MONTHLY DIGEST ON THE AFRICAN UNION PEACE AND SECURITY COUNCIL

AMANI AFRICA
Media and Research Services

AUGUST 2022
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THE MONTH AT A GLANCE

In August, The Gambia chaired the African Union (AU) Peace and Security Council (PSC). From the eleven sessions initially inscribed in the Provisional Program of Work, two were postponed. Another agenda item was added in the course of the month. Seven of the sessions were committed to thematic agenda items while two addressed a country/region specific issue.

All sessions convened during the month took place at ambassadorial level. The outcomes of all of the sessions were adopted as Communiqués. On average, it took about one week for the release of outcome documents.

CSOS, MEDIA AND THINK TANKS HAILED AS CRITICAL ROLE PLAYERS IN DEMOCRACY, HUMAN RIGHTS, PEACE AND SECURITY IN AFRICA

PSC’s first session of the month and its 1095th meeting was convened on 1st August 2022. It was held under the theme ‘Joint Engagement between the PSC and the Permanent Representatives Committee (PRC) Sub-Committee on Human Rights, Democracy and Governance (HRDG).’

This first engagement between the PSC and the PRC Sub-committee was convened on the request of the Chairperson of the Sub-committee. It was indicated that, the engagement aimed at creating synergies and coordination between the PSC and the sub-committee in respect of the role of the PSC on issues relating to governance, democracy, and human rights. Apart from discussing on current and critical issues relating to good governance, democracy and human rights, the concept note for the session also indicated that the session sought to identify joint programs and initiatives going forward.

In terms of current issues, in the Communiqué it adopted on the session, the PSC expressed deep concern over ‘the devastating effects of the actions of non-State armed groups on the efforts of Member States to promote, human rights, democracy and good governance, as well as on the Continental peace and security agenda.’ While the PSC has a point in raising this issue, the proliferation of such groups and their actions are only symptoms of the underlying factors for the dismal state of human rights, democracy and peace and security in Africa. Conspicuously absent from the critical current issues in the communiqué are the democratic regression being witnessed on the continent, the blatant disregard by member states of the decisions of the AU bodies on human rights and governance and the recent spike in military coups on the continent.

The PRC Sub Committee on HRDG

The subcommittee was established by the Permanent Representatives Committee (PRC) under the Executive Council decisions EX.CL/Dec.1015 (XXXIII) and EX.CL/Dec.1 (XXXVI) which was in line with the declaration of the 2011 AU Summit, Assembly/AU/Decl.1(XVI). The mandate of the Sub-Committee is primarily to promote AU shared values on human rights, democracy and governance. The functions of the Subcommittee include hearing briefings from AGA Platform, recommending policy initiatives, draft declarations, draft resolutions and decisions in the area of human rights, democracy and good governance, considering proposals concerning the programs, policies, strategies of AU human rights, democracy and governance initiatives; support efforts and initiatives aimed at the full operationalization of the AGA and its synergy with the APSA. The Sub-Committee has 15 Members, namely, Zimbabwe (Chair), Rwanda (Chair), Tunisia (2nd V.Chair), Burundi (3rd Chair), Senegal (Rapporteur), Cameroon, Chad, Eritrea, Mauritius, Malawi, Zambia, Burkina Faso, The Gambia, Niger and Libya.
The issue is reduced to a tangential institutional consideration about strengthening the capacity of the AGA-APSA Secretariat under the reconfigured Department of PAPS. Yet, the issues that the nexus between governance and peace and security raise in relation to the role of the PRC Sub-Committee substantively include the ways through which the sub-committee facilitates implementation by member states of the decisions of the AGA Platform members such as the African Commission on Human and Peoples’ Rights and the African Court on Human and Peoples’ Rights and promotes, through the PRC, the integration of AU democracy and human rights standards across the AU Executive Council and AU Assembly decisions.

Notwithstanding the substantive gaps of the outcome of the session, it registers some notable positive points. The first, which is contained in the preamble of the communiqué, is the emphasis on ‘the importance of ensuring that member states fully comply with the provisions of the African Charter on Elections, Democracy and Governance’. Much of the source of the recession in the state of democracy and human rights in Africa which creates the conditions for conflicts and insecurity lies in the lack of regard of member states to the provisions of this Charter and other similar governance and human rights instruments. The second is the recognition by the PSC of the ‘critical role of Civil Society Organizations (CSOs), including the media and think tanks, in promoting human rights, democracy, good governance, peace, security and stability in the Continent.’ The significance of this recognition lies not only in the fact that it affirms the role of these organized sectors of society but also in the message it sends about the need for member states to maintain a conducive environment for the full functioning of CSOs, media and research organizations. Of immediate significance is PSC’s call for engagement of the PRC-Subcommittee with CSOs.

Key actionable decisions requiring follow-up:

The PSC

- Requested the Chairperson of the Commission to further strengthen the institutional capacity of the AGA-APSA Secretariat and the AGA Platform Members, in order for these critical institutions to more effectively discharge their respective mandates;
- Requested the Member States to expedite the universal signature and implementation of the ACDEG and fully support national institutions charged with the mandate of promoting democracy, human rights and good governance;
- Encouraged the PRC-Subcommittee to engage CSOs through the AU Economic, Social and Cultural Council
- decided to institutionalize and regularize the Joint Engagement as an annual event to be held during the month of August.

PSC CALLS ON AU MEMBERS TO REDOUBLE EFFORTS IN MOBILIZING DOMESTIC RESOURCES FOR ELECTIONS TO REDUCE EXTERNAL DEPENDENCE AND ITS ATTENDANT VULNERABILITIES

The second session of the PSC held on 2 August was dedicated to the consideration of the bi-annual report of the Chairperson of the AU Commission (AUC) on elections in Africa covering the period of the first half of 2022.

