The African peace and security council as security actor:
What role for regional security cooperation?

Sour Lotfi

Mustapha ISTAMBOULI University of Mascara- Alegria l.sour@univ-mascara.dz

Abstract:

This paper seeks to analyse the effectiveness of the role of the African Union Peace and Security Council (AUPSC) in conflict prevention, management and resolution in Africa. Firstly, the paper analyses the PSCAU's composition and its main organs and the supporting structures falling under the council; namely, the panel of the wise and the African standby force (ASF) besides the peace fund and the continental early warning system. Secondly, we will examine the PSCAU's relationship with the sub-regional mechanisms for conflict prevention, management and resolution in so far as the promotion of peace and security. While, the last part will focus on discussing how the peace and security council proposes to address some of the most serious threats to peace and security in Africa, among which are unconstitutional changes of governments and terrorism.

Key words: Peace and Security Council **-** African Union- conflicts- terrorism.

1. Introduction:

The debate on "African solutions for African problems" remains relevant in relation to the promotion of regional peace and security strategies. Actually, this approach dates back to the independence period and is deeply connected with the project of regional integration. During the 1960s, African leaders advocated the policy of "Try Africa First" to deal with peace and security issues on the continent, given that the leitmotiv of African ownership was strongly linked to the pan-African project. Furthermore, in 2004 the African Heads of State and Government stressed in the "Solemn Declaration" the need to develop and promote endogenous policies for peace and security on the continent.

Along with strong governance and economic progress, peace and security are seen as fundamental prerequisites for the construction of a functional African Union and regional economic integration. As a result, building the essential concepts, institutions, and procedures to support regional peace and security is essential in order to achieve peace and security.

since its emergence, the AU was subjected to face serious challenges in the field of peace and security that consumed match of its infant institutional capacity. Particularly crisis related with ethnic separatism and religious radicalism are becoming increasingly prominent across the continent, with their political, economic, and social ramifications.

The PSC is a "collective security and early-warning system to promote quick and effective response to conflict and crisis situations in Africa," according to the AU's 15 member nations. Furthermore, within the AU's peace architecture, the PSC is the single most powerful institution.[1] The Peace and Security Council (PSC), a new organ, is intended to provide a more robust mechanism than its predecessor, the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution. The PSC was established by a Protocol adopted in Durban in July 2002.

Research question:

- To what extent is the African peace and security council (PSC) capable to deal with the principal threats in Africa?
- What impact have African actors had on perceptions of and responses to current international security challenges? Are there international peace and security norms with African roots? How can PSC that lack the power and financial resources of the UN Security Council (UNSC) help to shape prevailing conceptions of appropriate behaviour in international politics?

2. Institutionalisation of the African Union's Peace and Security Council (PSC): establishment and roles

It is undeniable that the African Union's Peace and Security Council is a vital role in promoting peace and security throughout the continent. According to Sarkin, the PSCAU represents a more robust system for early identification of crises or conflicts than the OAU's approach to handling peace and security in Africa, and is authorized to take action to prevent these problems. [2]

The African Union's Peace and Security Council (PSC) was not originally meant to be an organ of the African Union. The Central Organ of the OAU Mechanism for Conflict Prevention, Management, and Resolution (Central Organ) was already in place when the Council was established. The Central Organ, as its name implies, functioned under the auspices of the AU's predecessor, the OAU. Despite the existence of the Central Organ, it has been argued that the OAU, for its part, never possessed the political mandate, resolve, or resources to manage conflict.[3]

During its 37th Ordinary Session from 9 to 11 July 2001, the Assembly of Heads of States and Government of the OAU decided to incorporate the Central Organ as one of the organs of the African Union.8 This was in accordance with article 5(2) of the Constitutive Act.9 A specific request was made to the OAU secretary general to undertake a review of the

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[1] African Union, Protocol Relating to the Establishment of the Peace and Security Council of the African Union (2002), Article 2, paragraph 1.
[2] Jeremy Sarkin, 'The Responsibility to Protect and Humanitarian Intervention in Africa' (2010) 2(4) Global Responsibility to Protect (Special Issue: Africa's Responsibility to Protect) 381.
[3] Ibid, p. 13.

structures, procedures and working methods of the Central Organ, including the possibility of changing its name. It was in pursuance of article 5(2) of the Constitutive Act that the Peace and Security Council was established as a 'decision-making organ [of the AU] for the prevention, management and resolution of conflicts'.10 As of 27 January 2011, out of a total of 53 AU member states, 44 had already ratified the PSCAU Protocol.

