November 2014, the Council agreed to 'convene a yearly meeting devoted to humanitarian emergencies on the continent, on the basis of briefings to be provided by OCHA'.
8	Climate change and Natural Disasters	2016	9	558 th , 585 th , 660 th , 708 th , 774 th , 828 th , 864 th , 917 th , 984 th (at the level of Heads of State and Government)	<p>The PSC, at its 585th session convened on 30 March 2016, agreed to hold an annual open session on climate change.</p> <p>During the 774th meeting held on 21 May 2018, the PSC requested the Chairperson of the Commission to appoint an AU Special Envoy for climate change and security who will work closely with the Committee of African Heads of States and Government on Climate Change (CAHOSCC).</p>
9	Genocide and Hate Crimes	2017	3	678 th , 761 st , 836 th	<p>The PSC, at its 678th meeting held on 11 April 2017, decided to 'convene, annually in April, a PSC open meeting on hate crimes and fighting genocide ideology in Africa'.</p> <p>There was no session on this agenda item in 2020</p>

Selected list of materials used

- African Union Master Roadmap of Practical Steps to Silence the Guns in Africa by Year 2020 (Lusaka Master Roadmap 2016), Lusaka, Zambia, November 2016
- Constitutive Act of the African Union, adopted by the thirty-sixth Ordinary Session of the Assembly of Heads of States and Government, July 2000
- Charter of the Organization of African Unity, May 1963
- Conclusions of the Retreat of the Peace and Security Council of the African Union on Working Methods, Dakar, Senegal, July 2007
- Conclusions on a Mechanisms for Interaction Between the Peace and Security of the African Union and Civil Society Organization in the Promotion of Peace, Security and Stability in Africa, Livingstone, Zambia, December 2008
- Conclusions of the Retreat of the Peace and Security Council on its Working Methods, Yaoundé, Cameroon, November 2012
- Conclusions of the Retreat of the Peace and Security Council on its Working Methods, Djibouti, February 2013
- Conclusions of the Retreat of the Peace and Security Council on Enhancement of Cooperation Between the AU PSC and the RECs/RMs in the Promotion of Peace, Security and Stability in Africa, Abuja, Nigeria, September 2015
- Conclusions of the Retreat of the Peace and Security Council of the African Union on the African Peace and Security Architecture Study and Working Methods of the Peace and Security Council, Cairo, Egypt October 2018
- Conclusions of the African Union on Strengthening its Working Methods and Efforts in Conflict Prevention, Conflict Management and Peace Consolidation in Africa, Rabat, Morocco, June 2019

- Ezulwini Framework for the Enhancement of the Implementation of Measures of the African Union in Situations of Unconstitutional Changes of Government in Africa, Ezulwini, Swaziland, December 2009
- Joint UN-AU Framework for Enhanced Partnership in Peace and Security, April 2017
- Maseru Conclusions on Enhancing the Implementation of the Livingstone Formula for Interaction Between the Peace and Security Council and Civil Society Organizations in the Promotion of Peace, Security and Stability in Africa, Maseru, Lesotho, 22-23 May 2015
- Modalities for the Election of Members of the Peace and Security Council, July 2003
- Manual on the Working Methods of the Peace and Security Council of the African Union, July 2019
- Organization of African Unity, Background Document on the Review Structures, Procedures and Working Methods of the Central Organ 1-42 (2002) (unpublished document)
- Protocol Relating to the Establishment of the Peace and Security Council of the African Union, adopted by the 1st Ordinary Session of the Assembly of the African Union, July 2002
- Rules of Procedure of the Peace and Security Council, adopted at the fourth Ordinary Session of the African Union, March 2004
- Solemn Declaration on a Common African Defense and Security Policy, February 2004

ANNEX

AFRICAN UNION
الاتحاد الأفريقي



UNION AFRICAINE
UNIÃO AFRICANA

P. O. Box 3243, Addis Ababa, ETHIOPIA Tel.: (251-1) 513822 Fax: (251-1) 519321 Email: oua-ews@telecom.net.et

RULES OF PROCEDURE OF THE PEACE AND SECURITY COUNCIL OF THE AFRICAN UNION

GUIDELINES FOR THE OPENING CEREMONY AND FIRST MEETING OF THE PEACE AND SECURITY COUNCIL

1. Installation of the Chairperson of the Peace and Security Council

- a. The opening ceremony of the first meeting of the Peace and Security Council, to be held at Head of State level, shall be presided over by the Chairperson of the Assembly of the African Union, for the purpose of installing the first Chairperson of the Peace and Security Council.
- b. The Chairperson of the Assembly of the Union shall ascertain that all the 15 members of the Peace and Security Council are represented at the ceremony.
- c. The Chairperson of the Assembly of the Union shall then, invite the Chairperson of the Peace and Security Council, who will have been determined in accordance with the provisions of Article 8 (6) of the Protocol, to take the Chair.