The report presented activities the AU Commission undertook in supporting electoral processes in Africa and review of elections held during the first half of the year. Issues arising from the engagement of the AU in elections and the elections held elicited the reflections of members of the PSC. These issues range from representativeness and inclusivity as well as credibility of elections, mobilization of domestic resources, electoral disputes, the role of election management bodies and the culture of democracy and constitutionalism. In the Communiqué it adopted, the PSC welcomed the report.
On the issue of inclusivity and representativeness of elections, the PSC highlighted the importance of the creation by member states of conducive conditions that encourage more women, the youth and people living with disabilities to actively participate in political processes, particularly elections in line with the African Charter on Democracy, Elections and Governance, the African Charter on Human and People’s Rights (The Banjul Charter), the Protocol to African Charter on Human and People’s Rights on the Rights of Women in Africa (Maputo Protocol), as well as the Africa Youth Charter. To this end, the PSC encouraged member states to use, among others, ‘quota systems and reducing the fees for enlisting election candidature.’

One other issue that received particular attention during this session was the funding of elections. In this respect the PSC called ‘upon the Member State that will be organizing elections during the second half of the year, to redouble efforts in mobilizing domestic resources, with a view to ensuring full national ownership of their electoral processes and reducing external dependence and its attendant vulnerabilities.’ There are indeed many countries on the continent who rely for significant portion of the budget for elections on external funding.

The session also reflected on the role of independent institutions particularly electoral bodies. The PSC welcomed what it called ‘growing trend of peaceful transfer of power in AU member states, which it attributed to ‘the effective management of elections by national election management bodies.’ Welcoming the revitalization of the Association of African Electoral Authorities (AAEA), the PSC underscored ‘the need for ensuring universal representation of the whole Continent in its Executive Committee, while calling on the AU Commission to scale up technical assistance to the Association.’

**Association of African Election Authorities (AAEA)**

The Association of African Election Authorities is a platform that brings together heads of Election Management Bodies on the African Continent to dialogue, share experiences, set standards, and exchange lessons and best practices in the area of election management. The Association currently comprises 45 members. It has a Secretariat hosted by the Electoral Commission of Ghana.

The PSC also reiterated its request for the AUC ‘to organize an annual forum for national elections management bodies as a platform for sharing experiences, lessons and best practices, with a view to further improving electoral processes in the Member States.’

The session highlighted the importance also of democratic culture and constitutionalism. In this respect, the PSC underscored the need for member states to uphold constitutionalism and deepen and consolidate their democratic culture, including by building strong and independent national institutions, particularly those involved in the management of electoral processes, with a view to preventing election-related conflicts and crisis situations.’ It also emphasized the important role of civil society and media in promoting the integrity and credibility of elections and maintenance of peace and stability, among others, ‘by promoting civic education and factually informing the public.’

Signifying the need for enhancing the effectiveness of AU election observers, the PSC welcomed the launch of the 1st Specialized Training Workshop for AU Short-Term Election Observers Council that was co-organized by the Kingdom of Morocco and the Department of PAPS for co-organizing. The training workshop was in line with the AU Election Observation Methodology to enhance the continental institution’s capacity to observe and monitor democratic elections in Africa. The PSC ‘encouraged the Commission and the Kingdom of Morocco to continue to regularly co-organize similar training and mobilize the necessary financial and technical resources.’

Ordinarily, one major methodological flaw with the PSC engagement on this agenda is that neither the report nor the deliberations engage in critical interrogation of flawed elections or referendums. In the communiqué, the only election which the PSC
highlighted for special mention was the elections in Somalia. The electoral process in Somalia was fraught with long delays and disputes, as the incumbent President resorted to various tactics to extend his stay in power. Thus, noting the ‘particularly challenging environment’ in which the elections took place, the PSC especially commended the Federal Republic of Somalia for the successful organization of indirect elections and peaceful transfer of power.

Key actionable decisions requiring follow-up

The PSC requested the AU Commission the following:

- To organize an annual forum for national elections management bodies as a platform for sharing experiences, lessons and best practices, with a view to further improving electoral processes in the Member States.
- To continue to further enhance synergies with the Regional Economic Communities and Regional Mechanisms, in inculcating and entrenching the culture of peace, democracy, political pluralism, constructive management of diversity and tolerance in the Continent, particularly in relation to elections.

Relevant previous PSC decision:

- 424th meeting held on 12 March 2014 on elections in Africa PSC/PR/BR.1 (CDXXIV): Council requested the Department of Political Affairs to make quarterly briefings on national elections in Africa to the PSC as part of AU efforts towards conflict prevention on the continent.

Relevant other Executive Desicion

- 16th Extraordinary Session of the AU Assembly of Heads of States and Government on Terrorism and Unconstitutional Changes of Government held in Malabo, Equatorial Guinea, on 28 May 2022.

On 4th August 2022, the PSC convened a session on emerging technologies and New Media with a focus on their impact on democratic governance and peace and security in Africa.

During the session, the PSC received briefings from Ms. Souhila Amazouz, Senior Policy Officer/Information Society Division, AU Department of Energy and Infrastructure; Dr. Thompson Chengeta - Associate Professor of International Law and Ethics of Artificial Intelligence at the Centre for Human Rights, University of Pretoria; and by Ms. Bitania Tadesse, Director of Programmes, Amani Africa Media and Research Services.

While the PSC discussed specific issues relating to emerging technologies and new media in earlier sessions often in the context of discussions on cybersecurity and the role of new media in accentuating misinformation and hate speech, this session was the first time that it held a session dedicated to emerging technologies and new media in general, with a focus on their impact on democratic governance and peace and security in Africa. In putting this on the agenda of the PSC, the Chairperson of the month was in part inspired by The Gambia’s experience with respect to the role of new media and communications technology on elections and the transition in the country.

In his intervention, Thomson Chengeta identified the four aspects of the intersection between new technologies and peace and security in Africa. These are individual or human security, national security, regional security and global security. The presentation by Bitania Tadesse from Amani Africa also highlighted that new technologies and media is a double-edged sword that presents both opportunities and perils for democratic governance and peace and security in Africa.
Africa. The session deliberated on the various ways, both positive and negative, by which new technologies and media intersects with democratic governance and peace and security in Africa.