There is no doubt that the Peace and Security Council was established as an afterthought following the coming into force of the Constitutive Act. Article 5(f) of the Constitutive Act, introduced, for the first time, the Peace and Security Council as one of the organs of the African Union.12 Worthy of note is that this article was included through the Constitutive Act Amendment Protocol13 after the adoption of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union.14 The PSCAU Protocol entered into force on 26 December 2003 and replaced the Declaration on the Establishment within the OAU, of the Mechanisms for Conflict Prevention, Management and Resolution (Cairo Declaration), while superseding the resolutions and decisions of the OAU relating to the Mechanisms for Conflict Prevention, Management and Resolution in Africa, which are in conflict with the PSCAU Protocol. Like the United Nations (UN) Security Council, AU-PSC is made up of 15 members. They are Algeria, Benin, Angola, Burkina Faso, Chad, Burundi, Ethiopia, Gabon, Nigeria, Mali, Rwanda, Tunisia, Uganda, Swaziland and Zambia (Murithi, n.d.). There are no permanent members with veto power. Five states are elected from each region every 3 years while the other 10 states are elected every 2 years based on stated criteria of political and financial commitment to the AU and its course, respect for democracy and democratic principles, respect for the rule of law and human rights as well as geographical representation (AU, 2002, Art. 5.2g).

The Council was assigned the principal responsibility of implementing the broad objectives of anticipating and preventing conflicts; promoting peace, security and stability; promoting and implementing peace-building activities; encouraging and promoting democratic practices; protecting human rights, the rule of law and good governance; developing a common defence policy for the AU; harmonising and coordinating efforts to prevent and fight international terrorism. In performing these roles, powers ranging from military intervention to assist in providing humanitarian assistance among others were granted to the Council.

2.1 Composition of the PSC

The Peace and Security Council is composed of fifteen members elected on the basis of equal rights. In order to ensure continuity, ten members are elected for a term of two years and the rest for a term of three years.[1] The PSCAU operates at the level of ambassadors, ministers and heads of state and government.[2] The members state of the Council are elected

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[1] Art. 5(1) of the PSCAU Protocol.
[2] Ben Kioko, 'The Right of Intervention Under the African Union's Constitutive Act: From Non-interference to Non-intervention' (2003) 85(853) *International Review of the Red Cross* 817.

by the AU Assembly based on the principles of equitable regional representation and rotation. Three members are from Central Africa, three from East Africa, two from North Africa, three from southern Africa and four from West Africa.[1] Of importance, there is no provision for permanent members of the Peace and Security Council as is the case with the UN Security Council. The current members of the Peace and Security Council by region are as follows: from Central Africa are Burundi, Chad and Equatorial Guinea; from East Africa are Djibouti, Rwanda and Kenya; from North Africa are Mauritania and Libya; from southern Africa are Namibia, South Africa and Zimbabwe; and from West Africa are Benin, Côte D'Ivoire, Mali and Nigeria.[2] The chairmanship of the Council is on a monthly rotational basis and in alphabetical order (of the members of the PSCAU).

Under ordinary circumstances, the PSC is required to meet a minimum of two times a month at ambassadorial level. (In practice, according to an unpublished AU study, since 2006 it has been meeting at least five times a month.) The agenda is based on the assessment of ongoing conflict and crisis situations, and the assessment can be initiated by any member or by the Commissioner for Peace and Security, in consultations with the Chair. According to the PSC Rule of Procedure, "The inclusion of any item in the provisional agenda may not be opposed by a Member State". The rules foresee the following types of meetings and their respective participants:

• closed meetings; and

• open meetings to which the PSC may invite to participate, "without a right to vote, in the discussion under its consideration:

(a) any member State of the AU, which is not a member of the Council, when the interests of that Member States 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; and

(b) 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."

Any AU member state invited to participate in the discussions of the Council may submit, through a member of the Council, proposals and propose draft decisions for consideration. The rules also say that the Council may invite the media to attend its open meetings.

Informal consultations are also possible, under Rule 16, which reads: "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

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[1] Art. 4 of the African Union (Executive Council) "Modalities of the Election of Members of the Peace and Security Council" (March 2004).
[2] See : [Peace and Security Council (PSC) | African Union (archive.org)](#) accessed on October 2021.

responsibilities."

Most PSC meetings are held at the AU headquarters in Addis Ababa, but the PSC has the option of choosing other venues. A detailed compendium capturing the (still evolving) working methods of the PSC is contained in the "Conclusions of the Retreat of the Peace and Security Council of the AU, Dakar, (Senegal) 5-6 July 2007 (PSC/PR/2(LXXXV)).