2. Convening of the first meeting of the Peace and Security Council

Upon assuming the Chair, the Chairperson of the Peace and Security Council shall immediately call the meeting to order and shall put to the vote for adoption the following provisional agenda:

“1st Meeting of the Peace and Security Council
“Provisional Agenda

“1. Adoption of the Agenda

“2. Consideration of the Draft Rules of Procedure

“3. Other Matters”

RULES OF PROCEDURE OF THE PEACE AND SECURITY COUNCIL

GENERAL PROVISION

THE ASSEMBLY OF THE UNION,

Having regard to the Protocol Relating to the Establishment of the Peace and Security Council of the African Union, and in particular Article 8 thereof,

HAS ADOPTED THESE RULES OF PROCEDURE:

RULE 1 DEFINITIONS

In these Rules:

- a. **“Assembly”** means the Assembly of Heads of State and Government of the African Union;
- b. **“Chairperson”** means the Chairperson of the Peace and Security Council unless otherwise specified;
- c. **“Commission”** means the Commission of the African Union;
- d. **“Constitutive Act”** means the Constitutive Act of the African Union;
- e. **“Council”** means the Peace and Security Council of the African Union;
- f. **“Member”** means a member of the Peace and Security Council of the African Union;
- g. **“Member States”** means Member States of the African Union;
- h. **“Regional Mechanisms”** means the African Regional Mechanisms for Conflict Prevention, Management and Resolution;

- i. **“Representative”** means a representative of a Member State, organ of the Union or Regional/International organization, and any other representative invited to attend meetings of the Council;
- j. **“Protocol”** means the Protocol establishing the Peace and Security Council of the African Union;
- k. **“Union”** means the African Union.

RULE 2

LEVEL AND PERIODICITY OF MEETINGS

In accordance with Article 8(1-4) of the Protocol;

The Council shall meet at three (3) levels; Permanent Representatives, Ministers and Heads of State and Government. The Permanent Representatives shall meet as often as required but at least twice a month and the Ministers and Heads of State and Government shall meet at least once a year, respectively.

RULE 3

VENUE

- a. The meetings of the Council shall be held at the Headquarters of the Union.
- b. In the event that a Member State invites the Council to meet in its country, provided that two-thirds of the Council agree, that Member State shall defray the additional expenses incurred by the Commission as a result of the meeting being held outside the Headquarters of the Union.

RULE 4

CONVENING OF MEETINGS

- a. The Chairperson shall call a meeting of the Council at anytime he/she deems necessary.

- b. Meetings of the Council shall also be convened by the Chairperson at the request of any one of the following:
 - i. the Chairperson of the African Union;
 - ii. a member of the Peace and Security Council; and
 - iii. the Chairperson of the Commission of the African Union.

RULE 5 QUORUM

The quorum for a meeting of the Council shall be two-thirds of its total membership.

RULE 6 AGENDA

- a. The provisional agenda of the Council shall be determined by the Chairperson of the Council on the basis of proposals submitted by the Chairperson of the Commission and Member States. The inclusion of any item in the provisional agenda may not be opposed by a Member State.
- b. The Chairperson of the Council may receive for his / her consideration for inclusion in the provisional agenda of a meeting of the Council, proposals from any of the persons listed in Rule 4(b) above.
- c. The first item on the provisional agenda for each meeting shall be the adoption of the agenda.
- d. The provisional agenda for a meeting shall be communicated to all the members of the Council by the Chairperson of the Commission at least three (3) days before the meeting except in emergency situations. The provisional agenda shall also be available to other Member States.

RULE 7

- a. Any item on the agenda of a meeting of the Council, consideration of which has not been completed at the meeting, shall, unless the Council decides otherwise, automatically be included in a list of the items of which the Council is seized, such list to be maintained and updated by the Chairperson of the Commission, until resumption of consideration of that item is called for under the provisions of Rule 6 above.
- b. The Chairperson of the Commission shall issue and circulate to Member States on a monthly basis, a summary report listing all such items of which the Council is seized, indicating the stage reached in their consideration.
- c. The Chairperson of the Commission shall issue and circulate to Member States a statement indicating any item on the list of items of which the Council is seized, consideration of which has not been resumed for a period of two years. Thereafter, such item shall automatically be deleted from the list, unless any Member State requests within a specified period of time as determined by the Council.