The **Communique** adopted on the session, while did not capture the full scope and richness of the briefings and deliberations during the session, it laid the basis for further engagement on this theme. On cybersecurity, the communiqué emphasized the importance of mainstreaming cybersecurity into all AU peace and security mechanisms. In calling on member states to expediate the signature and ratification of the Malabo Convention on Cyberspace Security and Protection of Personal Data, the PSC emphasized the need for AU member states ‘to develop a common approach to regulating digital platforms and a comprehensive Continental and forward-looking Cybersecurity Strategy.’ The communiqué is silent on how this is to be followed up. Logically, the AU Specialized Technical Committee on Communication and ICT is the body under whose mandate the development of a common approach to regulating digital platforms and of a continental cybersecurity strategy falls and is as such best placed to be the one to follow up on this decision.

However, as Chengeta advised during his intervention, the development of a common regional framework for effective governance of emerging technologies for safeguarding the interests of the continent including in terms of the multidimensional security implications (personal security, data security, national security, regional and global security) should cover all aspects of the use of artificial intelligence, robotics, and the impact of the use of algorithms in new media and communications technology.

The session also sought to address the immediate issues arising from the emerging technologies and new media. The outcome document largely limited these immediate issues to ‘the use of such emerging technologies and new media by actors engaged in terrorism and organized crime, the misuse of social media for propagation of hate, and the use of such technologies for surveillance, repression, censorship, online harassment and orchestrating cyber-attacks.’ These are all certainly issues of concern not only for national and regional security but also human security. However, the other issues raised during the session but not captured in the communiqué include the fact that these technologies are not neutral but imbied with racial, gendered and social status bias with serious consequences for individuals and African states.

The last point in the foregoing paragraph highlights the need for member states to ensure that they put in place relevant frameworks for adapting the appropriation of these technologies to the social, economic, cultural and development needs of the people of the continent. In this respect the PSC ‘urged to embrace a systematic integration and adaptation approach for optimal use of emerging technologies and new media.’ It further called on AU member states to enact ‘necessary legislations for ensuring compliance of international law and international humanitarian law in the use of emerging technologies and the new media.’ This is particularly relevant for putting in place effective regulations that ensure compliance with these standards in the use of new technologies in policing, law enforcement and combat operations.

Another issue highlighted in the communique is the mainstreaming of the use of new technology across the AU peace and security and democratic governance work streams. Accordingly, apart from the emphasis on the mainstreaming of cybersecurity in all AU peace and security mechanisms, the PSC also requested ‘the AU Commission, working in collaboration with the Regional Economic Communities and Regional Mechanisms (RECs/RMs), to effectively harness the advantages of emerging technologies and new media for enhancing the effectiveness of mediation, peacemaking and peace support operations.’ Similarly, the PSC encouraged ‘the African Governance Platform to also harness the benefits of emerging technologies and the new media in promoting democratic governance and constitutionalism in Africa, including in early warning and in monitoring elections.’

**Key actionable decisions requiring a follow-up:**

At the 1097th, Council requested the Commission;

- To undertake a comprehensive study on Emerging Technologies and New Media: Impact on Democratic Governance, Peace and Security in Africa,
PSC TOLD PARTIES TO THE CONFLICT IN ETHIOPIA, ‘NO VIABLE MILITARY SOLUTION TO THE CURRENT SITUATION IN THE TIGRAY REGION’

Council at its 1097th session held on 4 August 2022 received briefing on the Situation in the Horn of Africa.

The session focused on providing an update on situation and the mediation process. Obasanjo’s briefing presented an overview of the peace and security developments in the conflict situation and the state of his diplomatic engagements since his last briefing to the Council in February 2022. This is the fourth time the High Representative to the Horn of Africa briefed the PSC since his appointment in August 2021.

Although it did not receive much attention during the discussion in the PSC, unlike previous briefings this updated briefing triggered reactions of surprise from observers as it proposed as one of its recommendations for the AU Commission ‘to extend a formal invitation to the Republic of Eritrea to join ongoing AU-led efforts aimed at finding lasting diplomatic solutions to the conflict between the Federal Government of Ethiopia and the TPLF.’ This is the first time that any direct reference was made in an AU document to Eritrea in relation to the conflict in Ethiopia, hence subtly admitting Eritrea’s involvement in the current conflict. However, this did not attract any direct or indirect reference in the Communique, the PSC adopted on the session.

The PSC told the parties to the conflict in Ethiopia that ‘there can be no viable solution to the current situation in the Tigray region.’ Accordingly, it urged ‘the Federal Government of Ethiopia and TPLF to place the supreme interests of Ethiopia and its people above all else and embrace inclusive political dialogue as the only viable approach towards finding a consensual solution to the current situation.’ A positive development that the PSC welcomed was the commitment that both ‘the Government of the Federal Democratic Republic of Ethiopia and the TPLF’ expressed to ‘a negotiated political solution’.

Conspicuously absent from the communique of the PSC is any reference to the plight of civilians caught up in the crossfire of the conflict, including the dire state of the humanitarian situation, despite some relief that the humanitarian truce brought about as highlighted in the analysis provided ahead of the session. Similarly, no reference was made to the need for resumption of disconnected services which Obasanjo called for in his February 2022 briefing to the PSC. Indeed, it was not foreseen by the PSC that the lack of progress in these areas and the lack of focused engagement by the international community would eventually lead to the collapse of the truce later that same month.

Previous PSC engagements on this situation

- 1045th session held on 08 November 2021 [PSC/PR/COMM.1045 (2021)]: Council received the first substantive briefing by the High Representative for the Horn of Africa at its 1045th session. Amani Africa’s Monthly Digest for November 2021 has more details on this briefing.

- 1064th meeting held on 10 February 2022: While the PSC did not have the opportunity to interact with the High Representative on his briefing, his briefing provided an overview of the peace and security developments in the conflict situation in northern Ethiopia and the state of his diplomatic engagements since his last briefing to the PSC in November 2021. Amani Africa’s Monthly Digest for February 2022 has more details on this briefing.
<table>
<thead>
<tr>
<th>Date</th>
<th>Focus of Meeting</th>
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<tbody>
<tr>
<td>24 November 2020</td>
<td>This was the first UNSC meeting on the situation in Tigray region of Ethiopia, addressed under AoB.</td>
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<tr>
<td>13 December 2020</td>
<td>The second UNSC meeting on the humanitarian situation in Tigray region of Ethiopia, also addressed as an AoB.</td>
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<tr>
<td>02 February 2021</td>
<td>The humanitarian situation in Tigray region of Ethiopia, addressed as AoB.</td>
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<tr>
<td>03 March 2021</td>
<td>UNSC discussed the humanitarian situation in Tigray region of Ethiopia under AoB.</td>
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<td>14 April 2021</td>
<td>The humanitarian situation in Tigray region of Ethiopia was addressed under AoB. Few days later, on 22 April 2021, the UNSC issued a Press Statement expressing concern over the humanitarian situation in Tigray.</td>
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<tr>
<td>14 June 2021</td>
<td>UNSC held an “informal interactive dialogue” on the humanitarian situation in Tigray.</td>
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<tr>
<td>02 July 2021</td>
<td>Open briefing on the situation in Ethiopia, under the agenda of Peace and security in Africa (S/PV.8812).</td>
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<td>26 August 2021</td>
<td>Briefing on the situation in Tigray region of Ethiopia, under the agenda of Peace and security in Africa (S/PV.8843).</td>
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<td>01 October 2021</td>
<td>The situation in Ethiopia was discussed as AoB.</td>
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<tr>
<td>06 October 2021</td>
<td>Briefing on the situation in Ethiopia, under the agenda of Peace and security in Africa.</td>
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<tr>
<td>08 November 2021</td>
<td>Meeting on Ethiopia under the agenda item Peace and Security in Africa. Prior to the meeting – on 05 November 2021 – Council members also issued a Press Statement expressing concern over the expansion and intensification of the conflict.</td>
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<tr>
<td>20 December 2021</td>
<td>The situation in Ethiopia was discussed as AoB.</td>
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<td>27 January 2022</td>
<td>The situation in Ethiopia was discussed as AoB.</td>
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<tr>
<td>14 April 2022</td>
<td>The situation in Ethiopia was discussed as AoB.</td>
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<tr>
<td>28 September 2022</td>
<td>Informal interactive dialogue (IID) on the situation in Ethiopia.</td>
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<tr>
<td>21 October 2022</td>
<td>A private meeting on the situation in Ethiopia under the “Peace and Security in Africa” agenda item.</td>
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PSC CONCERNED OVER THE TREND OF ‘DEMOCRACY REVERSALS, THREATS FACING CONSTITUTIONALISM AND THE PROTECTION OF HUMAN RIGHTS ON THE CONTINENT’

At its 1098th session convened on 11th August 2022, the PSC held an experience sharing session with the members of the African Governance Architecture (AGA) Platform. Council was also briefed on progress made on the implementation of joint flagship projects and programs within the AGA including the Youth Engagement Strategy (YES), Women Engagement Strategy (WES) and the annual High-Level Dialogue on Democracy, Human Rights and Governance which is convened under the auspices of the AGP.

It is interesting to note that apart from Rémy Ngoy Lumbu, Chairperson of the African Commission on Human and Peoples' Rights (ACHPR), Muhammadou M.O. Kah, Permanent Representative of the Republic of The Gambia to the United Nations Office in Geneva and Vice President of UNHRC (Africa), the session was also addressed by Salvator Matata, Head of the the Common Market for East and Southern Africa (COMESA) Liaison Office to the AU, on behalf of the Regional Economic Communities and Regional Mechanisms (RECs/RMs). From a working methods perspective the participation of Matata as representative of RECs/RMs in addressing the PSC is a positive development. Also of note is the fact that the session also sought to link AU’s engagements on democratic governance and human rights with the UN processes in Geneva.

The Communique the PSC adopted on the session commended the AGA Platform and its individual Members for the important initiatives geared towards the enhancement of democratic governance, respect for human rights and rule of law in the Continent. The PSC put particular emphasis on the need for synergy and complementarity. In this respect, it emphasized the need ‘for the AGA Platform Members and the PRC Sub-committee on Human Rights, Democracy and Governance (HRDG) to continue their joint engagements to ensure effective coordination and complementarity of efforts.’ Similarly, the PSC urged ‘the African Group to the UNHRC, the PSC and the AGA Platform Members to ensure complementarity of their respective mandates, as well as to promote common messaging in the global discourses on issues that affect the AU human rights agenda.’ The PSC also requested ‘the AGA Platform to optimally utilize the recently launched Inter-Regional Knowledge Exchange Platform (I-RECKE) and other similar platforms between and among the AU Commission, RECs/RMs and Civil Society Organizations (CSOs), to further enhance coordination of efforts in the promotion of Africa’s peace, security and development enshrined in the AU Agenda 2063.’

Inter-Regional Knowledge Exchange (I-RECKE)

I-RECKE was officially launched by the heads of state and government followed on 17 July at the fourth AU-RECs mid-year coordination meeting. I-RECKE is a pan-African mechanism for developing, capturing and documenting knowledge and sharing lessons learnt and experiences on governance and conflict prevention on the continent. It aims to facilitate more structured and regular early warning interactions than in the past among organisations.

I-RECKE seeks to improve cross-regional learning on best practices, conflict prevention and resilience building against the propagating factors and triggers of conflicts. These include poor governance, unconstitutional changes of government, terrorism, violent extremism and climate-induced insecurity.

Regarding the state of democracy, constitutionalism and human rights, the PSC expressed its concern over, what it called, ‘the trend of democracy reversals, threats facing constitutionalism and the protection of human rights in the Continent’. Interestingly, the PSC tied these worrying trends with the need for the domestication of the African Charter on Democracy, Elections and Governance (ACDEG), as well as to the commitment of member states ‘to abide by related regional and international instruments.’
Key actionable decisions

The PSC requested

- the AU Commission, working in close consultation with the AGA Platform Members to undertake an in-depth analysis of the 2000 Lomé Declaration on Unconstitutional Change of Government and the AGA to ensure that these normative instruments are sufficient for effectively deterring unconstitutional changes of government in Africa;
- the AU Commission, working in close collaboration with the RECs/RMs, to mainstream human rights in early warning analyses.

MAJOR BOOST FOR STRENGTHENING AU SANCTIONS AGAINST UNCONSTITUTIONAL CHANGES OF GOVERNMENT AS THE PSC CALLS FOR THE ESTABLISHMENT OF A MONITORING AND EVALUATION GROUP

The fourth session of the month (1100th meeting) held on 15th August 2022 was under the theme ‘Sanctions and Enforcement Capacities: Deterrence Against Unconstitutional Changes of Government’.

During the session, the PSC received briefings from the representative of ECCAS (on behalf of RECs/RMs) and the representatives of the United Nations Office to the African Union (UNOAU) and the Institute for Security Studies.

Council decided to convene a session dedicated to the theme to follow-up to the outcome of the 16th Extraordinary session of the AU Assembly of Heads of State and Government held on 28 May 2022 in Malabo, Equatorial Guinea. Predominantly, the session aimed at assessing the effectiveness of sanctions in deterring UCGs in Africa, as well as the capacities of the existing enforcement mechanisms. The range of policy issues for consideration in this session are canvased in full detail in the analysis we produced ahead of the session. As highlighted in Amani Africa’s Policy Brief, the fact that sanctions imposed on Mali in April 2021 did not deter subsequent coups in four other cases has brought into sharp focus the efficacy of the responses of the AU and RECs/RMs, including notably suspension and other forms of sanctions.

In the Communique it adopted on the session, the PSC admitted with concern ‘the challenges facing the implementation of AU sanctions regime against unconstitutional changes of government.’ This, according to the PSC, is due, among others, to ‘lack of coordination between the AU and RECs/RMs, partners as well as the actions of external actors.’ Indeed, as pointed out in our analysis, on the normative plane not all RECs/RMs have comparable standards making military coups illegal and hence the basis for sanctioning their member states. In the absence of all RECs/RMs having standards banning unconstitutional changes of government comparable to the AU norm, the AU and RECs/RMs face the unavoidable challenge of adopting complementary positions. That is why, for example, it is difficult to coordinate between IGAD and AU in respect to the coup in Sudan. Accordingly, the PSC should have called on RECs/RMs lacking such norms and authority to sanction unconstitutional changes of government to adopt legal instrument authorizing them to sanction unconstitutional changes of government. Instead, the PSC ‘underscored the need to improve coordination of efforts to achieve wider buy-in of AU sanctions by other international actors, as well as to ensure synergies between AU sanctions and sanctions imposed by similar intergovernmental organizations, particularly the RECs and UN.’ It also reiterated the need ‘for full implementation of the commitments of the Accra Declaration on Unconstitutional Changes of Government and the Assembly Decision and Declaration on Terrorism and Unconstitutional Changes of Government.’

Another issue that arose during the session of the PSC and highlighted in our analysis was the absence of a common framework on what kind of sanctions (beyond suspension) to be applied, under what circumstances, the mechanism for monitoring and the criteria for the lifting of such sanctions. In this respect, the PSC underlined ‘the importance of refining existing sanctions pronouncements into consistent frameworks that are aligned with the current evolution of the challenges they are meant to address.’ To this end, it requested ‘the AU Commission, in collaboration with the UN stakeholders and relevant...'

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African research institutions and think tanks including the African Members of the UN Security Council (A3) and UN Security Council Permanent Members, to explore and to develop an effective mechanism for the strengthening of the AU sanctions regime and providing appropriate technical capacities to the PSC Committee of Experts and the Military Staff Committee.’

Of course, the development of this framework needs to build on the existing norms of the AU which in various ways present in a skeletal form the sanction for unconstitutional changes of government. These AU norms include: the AU Constitutive Act, the Lomé Declaration, the Protocol Relating to the Establishment of the Peace and Security of the African Union, and the African Charter on Democracy, Elections, and Governance (ACDEG). In particular, Chapter 8 of the ACDEG specifically outline ‘Sanctions in Cases of Unconstitutional Changes of Government’. It defines UCGs in Article (23); it empowers the PSC with powers to impose sanctions against Member States (Article 24); and it details the types of sanctions that could be imposed against the Member States and perpetrators (Article. 25).

The African Charter on Democracy Elections and Governance (ACDEG)

ACDEG was adopted on 30 January 2007 as the African Union’s main normative instrument to set standards for better governance across the continent. It came into force in February 2012 after ratification by fifteen (15) States. The ACDEG is different from previous instruments as it combines, in a holistic manner, the key elements of commitments to democracy, human rights and governance contained in various instruments. Its objectives are to enhance the quality of elections in Africa, promote human rights, strengthen the rule of law, improve political, economic and social governance, and address the recurrent issues relating to unconstitutional changes of government in the continent.

In terms of strengthening the structures and processes for enhancement of the effectiveness of sanctions, the PSC called for the operationalization of the PSC Sub-committee on Sanctions, the development of the requisite technical capacities to ensure its effectiveness and directed the PSC Committee of Experts to draw up the terms of reference of the Sub-Committee. The PSC went further and provided for the establishment of both ‘a solid sanctions infrastructure... that will effectively support the work of the PSC Sub-Committee on Sanctions’ and ‘a monitoring and evaluation group, to assess the implementation of the sanctions imposed against the Member States.’ While the development of such institutional structures for the AU sanctions is a welcome development, the form that such structures take is yet to be seen. Of particular significance is also the provision for the establishment of the monitoring and evaluation group. It is worth recalling that our analysis underscored the need for ‘an expert body (which) could play an instrumental role in monitoring implementation of sanctions imposed by the Council and in assessing fulfilment of conditions for their lifting thereof.’ Depending on the terms of reference of the expert group and the criteria that is used for the group to develop the technical assessment on the occurrence of unconstitutional changes of government, propose the type of combination of response measures worth adopted by the PSC and monitor the implementation of the measures, this stands to contribute to the credibility and predictability of PSC’s responses to unconstitutional changes of government.

There were a few things that did not receive the level of adequate attention that they deserved. The first is the need for strengthening the support of member states for the AU policy of zero tolerance to coups. This is particularly important given that the lack of strong consensus and support for AU norms by member states is one of the factors for the weakening of the efficacy of the sanctions in 2021. The other issue not addressed in the PSC communiqué is the lack of consistency in how the PSC applies its power under Article 7(1)(g). As we pointed out in our analysis, the failure of the PSC to apply (on Chad) the same measures it applied on Mali has led to legitimate charges of selective application’. The PSC also missed an opportunity to address the lack of established criteria for applying Article 23(5) of the ACDEG that enables the AU to sanction not only coups but also unconstitutional extension of presidential terms.

Both in the policy brief we published to inform the Extraordinary AU Assembly Session in Malabo and the edition of Insights on the PSC for this session, our analysis underscored the need for the response of the AU and RECs/RMs to go beyond adopting sanctions. It emphasized the imperative for the deployment of robust diplomatic initiative tailored to the specific
context as critical measure for ensuring that relevant reform measures that guarantee sustainable restoration of constitutional order are pursued as part of the transitional process. In this respect, the PSC called for ‘a new strategic approach that will simultaneously employ mediation and peace-building to prevent and resolve conflicts.’

**Key actionable decisions requiring follow-up:**

At the 1100th session, Council requested the Commission:

- To put in place a solid sanctions infrastructure using the available resources in the PAPS Department that will effectively support the work of the PSC Sub-Committee on Sanctions, as well as a monitoring and evaluation group, to assess the implementation of the sanctions imposed against the Member States.
- In collaboration with the UN stakeholders and relevant African research institutions and think tanks including the African Members of the UNSC (A3) and UN Security Council Permanent Members to explore and to develop an effective collaborative mechanism for the strengthening of the AU sanctions regime and providing appropriate technical capacities to the PSC Committee of Experts and the Military Staff Committee.
- To regularly brief the Council on this matter.

**Relevant Previous PSC decisions**

- 432nd meeting on 29 April 2014, on Unconstitutional changes of Governments and popular uprisings in Africa – challenges and lessons learnt, [PSC/PR/BR.(CDXXXII)]: Council reiterated its total rejection of unconstitutional changes of government.
- 1061st meeting held on 27 January, 2022 on Promoting Constitutionalism, Democracy and Inclusive Governance to Strengthen Peace, Security and Stability in Africa [PSC/PR/COMM.1061(2022)]: Council decided to convene a reflection forum of the PSC and other relevant stakeholders on the resurgence of unconstitutional changes of government in parts of Africa.
- 1077th meeting held on 18 April 2022 on Declaration of the Reflection Forum on Unconstitutional Changes of Government in Africa (Accra Declaration) [PSC/PR/COMM.1077(2022)]: Council decided to submit the Accra Declaration to the Extraordinary Session of the AU Heads of State and Government for consideration and adoption.

**Relevant other Executive decision:**

- The Accra Declaration on Unconstitutional Changes of Government, provides an additional tool for a more robust response to UCGs in Africa.
- 16th Extra-Ordinary Session of the AU Heads of State and Government that was to be held in Malabo, Equatorial Guinea on 28 May 2022, the Assembly took note of the Accra Forum Declaration and decided to strengthen national, regional and Continental mechanisms for early warning and conflict prevention, as well as the interface between the African Governance Architecture and the African Peace and Security Architecture, to consolidate good governance, particularly constitutionalism and rule of law, through multilevel engagements.

**PSC DENOUNCES THE DENIAL OF HUMANITARIAN ASSISTANCE, THE WANTON KILLING AND MAIMING OF CHILDREN IN CONTEXT OF CONFLICTS**

On 18 August 2022 the PSC convened its 1101st session on children affected by armed conflicts (CAAC). The PSC received briefings from Robert Nanima, Special Rapporteur on Children Affected by Armed Conflicts and member of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC); from representatives of the RECs namely from, ECCAS, COMESA and SADC. Council also received briefings from Special Representative of the UN Secretary-General for Children and Armed Conflict; Ms. Doris Mpoumou, Director and AU Representative of Save the Children International AU Liaison and Pan Africa Office; the United Nations International Children’s Education Fund (UNICEF), the European Union Delegation to the African Union; as well as from other AU partners, international organizations and institutions. The session put spotlight on the widespread abuses
and violations to which children are subjected in conflict settings on the continent. Since 2005 when a United Nations mechanism for monitoring and reporting on the six grave violations against children was established, Africa, notably West and Central Africa has been the region in the world with the highest number of children recruited and used by armed forces and non-state armed groups and the highest number of children subjected to sexual violence.

Six grave violations against children in times of war are: Killing and maiming of children; recruitment or use of children in armed forces and armed groups; attacks on schools or hospitals; rape or other grave sexual violence; abduction of children; and denial of humanitarian access for children.

In Communique it adopted, the violations facing children in Africa in current conflicts that the PSC firmly denounced include ‘the denial of humanitarian assistance, the wanton killing and maiming of children, the continued recruitment, indoctrination and enrolment of children by armed groups and sexual and gender-based violence, abductions and attacks against schools and hospitals.’ The PSC accordingly urged ‘all warring parties on the Continent to grant unfettered humanitarian access, especially to children, in line with international humanitarian law and international human rights law; and calls upon the Member States to facilitate the full and swift reintegration of children formerly associated with armed forces and armed groups into society through comprehensive psycho-social support programmes.’

As critical steps for enhancing the protection of children in armed conflicts, the PSC, as advocated in our analysis on the session, underscored the ‘need for mainstreaming child protection in early warning mechanisms and conflict prevention, peace-making and peacebuilding processes and post-conflict reconstruction.’ It went on to underscore ‘the need for further enhancement of the advocacy for the safety and security of children living in conflict settings, so that they may live, go to school and have a childhood free from fear, as well as access quality and safe education and mental health and psycho-social support for children suffering from war.’
In order to advance the agenda, Council outlined the following:

- For Member States, that have not yet done so, to sign, ratify and domesticate the African Charter on the Rights and Welfare of the Child and other related international instruments.
- The importance of robust and multi-stakeholder implementation of the continental child protection agenda as an indispensable prerequisite for the success of the Continent’s sustainable peace, security and development agenda.
- The essence of fighting impunity and of further strengthening mechanisms to end child sexual abuses and exploitation, and ensure that accountability mechanisms are in place to bring perpetrators to justice.

Key actionable decisions requiring follow-up:

At the 1101st session, Council requested the Commission:

- To continue its engagements with the relevant national and regional stakeholders on the effective incorporation of the six grave violations against children in the national school curricula.
- To create and support the requisite collaborative ecosystems for the effective implementation of the two policies.
- To provide the necessary support to the Member States in the development and effective implementation of their national child protection agenda including the timely provision of psycho-social and post-conflict therapeutic support to children affected by armed conflicts.
- To urgently develop guidelines for the participation of children in PSC sessions to ensure systematic engagements.
- To urgently appoint a Special Envoy for Children Affected by Armed Conflicts in Africa, to facilitate effective implementation of the AU child rights protection agenda.

Council decided that the representatives of the children affected by armed conflicts should be regularly invited to attend and share their experiences in all future PSC sessions dedicated to the AU child protection agenda.

Relevant previous PSC decisions:

- 994th meeting held on 11 May 2021, on the protection of children in conflict situations in Africa [PSC/PR/COMM. (CMXCIV)]: Council requested the AUC to institutionalize a child protection architecture within the Africa Peace and Security Architecture (APSA) and develop policy aimed at mainstreaming child protection in all phases of intervention from conflict prevention and mediation to conflict management.
- 1070th session convened on 29 March 2022 [PSC/PR/COMM.1070 (2022)]: Council considered two draft policies essential for the protection of children in situation of armed conflicts and requested that they be considered by the STCDSS.

Relevant other Executive decisions:

- 33rd Ordinary session of the Assembly of the Union held in February 2020 [Assembly/AU/Dec.749-795(XXXIII)]: Council requested the AUC to integrate child protection into Silencing the Guns campaign and the Theme of the AU for the year 2020, as well as to develop a comprehensive policy on child protection in AU peace support operations.
- 14th Ordinary Session of the STCDSS held on 12 May 2022, considered and adopted two policies on child protection.

PSC DECIDED TO REGULARIZE LESSON LEARNING BRIEFING ON THE IMPLEMENTATION OF THE AUTJP AS AN ANNUAL MEETING OF THE COUNCIL

PSC’s 1102nd meeting held on 22 August 2022 focused on lesson learning sessions on the Implementation of the African Union Transitional Justice Policy (AUTJP): Impact on National Resilience and Democratization. The session was the first time that Council discussed the AUTJP since its adoption in February 2019.
During the session, the PSC received briefings from Mr. John Ikubaje and Lamin J. Sise, former Chairperson of the Truth, Reconciliation and Reparation Commission (TRRC) of the Republic of The Gambia. Others that delivered statement sharing the transitional justice experiences of their respective countries include Hope Gasatura, Permanent Representative of the Republic of Rwanda to the AU; James Peter Morgan, Permanent Representative of the Republic of South Sudan to the AU; and Adekunle King, Permanent Representative of the Republic of Sierra Leone to the AU.

The session aimed to provide AU Member States the opportunity to share their experiences, lessons, best practices, challenges, and prospects, as well as to identify means and ways of more effectively addressing the root causes of conflict and insecurity, and creating synergies that have a multiplier effect.

The AUTJP is the culmination of a nearly decade-long legislative process that provides the AU with a full-fledged justice architecture in combination with its human rights architecture and the Malabo Protocol on the criminal jurisdiction of the African Court.

In the Communiqué it adopted on the session, the PSC encouraged Member States to use the AUTJP, as a reference guide, in developing their own comprehensive and context-specific transitional justice policies and programmes while emphasizing the importance of ensuring participation of all marginalised groups and affected communities, particularly, women, youth, victims, community leaders and leaders of religious groups, as well as to ensure witness protection guarantees in transitional justice programmes.

PSC also underlined the importance of context specific approaches to National Transitional Justice processes and encouraged member states to adopt home-grown solutions and a ‘whole of society approach’ to transitional justice, draw inspiration from African traditional values and approaches, as well as from the best practices and lessons from the experiences of other Member States, as may be appropriate, in order to ensure inclusivity, local ownership and legitimacy.

Key actionable decisions requiring follow-up:

The PSC:

- Encouraged the DPAPS to liaise with the AU Reform Unit to integrate Transitional Justice Unit from the Democracy, Election and Constitutionlism Division into the Governance and Human Rights Division
- Requested the Chairperson of the AU Commission, to mobilize the resources required for the effective implementation of the AUTJP
- Decided to regularize briefing on the theme as an annual meeting of the Council.

PSC ENDORSED THE DEPLOYMENT OF THE EAC REGIONAL FORCE TO THE EASTERN DRC WHILE ENVISAGING TO ESTABLISH A MORE VISIBLE AND PERMANENT AU PRESENCE IN EASTERN DRC

Council’s 1103rd meeting, constituting its last session of the month held on 31 August 2022 was a briefing on the situation in Eastern Democratic Republic of Congo (DRC). This session was not part of the initial program of work of the PSC for the month. It was on the recognition by the Chairperson of the month of the need for the PSC to play its part to the ongoing regional efforts to address the deteriorating conflict and the accompanying rising regional tension that the situation in Eastern DRC was added to the monthly program.

Indicating the gravity and sensitivity of the situation, the session attracted high-level participation from the concerned countries and regional and international actors. The PSC was accordingly briefed on the efforts being mobilized under the Luanda and Nairobi processes from Tete António, Minister of External Relations of the Republic of Angola, ICGLR Chair and

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1 Supported by an independent technical analysis provided in support of the Chairperson of the month, the item was added following the discussion of the Chairperson on the proposal for the addition of this item with the Commissioner for Political Affairs and Peace and Security (PAPS) and during the informal meeting of members of the PSC with the Commissioner for PAPS.
Macharia Kamau, Principal Secretary to the Ministry of Foreign Affairs of the Republic of Kenya and Special Envoy of President Uhuru Kenyatta on the Nairobi Process respectively. Additionally, the PSC received statements from representatives of the Chairperson of EAC, ECCAS, ICGLR Secretariat and Bintou Keita, Special Representative of the United Nations Secretary-General in the DRC and Head of the United Nations Organisation Stabilisation Mission in the Democratic Republic of Congo (MONUSCO), Christophe Lutundula Apala Pen’Apala, Deputy Prime Minister and Minister of Foreign Affairs of the DRC and Hope Tumukunde Gasatura, Permanent Representative of the Republic of Rwanda to the AU delivered statements as countries of concern.

In the Communique it adopted, one of the issues the PSC highlighted ‘the presence of armed and terrorist groups’ as the major factor for ‘the prevailing insecurity in the Eastern DRC, especially in North Kivu and Ituri’. It thus reiterated its strong condemnation on the atrocities committed by the ex-M23, as well as the Allied Democratic Forces (ADF), Forces Démocratiques de Libération du Rwanda (FDRL) and other armed and terrorist groups’. Additionally, the PSC reiterated ‘the call for an unconditional and immediate ceasefire by all armed groups’ and ‘called upon all armed groups to engage in the implementation of orderly disarmament, demobilization and reintegration (DDR), as a crucial element for stabilizing the Eastern DRC and the region.’

Regarding the dangerous spike in hate speech that has exposed targeted communities to atrocious violations, the communique used a poorly formulated weak language of ‘de-escalation’ rather than condemnation and end of such speeches. By contrast UN officials including Keita condemned the proliferation of messages of inciting hatred, violence and provocative language on the basis of ethnic affiliations.

Regarding the strategically major driving factor for the conflict in Eastern DRC, the PSC expressed its condemnation in the strongest terms the continued illicit exploitation and trade of mineral resources, which denies the country and its citizens from deriving economic benefits.’ Both on this issue and on the other aspects of the crisis in Eastern DRC, the PSC did not envisage on the role and responsibilities of the DRC, which bears primary responsibility for putting in place the necessary systems and institutions for the effective governance of its territory and resources. In this respect, the one point the PSC highlighted that indirectly connects with this issue is its ‘call for the lifting of the arms embargo imposed on the DRC’. This is, according to the PSC, ‘in order to enable the country to effectively discharge its constitutional mandate of defending and protecting the national sovereignty and its citizens.’

On the regional efforts for resolving the crisis, the PSC commended ‘the efforts being deployed by the EAC, ECCAS, ICGLR and SADC’. With respect to the Luanda process, the PSC welcomed the adoption of the Roadmap on the Pacification Process in the Eastern Region of the Democratic Republic of Congo during the tripartite summit held on 6 July 2022, in Luanda, Angola and called for its implementation. Regarding the Nairobi process, the PSC endorsed ‘the outcomes of the 3rd Meeting of the EAC Heads of State held on 20 June 2022, to deploy a regional force to stabilize the security situation in the Eastern DRC.’

The other issue that the PSC considered was the issue of enhancing complementarity of the various initiatives and efforts. First is the emphasis the PSC put on ‘the need to ensure synergy and alignment of the Nairobi and Luanda Peace Processes on the eastern DRC, to harmonize and coordinate all efforts for the stabilization of the DRC.’ Additionally, the PSC also ‘underscored the significance of cooperation, coordination and complementarity of efforts between MONUSCO, Armed Forces of the Democratic Republic of Congo (FARDC), Burundi National Defence Force (FDN), Uganda People’s Defence Forces (UPDF) and the EAC Regional Force.’

The role of the AU is the other issue that received more particular attention during this session. While the Lunda process was launched on the basis of the decision of the AU Assembly and hence on the behest of the AU, AU’s role has largely been limited to issuing statements, while the AU Chairperson Senegal’s President also held telephonic exchange with the leaders of Rwanda and DRC. It did not engage high level shuttle diplomacy reinforcing, complementing and accompanying the Luanda and Nairobi processes, while the PSC did not travel to DRC and Rwanda when it undertook a field mission to the region in June 2022. Most importantly, the AU was not represented in some of the high-level meetings under the Nairobi process. Further limiting the role of the AU is the inadequate...
human and financial resource of the AU office in the region.

The PSC in its communiqué accordingly outlined a list of measures that aim at bolstering AU’s role in the effort for resolving the conflict in Eastern DRC.

Of particular significance are the call on the AU Commission:

- To facilitate consultations amongst all the stakeholders, including the EAC, ECCAS, IC-GLR and SADC, to agree on a joint framework and modalities for effective implementation, monitoring and evaluation of the harmonized and coordinated efforts;
- To establish a Strategic Support Cell within the Department PAPS to support the EAC Regional Force and its military operations in the Eastern DRC;
- To improve the capacity level for the AU Liaison Offices in the DRC and Great Lakes Region within available resources to enable them to carry out their mandates efficiently and effectively, and relatedly to ensure that the African Union has a more visible and permanent presence in Eastern DRC;
- To explore and mobilize predictable, flexible and sustainable funding through existing mechanisms to ensure efficient and effective implementation of the peace process in the DRC, including the possible use of the AU Peace Fund; and
- To conduct a systemic study interrogating all the decisions of the Council on the DRC and the region to identify recurring issues and root causes of the insecurity in the country in order to create conditions to better understand the situation and guide further interventions;

Additionally, the PSC reiterated its decision to undertake a field mission to the DRC and the region, as soon as practicable.

Relevant previous PSC decision:

- 1078th meeting held on 19 April 2022, to follow-up on the 10th High-Level Meeting of the Regional Oversight Mechanism (ROM) [PSC/PR/COMM.1078(2022)]; endorsed the Conclusions of the 10th ROM of the Peace, Security and Cooperation Framework (PSCF) for DRC and also expressed serious concern over the resurgence of M23 Movement in the Kivu and Ituri provinces.

Relevant other Executive decision:

- 16th Extraordinary Session of the Assembly of the Union held on 28 May 2022 [Ext/Assembly/AU/Decl.(XVI)]; designated President Joao Manuel Goncalves Lourenco ‘AU Champion for Peace and Reconciliation in Africa’ and mandated him to be a facilitator of talks between Rwanda and DRC in his capacity as Chairperson of the ICGLR.
ABOUT AMANI AFRICA

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

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

ACKNOWLEDGEMENTS

Amani Africa wishes to express its gratitude to the Embassy of Finland in Addis Ababa for the support in the production of this Monthly Digest. We also thank the Government of Switzerland, the Embassy of Ireland, the Norwegian Ministry of Foreign Affairs and Open Society Foundations for the additional support.

ADDRESS

On the Corner of Equatorial Guinea St. and ECA Road, Zequala Complex, 7th Floor, Addis Ababa
Tel: +251118678809
Mobile: +251944723204 Addis Ababa, Ethiopia