Table: 01 The current Members of the AU Peace & Security Council

COUNTRY	TERM	EXPIRY OF MANDATE	REGION
ALGERIA	3	31.3.2022	NORTHERN AFRICA
ANGOLA	2	31.3.2020	SOUTHERN AFRICA
BURUNDI	3	31.3.2022	CENTRAL AFRICA
DJIBOUTI	2	31.3.2020	EASTERN AFRICA
EQUATORIAL GUINEA	2	31.3.2020	CENTRAL AFRICA
GABON	2	31.3.2020	CENTRAL AFRICA
KENYA	3	31.3.2022	EASTERN AFRICA
LESOTHO	3	31.3.2022	SOUTHERN AFRICA
LIBERIA	2	31.3.2020	WESTERN AFRICA
MOROCCO	2	31.3.2020	NORTHERN AFRICA
NIGERIA	3	31.3.2022	WESTERN AFRICA
RWANDA	2	31.3.2020	EASTERN AFRICA
SIERRA LEONE	2	31.3.2020	WESTERN AFRICA
TOGO	2	31.3.2020	WESTERN AFRICA
ZIMBABWE	2	31.3.2020	SOUTHERN AFRICA

Source: African union peace & security website (peaceau.org)

2.2 Role of the PSC:

Conflict prevention is the most important aspect in ensuring peace and security. Levitt argues that from a political viewpoint, preventing conflict should mean averting it altogether, or at least diffusing it in the initial stages, with trust-building, coalition building, and negotiated settlements being key objectives.[1] From an operative perspective, this may be achieved through a variety of means, both traditional and non-traditional, most notably through preventive diplomacy or preventive deployment.[2] The AU has in the past been

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[1] Jeremy Levitt, 'Conflict Prevention, Management, and Resolution: Africa—Regional Strategies for the Prevention of Displacement and Protection of Displaced Persons: The Cases of the OAU, ECOWAS, SADC, and IGAD' (2001) 11 *Duke J. Comp. & Int'l L.* 45-47.
[2] Ibid, p.

involved in mediation and diplomacy in Burundi, Liberia, Mauritania and Sudan.[1] Levitt further argues that no conflict prevention mechanism can be sustained without a viable early warning and risk assessment system.[2] In this regard, article 12 of the PSCAU Protocol establishes the Continental Early Warning System (CEWS). The establishment of this continental system came after some sub-regional mechanisms had already put in place their own early warning systems, such as those developed by the Intergovernmental Authority on Development and the Economic Community of West African States.

Equally important in the maintenance of peace and security is the notion of conflict management. Clinically speaking, the very existence of a process designed to manage conflict could be interpreted as an indictment on the Peace and Security Council and the AU for failing to prevent conflict. However, that would be in an ideal world. Conflict management is aimed at restoring life to normality in the event of conflict. An effective conflict management process requires a proper "diagnosis" of the conflict in question. In this regard, the Council plays a crucial role including, if necessary, the use of coercive methods to forestall conflict. Needless to say, such coercive methods should be within acceptable international norms and standards. Menkhaus observes that the misreading of Africa's conflicts is responsible for the many failed diplomatic initiatives and peace operations littering the continent since 1992.[3] In other words, the inaccurate early warning systems coupled with the AU member states' failure of being proactive in ending conflicts in Africa is arguably to blame for the continent's protracted conflicts. The Peace and Security Council would not want to run the risk of misjudging conflicts as the process of conflict management is essentially aimed at diffusing the aggression of warring factions and ensuring peace and security, nothing more, nothing less. In this way the humanitarian crisis would be minimized.

According to Levitt views conflict management as a process that is 'most integral to the physical and legal protection of displaced people [and] works to prevent the escalation of refugee flows and IDPs'.[4] He further argues that the political objective of conflict management is to promote trust and confidence, and with respect to Internally Displaced Persons (IDPs), to ensure peace, security and stability for purposes of allowing for voluntary repatriation and internal replacement.[5] From an operational viewpoint, Levitt asserts that conflict management should be aimed at establishing order through what he calls 'intense preventive diplomacy, coercive sanctions, peacekeeping and peace enforcement or humanitarian intervention'.[6] Humanitarian intervention entails a response to human rights violations that are a threat to peace and security and such a response may

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[1] See p. 48, para. 84 of the AU Audit Review.
[2] Alfred Nhema, *The Resolution of African Conflicts: The Management of Conflict Resolution and Post-Conflict Reconstruction* (Oxford: James Currey – Published in Association with OSSREA, Addis Ababa, 2008) 38.
[3] Ken Menkhaus, 'A 'Sudden Outbreak of Tranquillity:' Assessing the New Peace in Africa' (2004) 28-*SUM Fletcher F World Aff.* 75.
[4] Jeremy Levitt, Op cit, p. 46.
[5] Jeremy Levitt, Op cit, p. 46.
[6] Jeremy Levitt, Op cit, p. 46.

consist of the use of force in order to bring the violations to a stop.[1] Along with article 6 of the PSCAU, article 15 of the same provides for humanitarian action. The ASF is responsible for such humanitarian action while the Peace and Security Council is responsible for its coordination.[2] The ASF is mandated under article 13(f) of the PSCAU Protocol to render humanitarian assistance in order to alleviate the suffering of civilian populations in conflict areas, among other things.[3] The ASF is adequately equipped to undertake humanitarian activities under the control of the chairperson of the AU Commission and is also responsible for facilitating the activities of the humanitarian agencies in the mission areas.[4]

On the issue of peace-building, article 14 of the PSCAU Protocol addresses the modalities involved under the auspices of the Peace and Security Council. These modalities include institutional capacity for peace-building, and peace-building during and at the end of hostilities. Firstly, in so far as institutional capacity for peace-building is concerned, the Council is entrusted with the responsibility of assisting in the restoration of the rule of law, the establishment and development of democratic institutions, and the preparation, organization and supervision of elections in the member state concerned.[5] Concerning the development of democratic institutions, the Peace and Security Council is bound to face the daunting challenge of arms proliferation, a legacy stemming from the Cold War Secondly, in so far as peace-building during hostilities is concerned, the PSCAU Protocol provides that in areas of relative peace, priority shall be given to the implementation of policy designed to reduce degradation of social and economic conditions arising from the conflicts.[6]79 The existence of relative peace is a signpost along the way to a total ceasefire, and the process of peace-building should be kick started right away. In this regard, the need for the realization of socio-economic rights becomes even more important because the implementation of such policy is aimed at restoring the living conditions that the population had prior to the conflict. As Scheinin argues, socioeconomic and cultural rights are designed to ensure the protection of people, based on a perspective in which people can enjoy rights, freedoms and social justice simultaneously.[7]80 The absence of such enjoyment renders the peace-building process futile.

3. Subsidiary Bodies of the peace and security council

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[1] Kindiki Kithure, *Humanitarian Intervention in Africa: The Role of intergovernmental Organizations* (unpublished LLD thesis, Faculty of Law, University of Pretoria, 2002).

[2] Art. 7(1)(b) of the PSCAU Protocol provides that the PSCAU shall 'support and facilitate humanitarian action in situations of armed conflict or major natural disasters.'

[3] The ASF is also involved in supporting efforts aimed at addressing major natural disasters.

[4] Arts. 15(3) & (4) of the PSCAU Protocol, respectively.

[5] Art. 14(1) of the PSCAU Protocol.

[6] Monty G. Marshall, 'Focus on Political Instability in Africa' in Monty G. Marshall & Ted Robert Gurr, (eds.) *Peace and Conflict 2005: A Global Survey of Armed Conflicts, Self-Determination Movements, and Democracy* (Centre for International Development and Conflict Management (CIDCM) University of Maryland College Part, MD, USA, May 2005) 39-40.

[7] Martin Scheinin, 'Economic and Social Rights as a Legal Right' in Asbjørn Eide *et al Economic, Social and Cultural Rights* (1995) 41.

3.1 The Continental Early Warning System

As one of the tools for the PSC, meant "to facilitate the anticipation and prevention of conflicts" its Protocol (in Article 12) establishes the Continental Early Warning System (CEWS). The design, according to the Protocol, consists of an observation and monitoring centre known as the Situation Room and located at the Commission's Conflict Management Directorate and observation and monitoring units of the Regional Mechanisms to be linked directly through appropriate means of communications to the Situation Room. The CEWS is responsible for data collection and analysis and is mandated to collaborate with "the UN, its agencies, other relevant international organizations, research centres, academic institutions and NGOs" with its information to be used by the Chairperson of the Commission" 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."[1]

Until 2007 the "Situation Room" was essentially just a name used for the communication centre of the AU. However, considerable progress has been achieved since its operational framework was elaborated in December 2006. The Situation Room now operates on a 24-7 basis, with ten staffers working in around the clock shifts. CEWS has 11 field missions on the continent that can provide primary information. It also continuously monitors news and collects data from member states and the RECs. However, not all components of this system yet function adequately. Some have yet to be fully developed and integrated. Collected data is processed by Early Warning Officers and Analysts and CEWS provides a variety of products to different actors, both internal and external. They include:

- daily news highlights based on open media sources and circulated by email internally and to some 2000 external subscribers, including all RECs;

- a variety of internal reports, such as daily and weekly email bulletins as well as incident reports and flash reports (a text message version of internal alerts has also been developed); and

- in depth early warning reports for decision makers, by conflict prevention experts of the Peace and Security Department, containing analysis, scenarios and options.

3.2 The African Standby Force (ASF)

In order to facilitate the PSC's performance of its responsibilities with respect to intervention under grave circumstances envisaged in Article 4(h) of the AU Constitutive Act as well as to perform its responsibilities with respect to deployment of peace support missions, the PSC Protocol envisages the creation of the ASF. Article 13 of the Protocol stipulates, "Such Force shall be composed of standby multidisciplinary contingents, with civilian and military components in their countries of origin and ready for rapid deployment

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[1] Jakkie Cilliers, 'The Continental Early Warning System of the African Union' in Alfred Nhema, *The Resolution of African Conflicts: The Management of Conflict Resolution and Post- Conflict Reconstruction* (Oxford: James Currey – Published in Association with OSSREA, Addis Ababa, 2008) 38.

at appropriate notice. For that purpose, the Member States shall take steps to establish standby contingents for participation in peace support missions decided on by the Peace and Security Council or intervention authorized by the Assembly." [1]

The components of the ASF are to be provided by member states and to be prepared and trained by the different RECs. To date, the ASF has been largely in the planning and development phase, and the degree of advancement of this process differs sharply from region to region. There are discrepancies in the strengths and features of military capabilities between the different member states and RECs. An additional complication is the fact that given the differences between the individual RECs in the level of advancement of their standby capacity, some of them are actually ahead of the AU and tend towards working via their regional arrangement.[2]

While the ASF is probably still a number of years away from being operational, some progress has been achieved. From 13 to 29 October 2010 for example, with support from the UN and the EU, a simulation exercise labelled "Amani Africa" was held to test at headquarters and general staff levels the preparedness of the ASF for an AU-led peace mission. It involved virtual scenarios and computer simulations and was held in two separate locations in Addis Ababa (one functioning as mission headquarters and another one as strategic headquarters). It provided opportunities for stock taking and refining the concept of the ASF. At the end of the Amani Africa exercise in October 2010 an evaluation report outlining gaps in peace support operations planning and management was submitted to the AU Commission for consideration. In February 2011, a workshop on Amani Africa was held in Dakar, Senegal to incorporate the findings of the evaluation report into the ASF Roadmap which will define the actual requirements for operationalising the ASF by 2015. At the time of writing, the UN and other partners are supporting the AU to fine-tune its draft Roadmap. The UN will work with the AU to develop a joint work plan for the implementation of the ASF Roadmap when it is endorsed. Plans for another round of exercise, Amani Africa II, are currently underway.[3]

3.3 The Peace Fund

the Peace Fund, which is meant to provide the funds necessary for peace support operations and other operational work linked to issues of peace and security.[4] The Peace Fund is currently severely underfunded. Despite the overall amount in the Peace Fund having steadily increased since 2006, its overall funds pale in comparison with the annual cost of an

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[1] Solomon A. Dersso, *The Role and Place of the African Standby Force Within the African Peace and Security Architecture* ISS Paper No. 209 (January 2010) 3.
[2] Ibid,
[3] Ibid,
[4] Nathan, Laurie et al., "African Peace and Security Architecture (APSA) 2014 Assessment Study", Final Report, 16 April 2015, p. 74.

African peace operation, which ranges from US$ 134 to 900 million.[1]

The Peace Fund, envisaged in the PSC Protocol "in order to provide the necessary financial resources for peace support missions and other operational activities related to peace and security" is probably the weakest of the building blocks of the peace and security architecture. Meant as a standing reserve to call upon in case of emergencies, in 2009, according to an unpublished AU study, the fund had a negative balance. The AU has recently tightened the management of the fund and plans are currently underway to devise a system for resource mobilisation. Furthermore, the Commission was asked by the August 2009 Special Session of the AU "to take the necessary preparatory steps for the increase of the statutory transfer from the AU regular budget to the Peace Fund from six percent to 12 percent".