RULE 8

LIST OF SPEAKERS AND USE OF FLOOR

- a. The Chairperson shall maintain a list of speakers at all meetings and call upon them in the order in which they have signified their desire to speak.
- b. Notwithstanding the provisions of Rule 8 (a) above, the Chairperson may at any time during the proceedings accord precedence to the Chairperson of the Commission or his/her duly authorized representative, the Chairperson of any Organ of the Union, or any other person appointed by the Council for a particular assignment.

**RULE 9
POINT OF ORDER**

- a. If a member raises a point of order, the Chairperson shall immediately state his / her ruling. If the ruling is challenged, the Chairperson shall submit it to the Council for immediate decision.

- b. In raising a point of order, the member shall not speak on the substance of the issue of the discussion.

**RULE 10
PROPOSALS/SUBSTANTIVE MOTIONS/AMENDEMENTS**

Proposals, substantive motions and amendments shall normally be in writing and shall be put to the members in the order in which they are received by the Chairperson. Parts of any proposals, motion or amendment may be voted on separately at the request of any member, unless the original mover objects. If the original mover objects, the objection shall be put to the vote as a procedural matter.

**RULE 11
SUSPENSION OR ADJOURNMENT OF THE MEETING**

During the discussion of any matter, a member may move for the suspension or adjournment of the meeting. No discussion on such motion shall be permitted. The Chairperson shall immediately put such motion to a vote.

**RULE 12
ORDER OF PROCEDURAL MOTIONS**

Subject to Rule 11 above, the following motions shall have precedence in the order listed below, over all other proposals or motions before the meeting:

1. to suspend the meeting;
2. to adjourn the meeting;
3. to adjourn the debate on the item under discussion;
4. to close the debate on the item under discussion.

RULE 13

VOTE OF MOTION/PROPOSALS

Any motion or proposal by a member of the Council shall be seconded before being put to a vote. A motion or proposal can at any time be withdrawn so long as no vote has been taken with respect to it. If the motion or proposal has been seconded, the member of the Council who has seconded it may require that it be put to the vote as his / her motion or proposal with the same right of precedence as if the original mover had not withdrawn it.

RULE 14

VOTE ON AMENDMENTS

If two or more amendments to a motion or proposal are made, the Chairperson shall rule on the order in which they are to be voted upon. Ordinarily, the Council shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed until all amendments have been put to the vote, but when an amendment adds to or deletes from the text of a motion or proposal, that amendment shall be voted on first.

RULE 15

MEETINGS

- a. The Council shall hold closed meetings.
- b. The Council may decide to hold open meetings and may invite to participate, without a right to vote, in the discussion under its consideration:

- (i) Any Member State of the African Union which is not a member of the Council, when the interests of that Member State are specifically affected, or when a Member State brings to the attention of the Council a matter that threatens national or regional peace and security;
 - (ii) Any Regional Mechanism, international organization or civil society organization, which is involved and/or interested in a conflict or situation related to the discussion under consideration by the Council.
- c. Any Member State of the African Union invited in accordance with (b)(i) above to participate in the discussions of the Council may submit, through a member of the Council, proposals and draft decisions for consideration. Such proposals and draft decisions may be put to a vote by the Council.
- d. The Council may also invite the media to attend its open meetings.

RULE 16
INFORMAL CONSULTATIONS

The Council may hold informal consultations with parties concerned by or interested in a conflict or a situation under its consideration, as well as with Regional Mechanisms, international organizations and civil society organizations as may be needed for the discharge of its responsibilities.

RULE 17
WORKING LANGUAGES

The working languages of the Council shall be the working languages of the Union.

RULE 18
REPRESENTATION FOR MEMBERS OF THE COUNCIL

Each member of the Council shall be represented at the meeting of the Council by its Permanent Representative, or in his/her absence, by a duly accredited representative. The credentials of a representative on the Council shall be communicated to the Chairperson of the Commission at least twenty-four hours before the representative takes his or her seat on the Council. The credentials shall be issued either by the Head of State or Government concerned or by its Minister of Foreign Affairs or any other competent national authority. However, the Heads of State and Government, Ministers of Foreign Affairs and Permanent Representative duly accredited to the AU who are members of the Council, shall be entitled to participate in the deliberations of the Council without submitting credentials.

RULE 19
**REPRESENTATION FOR NON -MEMBERS OF THE
COUNCIL**

Any Member State of the African Union not a member of the Council; any Organ of the Union; or any Regional Mechanism, if invited to participate in a meeting of the Council, shall submit credentials for the representative appointed by it for that purpose. The credentials of such a representative shall be communicated to the Chairperson of the Commission at least twenty-four hours before the meeting, which the representative is invited to attend. However, the Heads of State and Government and Ministers of Foreign Affairs shall be entitled to participate in the meeting of the Council without submitting credentials.

RULE 20
APPROVAL OF CREDENTIALS FOR MEMBERS AND
OTHER REPRESENTATIVES

The credentials of the representatives of the members of the Council and of any other representatives referred to in Rule 18 and 19 above shall be examined by the Chairperson of the Commission who shall submit, for approval, a report to the Council indicating that the credentials of the representatives or alternate representatives are in order. Pending the approval of these credentials, such representatives shall be seated provisionally in their own capacities.

RULE 21
REPRESENTATION FOR CIVIL SOCIETY
ORGANIZATIONS

A representative of a civil society organization maintaining observer status to the Union, who may be invited by the Council to address it at any of its meeting shall submit a letter of authority to the Chairperson of the Commission.

RULE 22
APPROVAL OF LETTER OF AUTHORITY FOR CIVIL
SOCIETY ORGANIZATION

The letter of authority of a representative of a civil society organization referred to in Rule 21 above shall be examined and assessed by the Chairperson of the Commission who shall submit, for approval, a report to the Council indicating his/her recommendations and the reasons for accepting or rejecting the credentials. Pending the approval of his/her letter of authority, such a representative shall not occupy a seat unless or until his / her credentials have been approved by the Council.

RULE 23
ELECTION OF THE CHAIRPERSON

The chair of the Council shall be held in turn by its members in the alphabetical order of their names, for one calendar month.

RULE 24
DUTIES OF THE CHAIRPERSON

- a. The Chairperson shall preside over the meetings of the Council and, under the authority of the Council, shall represent it in its capacity as an Organ of the African Union.
- b. Where a Chairperson represents a Member State of the Council, which is barred from participation in the discussion or decision-making process during the Council's deliberations, pursuant to Article 23 of the Constitutive Act and Article 8 (9) of the Protocol, the Chairperson shall vacate the Chair, which shall be assumed by the next Chairperson in line for the duration of the discussion in question. This rule shall not prevent the interim Chairperson from assuming his/ her office as Chairperson of the Council at the beginning of the following month.
- c. Whenever the Chairperson of the Council is unable to perform his or her duties for any reason other than that specified in (b) above, the next member in line shall assume office as Chairperson of the Council in accordance with the procedure laid down in (b) above.

RULE 25
ATTENDANCE AND PARTICIPATION BY THE
COMMISSION

- a. The Chairperson of the Commission and the Commissioner for Peace and Security or, in their absence, their duly authorized representatives, shall attend meetings of the Council.

- b. The Chairperson of the Council, in consultation with the members of the Council and the Chairperson of the Commission, may invite the Deputy-Chairperson of the Commission and any other Commissioner to attend meetings of the Council.
- c. The Chairperson of the Commission and the Commissioner for Peace and Security, or their duly authorized representatives, shall make oral or written statements to the Council, at their request, or at the request of the Council, concerning any question under consideration by the Council.

RULE 26

DUTIES OF THE CHAIRPERSON OF THE COMMISSION

1. The Chairperson of the Commission shall, under the authority of the Peace and Security Council, and in consultation with all parties involved in a conflict, deploy efforts and take all initiatives deemed appropriate to prevent, manage and resolve conflicts.
2. To this end, the Chairperson of the Commission:
 - (a) shall bring to the attention of the Peace and Security Council any matter, which, in his/her opinion, may threaten peace, security and stability in the Continent;
 - (b) may bring to the attention of the Panel of the Wise any matter which, in his/her opinion, deserves their attention;
 - (c) may, at his/her own initiative or when so requested by the Peace and Security Council, use his/her good offices, either personally or through special envoys, special representatives, the Panel of the wise or the regional Mechanisms, to prevent potential conflicts, resolve

actual conflicts and promote peace-building and post-conflict reconstruction.

3. The Chairperson of the Commission shall also:
 - a. ensure the implementation and follow-up of the decisions of the Peace and Security Council, including mounting and deploying peace support missions authorized by the peace and Security Council. In this respect, the Chairperson of the Commission shall keep the Peace and Security Council informed of developments relating to the functioning of such missions. All problems likely to affect the continued and effective functioning of these missions shall be referred to the Peace and Security Council, for its consideration and appropriate action;
 - b. ensure the implementation and follow-up of the decisions taken by the Assembly in conformity with Article 4(h) and (j) of the Constitutive Act;
 - c. Prepare comprehensive and periodic reports and documents, as required, to enable the Peace and Security Council and its subsidiary bodies to perform their functions effectively.