Of equal importance is that within the Peace Fund, a trust fund has been set up for which an appropriate revolving amount is determined by the relevant policy organs of the AU.49 Over and above making contributions to the Peace Fund, member states' contributing contingents may be requested to bear the costs of their participation during the first three months.50 The Peace Fund is essential to the Peace and Security Council's strategy of preventing, managing and resolving conflicts within the continent and can be sustained to a large extent by member states.[2]

3.4 Panel of the wise

As a support system to the Peace and Security Council's conflict prevention strategy, article 11 of the PSCAU Protocol establishes the Panel of the Wise.[3] This is composed of five highly respected African personalities from various segments of society who have made outstanding contribution to the cause of peace, security and development in Africa and are selected by the chairperson of the AU Commission after consultation with the member states concerned.[4]

The first Panel was appointed in December 2007 and composed of Ahmed Ben Bella of Algeria, who served as chair, Salim Ahmed Salim of Tanzania, Elisabeth K. Pognon of Benin, Miguel Trovoada of Sao Tome and Principe, and Brigalia Bam of South Africa. At the July 2010 Summit in Kampala, Ben Bella and Ahmed Salim were reappointed for another term ending in December 2013 and three new members were appointed: Mary Chinery Hesse of Ghana; Kenneth Kaunda of Zambia; and Marie Madeleine Kalala-Ngoy of the Democratic Republic of the Congo. The Panel reports to the Peace and Security Council

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[1] Ibid, p. 77.
[2] Godfrey P. Okoth, 'Conflict Resolution in Africa: The Role of the OAU & the AU' in Nhema, Alfred, *The Resolution of African Conflicts: The Management of Conflict Resolution and Post Conflict Reconstruction* (Oxford: James Currey – Published in Association with OSSREA, Addis Ababa, 2008) 36.
[3] Tim, & Mwaura, Charles, 'The Panel of the Wise' in Engel, Ulf, & Porto, João Gomes, (eds.) *Africa's new Peace and Security Architecture: Promoting Norms, Institutionalizing Solutions* (Farnham: Ashgate, 2010) 77.
[4] Art. 11(2) of the PSCAU Protocol.

and, through the latter, to the AU Assembly.[1] The PSCAU Protocol provides that any modalities for the functioning of the Panel shall be worked out by the chairperson of the AU Commission and approved by the Peace and Security Council.[2] A set of modalities for the functioning of the Panel was adopted by the PSC, at its 100th meeting on 12 November 2007. These modalities enabled the full operationalisation of the Panel of the Wise, albeit with a slight delay, due to the time taken to recruit support staff,[3] organise an office and mobilise financial resources.[4] Article 11(4) of the PSCAU Protocol provides that the Panel, at the request of the Peace and Security Council or of the AU chairperson, or on its own initiative shall undertake such action deemed appropriate to support the efforts … for the prevention of conflicts, and to pronounce itself on issues relating to the promotion and maintenance of peace, security and stability in Africa.

While article 11(1) of the PSCAU Protocol particularises the area of support by the Panel of the Wise, this does not mean that the it is barred from supporting the Peace and Security Council in conflict management and resolution. The AU Audit Review states that the Panel can be a flexible mechanism that can serve many purposes.[5] The Panel produced a report on Strengthening the Role of the African Union in the Prevention, Management and Resolution of Election-Related Disputes and Violent Conflicts in Africa.[6] This report does not confine itself to the role of the Panel in conflict prevention, it also looks at its role in the management and resolution of election-related disputes and violent conflicts in Africa. The responsibility of the Panel is 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 on the continent.[7] The Panel reports to the Peace and Security Council and through the Council to the Assembly.[8] Levitt argues that if the Panel of the Wise is to be a viable mechanism in helping the Peace and Security Council to avert conflict, its membership must be viewed as impartial and must be respected and trusted by all segments of African society.[9]

The importance of the Panel in promoting peace, security and stability in Africa cannot be overemphasised. The sub-regional mechanisms are encouraged to emulate the Peace and Security Council's Panel of the Wise structure. According to 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

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[1] Art. 11(5) of the PSCAU Protocol.
[2] Art. 11(7) of the PSCAU Protocol.
[3] See p. 13 of the PSC Report No. 3, October 2009.
[4] See para. 279 of the AU Audit Review.
[5] Para. 279 of the AU Audit Review.
[6] Assembly/AU/6(XIII).
[7] Art. 11(4) of the PSCAU Protocol.
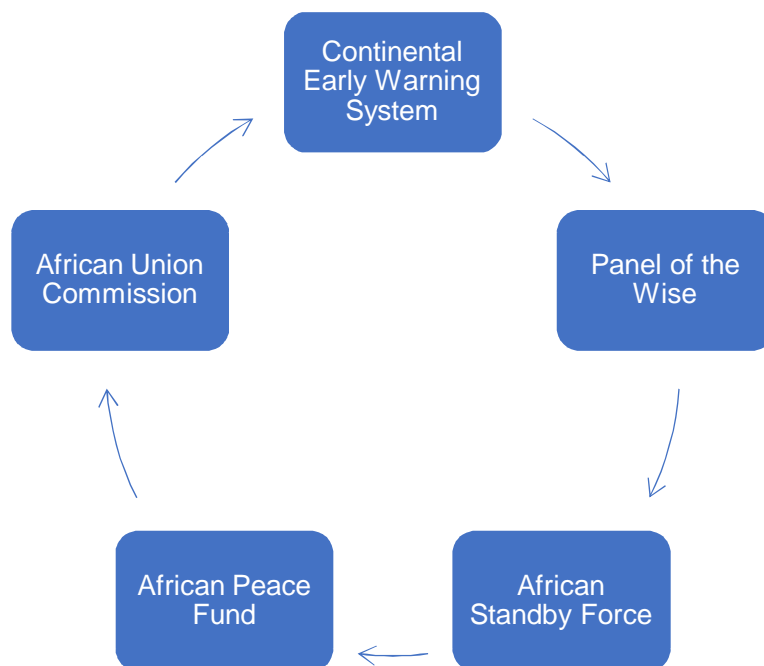[8] Art. 11(5) of the PSCAU Protocol
[9] Levitt (n 3 above) 120.

Regional Standby Brigades of Eastern Africa and Northern Africa, the parties shall, where appropriate and within the framework of their conflict prevention strategies, establish structures similar to the Panel of the Wise, as provided for by Article 11 of the PSC Protocol'.[1]

The APSA's Panel of the Wise (PoW) represents a pioneering institutional innovation. Indeed, the PoW is a relevant component of the APSA as it is based on the African tradition of mediation entrusted to elders. It includes five prominent African leaders, and can act on its own initiative. During the last decade, the PoW contributed to solve several conflict situations in the region.

Members of the third AU PW and their regional representation (2018-2022)

Regional representation	Member's name	Country of origin	Role in the panel
North	Amr Moussa	Egypt	Member
West	Ellen Johnson Sirleaf	Liberia	Member
East	Dr. Specioza Wandira Kazibwe	Uganda	Member
Central	Honorine Nzet Bitéghé	Gabon	Member
South	Hifikepunye Pohamba	Namibia	Chairperson & Member

Figure 1: The five pillars of the APSA

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4. Peace and security council: undeniable progress but persistent challenges:

Within the African context, it may be argued that the maintenance of security, which is regional in nature, is the primary responsibility of the African Union, particularly the Peace and Security Council. Thus, the AU's work on peace and security contributes to international security. According to Sutterlin now, as the definition of international security has broadened to encompass not only peace between states but also the security of populations within states, economic and social progress are increasingly seen again as essential to international security and peace.'[1] The AU has in effect become the vanguard of an emerging regional African government aimed at fostering cooperation among African states and one of its main objectives is to promote peace, security and stability on the continent.[2]

It's important to mention how the AU, in the framework of the APSA, approaches the concept of peace based on endogenous context and values. Indeed, the AU considers peace in a comprehensive perspective, as illustrated in Agenda 2063 by its vision for "an integrated, prosperous and peaceful Africa, driven by its own citizens representing a dynamic force in international arena". One of the novel principles introduced by the APSA is 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" (in Article 4 of the AU Constitutive Act). This was an important novelty as it provided a legal basis for the intervention of the regional organisation with a view to resolving interstate disputes and internal conflicts that Africa often faces. As such, it reversed, at least in principle, the primacy of state-centric rules, formerly embedded in OAU's Charter. In 2015, the political crisis in Burundi gave rise to the first instance of the African Union's Peace and Security Council authorising the deployment of 5,000 African peacekeepers in the region. Even if this initiative was not completely successful, due to the severe obstruction of the Government of Burundi, it provided an opportunity to mitigate what could have been a terrible civil war.[3]

While the need to better represent PSC positions in the UNSC was always clear to members of the AU, it became even more apparent following the fallout between the PSC and the UNSC over the intervention in Libya in 2011 (Amani Africa 2021). The 'Libya incident' – where the PSC was working towards a negotiated solution while the UNSC imposed a no-fly zone and opted for the use of force – continues to be a painful reminder to the AU that the UNSC gets the final say. But the AU took the lesson that it would need to do more to be

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[1] James S. Sutterlin, The United Nations and the Maintenance of International Security: A Challenge to be Met (2nd edition, Westport, CT: Praeger; 1995) 4.
[2] See art. 4 of the Constitutive Act.
[3] Degila, Dêlidji Eric, and Charles K. Amegan. "The African Peace and Security Architecture: An African Response to Regional Peace and Security Challenges." In the Palgrave Handbook of Global Approaches to Peace, edited by Aigul Kulnazarova and Vesselin Popovski, 393–409. New York: Palgrave, 2019.

heard at the UNSC. In 2013, Algeria took the lead in organising a ministerial level High Level Seminar on Peace and Security in 2013, where outgoing and incoming African members of the A3 interfaced with members of the PSC. These meetings have been organised annually since 2013 with the aim of systematising coordination among the A3 and between the A3 and PSC. [1] Building on the early years of these annual High-Level meetings, the AU took a strong interest in the coordination and reporting of the A3. In January 2016 (Decision 598), the AU Assembly decided to further cement the "special responsibility [of African members of the UN Security Council} to ensure that the decisions of the PSC are well reflected in the decision-making process of the UNSC on peace and security issues of concern to Africa". It requested the A3 to "report through the PSC to the Assembly, on their efforts within the Security Council and the extent to which they managed to promote African positions as articulated by the PSC".

AU member states generally subscribe to the notion of A3 coordinating among themselves and also reporting back to the AU, as evidenced in their adoption of the decision in January 2016. But it's hard to say that all member states accept the responsibility to represent PSC positions at the UNSC. For example, even though Egypt played a positive role in trying to bring the A3 together during its UNSC membership in 2016-2017, it's more critical of this responsibility (ICG 2019: 15).

As an intergovernmental organisation, decisions of the AU do not supersede that of member states. But in the Protocol Relating to the Establishment of the PSC, member states have agreed to "accept and implement decisions of the Peace and Security Council, in accordance with the Constitutive Act" (AU 2016; Art7(3). Moreover, unlike the campaign for UNSC seats in other regions where countries have to campaign at the national level to claim the seat allocated to their region, African members of the UNSC are collectively endorsed by members of the AU through consensus and with regional representation in mind. The notion of representing PSC positions at the UNSC is therefore drawn out of these arrangements. This means A3 have to balance between their national, regional and continental interests and their track record in this regard is positive even if not perfect. For example, by some accounts, the A3 delivered 16 joint statements at the UNSC in 201914, and vote splitting occurred only in 8 out of 289 topics between 2010-2019. Even Egypt and Ethiopia – who have competing regional interests in general and were undergoing tough negotiations on the Ethiopian Renaissance Dam on the Nile – informally agreed to put their differences aside and work together during their overlapping UNSC membership in 2017.[2]

AU member states are not blind to the PSC's declining influence, but instead of trying to arrest it, some are actively contributing to it. For example, at its July 2018 summit the Assembly of Heads of State decided to curtail the PSC's work on Western Sahara in order to mollify Morocco, which re-joined the AU in 2017. In addition, AU member states

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[1] Lidet Tadesse Shiferaw, The AU-UN peace and security partnership: power and politics, DISCUSSION PAPER No. 305, September 2021, p. 09.

[2] Daniel Forti and Priyal Singh, "Toward a More Effective UN-AU Partnership on Conflict Prevention and Crisis Management," International Peace Institute and Institute for Security Studies, October 2019, p. 7.

continued attempts to curb, overrule or work around the PSC create challenges for efforts to foster strong inter-council relations and make it more difficult to sustain arguments that the Security Council owes the PSC greater regard.[1]

5. Conclusion:

Security is an essential foundation for Africa's development. However, the challenges to African peace and security defy easy solutions. besides the fact that the PSC has been a useful framework to promote peace and security across the African continent. it is generally perceived as one of the most effective and far-reaching frameworks for cooperative interventions in peace and security. This analysis summarises that regional solidarity is the greatest asset that African institutions, However, it seems that the main problems with African regionalism in the field of security stem from a combined lack of resources and commitment. Not only do member states of regional and subregional organisations lack the political, economic and not least military means to contribute to the organisation. Hence, developing a robust framework for regional peace and security in Africa is a major challenge. Any comprehensive strategy for peace and security is based on the precept that national security is far too important to be left to the military. Countries need to identify their strategy national security interests in a way that involves all stakeholders. However, the performance of the PSC in the sphere of peace and security has been challenged and limited in the face of increasing devastating conflicts, underdevelopment and economic dependence, corruption, lack of institutions, lack of adequate internal funding religious fundamentalism. Development of the security dimension will require comprehensive and innovative approaches, integrating African and external efforts. Research to aid in finding feasible Ways and Means to address African external threats, such as terrorism, cross-border crimes, cyber threats, or piracy, could contribute to fulfil this strategic gap, bringing balance and effectiveness to the PSC of AU.

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