RULE 27 **VOTING RIGHTS**

Each Member of the Council shall have one (1) vote.

RULE 28 **METHODS OF VOTING**

1. The Council shall take all its decisions by consensus or, failing which, in procedural matters, by a simple majority of members eligible to vote.

2. Substantive questions shall require a two-thirds majority of members eligible to vote
3. Voting in open and close meetings shall be either by a show of hands or by secret ballot.

RULE 29
VOTING ON QUESTIONS OF PROCEDURE

The question of whether or not a matter is procedural shall be determined by a simple majority of members eligible to vote. Procedural matters shall include interpretation of any of these Rules of Procedure.

RULE 30
PUBLICITY OF OPEN MEETINGS/ RECORDS

1. The members or representatives who have participated in an open meeting of the Council, shall within five (5) days after the issuance of the summary record of the meeting, inform the Chairperson of the Commission of any corrections they wish to have made in the summary record.
2. Corrections that have been requested shall be considered approved unless the Chairperson of the Council is of the opinion that they are substantive issues to be submitted to the members of the Council. In the latter case, the members of the Council shall submit within five (5) days, following written notification, any comments they may wish to make. In the absence of objections within this period of time, the record shall stand as corrected.
3. The summary record referred to in (2) above or the record referred to in (4) below, in which no corrections have been requested in the period of time required or which has been corrected in accordance with the provisions of Rule (2) above, shall be considered as approved.

4. A summary record of each open meeting of the Council shall be kept and shall be available to all Member States at least 72 hours before the next meeting of the Council, except in emergency situations.

RULE 31

PUBLICITY OF CLOSED MEETINGS/RECORDS

1. A summary record of the proceedings of a closed meeting shall be made and kept by the Chairperson of the Commission. The members who have participated in the meeting shall have access to that record and shall, within a period of five (5) days of the issuance of the summary record inform the Chairperson of the Commission of any corrections they wish to have made in that record. In the absence of objections to any corrections so made within that period of time, the record shall stand as corrected.
2. The Council may at any time decide to grant access to this record to other members of the African Union.

RULE 32

COMMUNIQUE

At the end of each meeting, the Council may issue a *Communiqué* relating to the deliberations of the Council.

RULE 33

CONFIDENTIAL RECORDS/ DOCUMENTS

The Chairperson of the Commission shall once each year, submit to the Council a list of the records and documents which up to that time have been considered confidential. The Council shall decide which of these shall be made available to other members of the Union, which shall be made public, and which shall continue to remain confidential.

RULE 34
AMENDEMENTS

Amendments to these Rules shall be adopted by the Assembly on the recommendation of the Council.

RULE 35
ENTRY INTO FORCE

These present Rules shall enter into force upon their adoption by the Assembly.

‘The Handbook is a critical resource that provides readers with practical information and analysis on the Council and its engagement with the broader institutional structure of the AU and other policy actors in the maintenance of peace and security in Africa.’

From the Foreword to the 2021 edition of the Handbook by Ambassador Bankole Adeoye AU Commissioner for Political Affairs, Peace and Security

‘The Handbook offers an authoritative, one-stop source of reference that provides a comprehensive analysis of the working methods, decision-making processes and policy tools of the PSC, drawing on data on the work of the PSC since its operationalization in 2004.’

From the Introduction to the 2021 edition of the Handbook by Fiona Lortan, Acting Director, AU Department of Political Affairs, Peace and Security

Praise to the first edition of the Handbook

‘Extremely important Handbook ... by an African institution’

Ambassador Osama Abdel Khalek,
Permanent Representative of Egypt

‘It demystifies the PSC and its work, thereby making it understandable for all...it prepares the mind of those who aspire to be members of the PSC...commend you for this amazing tool you bequeathed not just the PSC and Africa but also the world’

Ambassador Catherine Mwangi, Permanent Representative of Kenya who also wrote the Foreword to the 2020 edition of the Handbook

This Handbook contributes to a ‘principled based approach to the prevention, management and resolution of conflicts’

Ambassador Francisco de Cruz, Permanent Representative of Angola

Amani Africa acknowledges the support of the Embassy of Switzerland in Addis Ababa for the production of this Handbook



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra