AFRICA POLICY BRIEF

Who's Been Making "African Solutions"? Mapping Membership Patterns in the African Union's Peace and Security Council

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This year marks the 20th anniversary since the establishment of the Peace and Security Council (PSC) of the African Union, the AU's principal decision-making body for promoting peace, security, and stability in Africa. This brief examines the patterns and trends that have emerged during the past two decades of PSC elections and finds that African governments persistently elected autocrats and states experiencing violent conflict to serve on the PSC, thus undermining the AU's principles. This pattern risks skewing PSC decision-making in unhelpful ways, undermining effective crisis management, and making it difficult to uphold the AU's stated norms and principles.

INTRODUCTION

This year marks the 20th anniversary of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union (hereafter, PSC Protocol),[1] the AU's principal decision-making body for promoting peace, security, and stability in Africa. On 1 April 2022, all fifteen newly elected members of the AU PSC will take their seats, six of them having won immediate re-election. The new AU Chairman, Senegalese President, Macky Sall, recognized it will be a tough time for Africa's conflict resolution mechanisms because the continent "still face[s] many and urgent challenges related to peace or security" including "the fight against terrorism" and "increasing unconstitutional change of government."[2] With ongoing wars including Ethiopia, Somalia, and Libya, increasing terrorism across the Sahel, and what UN Secretary-General Guterres described as an "epidemic of coups d'état"[3] on the continent, the AU PSC members have a busy few years ahead of them.

This brief examines the patterns and trends that have emerged during the past two decades of elections to decide which AU member states will serve on the PSC. In his introductory remarks relating to the induction of the new PSC members on the 23rd of March this year, the AU Commissioner for Political Affairs, Peace and Security, Ambassador Adeoye declared that

"I believe very strongly that the outgoing Council creditably defended and safeguarded the inherent principles of democracy and good governance within the dictates of the Protocol establishing the PSC and the AU Constitutive Act." [4]

Yet, in spite of Article 5(2) of the PSC Protocol, which declares that elected members should uphold the principles of the Union and respect constitutional governance, African governments have persistently elected autocrats and states experiencing violent conflict to serve on the PSC. This is problematic because states which are embroiled in an armed conflict are not supposed to participate "either in the discussion or in the decision making process relating to that conflict or situation", according to PSC Protocol Article 8(9). The continuous election of authoritarian regimes and/or states embroiled in serious armed conflicts risks skewing PSC decision-making in unhelpful ways, undermining effective crisis management, and making it difficult to uphold the AU's stated norms and principles.

ELECTING MEMBERS OF THE AU PSC

The AU PSC was officially inaugurated in 2004, the result of an ad hoc process to reform the older OAU Mechanism for Conflict Prevention, Management and Resolution, which had been established in June 1993. A series of internal discussions within the OAU/AU led to the adoption of the PSC Protocol on 9 July 2002. The PSC comprises fifteen member states with equal voting rights. They are elected by the AU Executive Council and endorsed by the Assembly: ten are elected for two-year terms, five are elected for three-year terms. The members are supposed to be decided based on several criteria set out in Article 5 of the PSC Protocol. These include the principle of "equitable regional representation and rotation" of Africa's five sub-regions, as well as an assessment of whether the state in question is in good standing (i.e., has it paid its dues, does it respect constitutional governance and the rule of law etc.), and whether it is willing and able to shoulder the responsibilities that membership would place upon it. What exactly the responsibilities of membership entail and how to judge whether a state can shoulder them, seems to be open for interpretation. In terms of regional representation, North Africa gets two seats, West Africa four seats, while the Central, East, and Southern regions get three each. Retiring members of the PSC are eligible for immediate re-election.

It is the PSC's fifteen members that deliberate and formulate the practical details of what are often called "African solutions"

to the continent's peace and security challenges. The rules of procedure are set out in Article 8 of the PSC Protocol which notes that each member of the Council shall have one vote but that decisions of the Council "shall generally be guided by the principle of consensus." To date, almost all of the more than 1,000 PSC meetings have made their substantive decisions by consensus. The PSC agenda includes both designated items posted on a public calendar and topics that develop in light of ongoing conflict and crisis situations. Items originate from proposals from PSC members (usually in consultation with the monthly rotating chair) or the Commissioner for Peace and Security, the senior bureaucrat charged with implementing the AU's principles and policies in this area. Thanks to its institutional memory and capacities, the AU Commission has an important influence on the PSC agenda-setting as well as some of its substantive decisions. Since 2004, more and more African states have recognized the symbolic and strategic importance of serving terms on the PSC, resulting in more competitive membership elections.[5]

THE ELECTED PSC MEMBERS, 2004-2024/25

Which AU member states have been elected to serve on the PSC, and how do they fare when judged against the criteria set out in PSC Protocol Articles 5 and 8? We look first at issues of regional representation and rotation, and good standing, before examining how the PSC has handled member states that have been embroiled in an armed conflict.

Regional Representation and Rotation, 2004-2024/25

Overall, most of Africa's five regions have respected the rotation and representation criteria relatively well, with 42 of the AU's now 55 members having served on the PSC (see Appendix). In Central Africa, six of the eight states have served, with only the DRC and São Tomé and Principe never being elected. In North Africa, six states have been elected to serve, leaving only Sahrawi Arab Democratic Republic (SADR) excluded. Morocco, which rejoined the AU in 2017, after leaving its predecessor, the OAU, in 1984, has already served two terms, making for a symbolic "welcome back" from the other member states.

The largest region, West Africa, has generally upheld the notion of representation and rotation, electing 13 of its 15 members (only Guinea-Bissau and Cape Verde have yet to serve). Yet, despite collective agreement that the PSC would not have permanent members, Nigeria has served continually as West Africa's three-year member since 2004—becoming a de facto permanent member. This goes against the spirit if not the letter of the PSC Protocol rules: although Article 5(3) states that a retiring PSC member is eligible for immediate reelection, every other region has rotated its three-year member. Nigeria's role as the most powerful state in the West-African organization ECOWAS is likely to have influenced its continuous re-election to the AU PSC.

The 13 AU Members that have not served on the Peace & Security Council 2004-2022
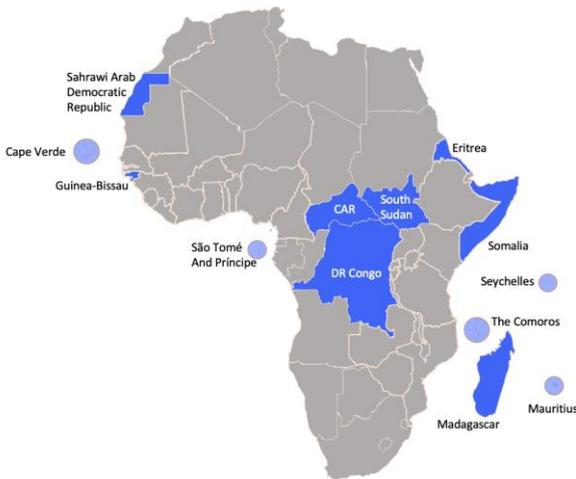
In contrast, Southern Africa has uniquely respected the idea of representation, with every state from the region serving at least one term on the PSC and every rotation of the three-year term member has been held by a different state (seven thus far).

Finally, East African governments have proved the most selective, electing only seven of the region's 14 states to serve (excluding Eritrea, Comoros, Madagascar, Seychelles, Somalia, South Sudan, and Mauritius). Interestingly, four of the seven East African states which have not been elected to serve are islands, suggesting that their influence on the continent is lesser than their mainland neighbors.

See Charts 1 and 2 below

Respecting constitutional governance, the rule of law and human rights

A second criteria relating to the election of PSC members is upholding the principles of the Union: maintain peace and security in Africa (preferably with experience in peace support operations); retain the capacity and commitment to shoulder relevant responsibilities; participate in peacemaking and peacebuilding; meet their financial obligations to the Union, including contributing to the Peace Fund; and, of importance for this brief, respect for constitutional governance, in accordance with the Lomé Declaration, as well as the rule of law and human rights.[6] In short, elected PSC members should be democratic states that uphold human rights and pay their dues to the Union. A periodic review by the Assembly is supposed to assess the extent to which these requirements are met by the PSC members and take action "as appropriate" (Article 5(4). So far, however, practice has fallen far from these guidelines.

Over the past two decades, a grand continental total of 58 of the 135 elected state-terms to the AU PSC have been won by governments classified as "Not Free", according to Freedom House's ranking. Freedom House defines freedom as the opportunity for individuals to act spontaneously in a variety of fields outside the control of the government and other centers of potential domination. It measures freedom across two broad categories: political rights and civil liberties.[7] Juxtaposing the list of elected PSC members against Freedom House's annual *Freedom in*

the World reports between 2004 and 2021, can thus tell us how many of the members have lived up to the demand to respect constitutional governance, democracy, rule of law and human rights. The results are bleak but vary significantly according to region.

Central and North Africa have the worst track record when it comes to electing "Not Free" PSC members, with 78% and 71% state-terms respectively, while West Africa's 14% makes it the region that has been most democratically represented during the past two decades. Unfortunately, that is likely to change, due to the military juntas taking power following the "coups epidemic" in the region. East Africa, which only has elected seven states to serve, has still managed to elect 52% "Not Free" state-terms, while Southern Africa is situated somewhere in the lower half with 22% of the state-terms being "Not Free". Overall, the average percentage of "Not Free" states elected to serve on the PSC has remained between 40-50% during the past twenty years, with 2012 and 2013 as high outliers with 67% and 60% respectively, and 2006-2007 and 2014 as low outliers with 33% each. In sum, the AU members have consistently elected significant numbers of "Not Free" states to serve on the PSC, thereby undermining their organization's own principles.

See Chart 3 below

Party to a violent conflict while serving on the PSC

Another important issue to consider when electing PSC members is set out in Article 8(9) of the Protocol, namely, whether states are party to a conflict or a situation under consideration by the Council. To avoid influence, and thus biased analysis and decision-making, Article 8(9) says such states

"shall not participate either in the discussion or in the decision making process relating to that conflict or situation. Such Member shall be invited to present its case to the Peace and Security Council as appropriate, and shall, thereafter, withdraw from the proceedings."

This is relevant because a state elected to serve on the PSC while embroiled in an armed conflict could skew the Council's decision-making in unhelpful ways. A member which is party to a conflict is highly likely to influence, firstly, whether the conflict is put on the PSC agenda at all, and secondly, if it is on the agenda and the member is included in the discussions, to shape the decision-making of the conflict to its own advantage. Between 2004 up to at least 2010 the application of this principle was arbitrary at best. Two early examples related to peace support operations that flouted this principle were Sudan's involvement in the establishment of AMIS for Darfur (2004) and Ethiopia's leading role in establishing AMISOM in Somalia (2006/07). Since these early years, this principle was more frequently applied for about a decade. But there are still many

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glaring examples and recent trends have got worse.

To examine which PSC members could be considered as a party to a violent conflict, we used the Heidelberg Institute's annual Conflict Barometer between 2004 and 2020.[8] Specifically, we identify which states that were experiencing in Heidelberg's terms, a "violent crisis," "limited war," or "war"— levels 3, 4 and 5 respectively on Heidelberg's five-point scale of intensity of conflict.

Once again, there is significant regional variation. North Africa is at the high end of the scale again with 12 of the 17 elected state-terms experiencing such violent conflicts at the time of their election, or 71%. There is a large gap to the next region, East Africa, with 41%, and after that Central Africa and West Africa with 33% and 30% respectively. Southern Africa is again situated at the lower end of the spectrum with 15%. Overall, it means a grand continental total of 35% of elected state-terms were experiencing violent conflicts at the time of their election. Since 2018, for instance, more than half of the PSC members have been embroiled in some form of violent conflict, making it the worst period for this issue since the Council was established. This correlates with the larger continental trend of an increased number of states experiencing active armed conflict.[9]

See Chart 4 below

CONCLUSION

Analyzing two decades of AU PSC elections reveals several trends, some of which are troubling for the AU's effective handling of peace and security matters on the continent. The fact that Nigeria has become a de facto member of the PSC is revealing in terms of power realities in West Africa and Abuja's willingness to go against the spirit of an African council without permanent members. But this is a minor issue compared to African governments persistently electing authoritarian regimes to serve on the PSC. Specifically, 11 of the 16 longest-serving states on the PSC served while they were ranked as "Not Free." Given that the PSC's substantive decisions are made by the AU's version of consensus, this not only undermines the Article 5(2) commitment to constitutional governance but has likely made it harder to implement the AU's official policies and principles. This persistence also suggests an institutionalized pattern that is unlikely to change radically over the coming years, especially given that only five African states were considered "Free" in 2021, following global growth in authoritarianism.

African states have also continuously elected governments experiencing violent conflict to serve on the PSC. This trend has increased markedly since 2016, reflecting the continental trend of an increased number of armed conflicts. PSC decision-making can be complicated by electing states embroiled in armed conflicts at the time of their election. Specifically, it may lead the PSC to neglect armed conflicts that arguably should

appear on its agenda or create biased decision-making for some of those that do. These challenges can be added to the more general, longstanding problems facing the PSC, such as its struggle to enforce compliance with its decisions and explicitly assess the resource implications of its decisions.

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Endnotes

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Chart 1

African states serving most years on AU PSC, 2004-2024/25
Blue = served while "Not Free"

Chart 2

Number of terms elected to the AU PSC, 2004-2024/25

Chart 3

Number of "Not Free" States Serving on the AU PSC

Chart 4

Number of Serving States Experiencing Violent Conflict at the time of election
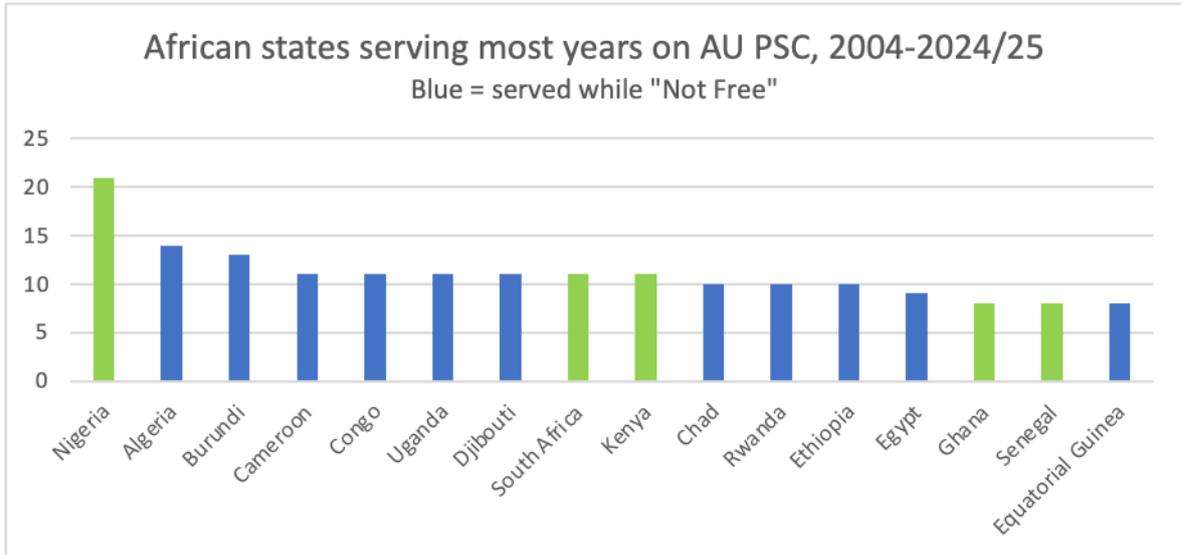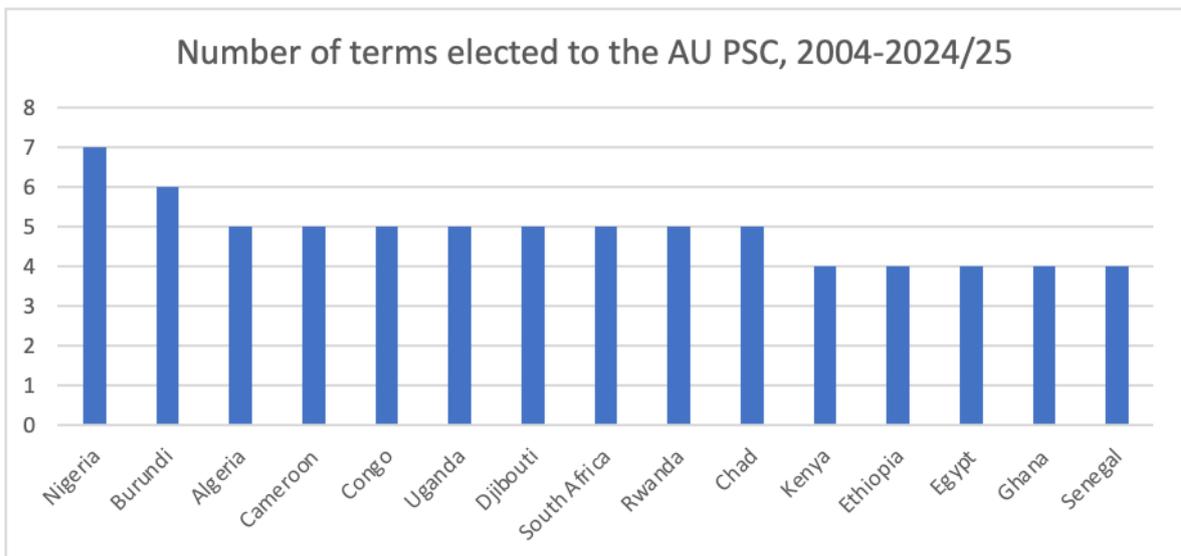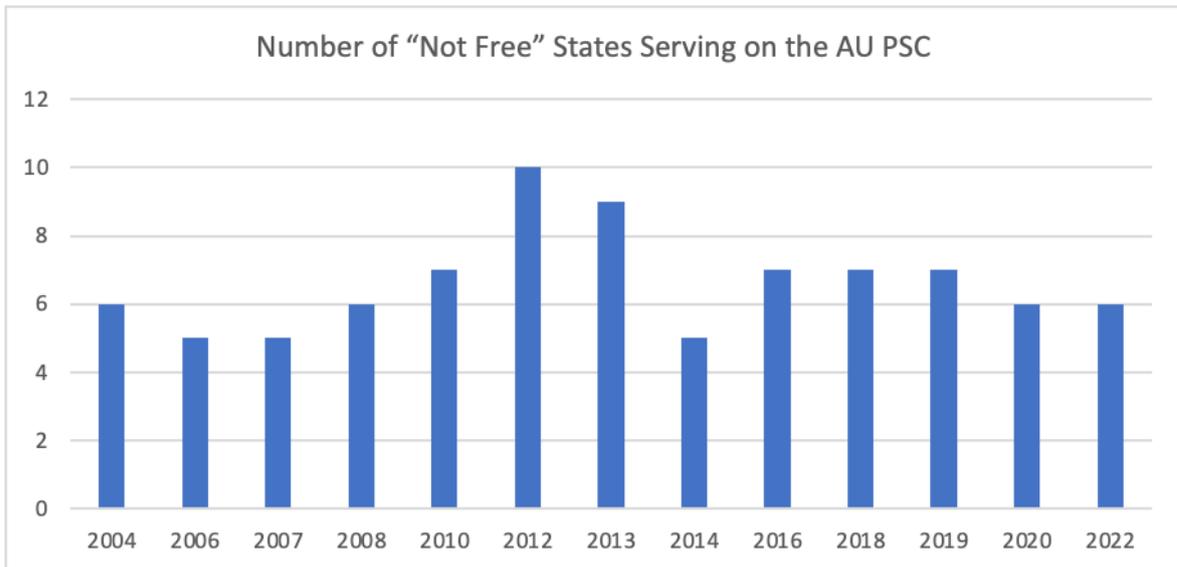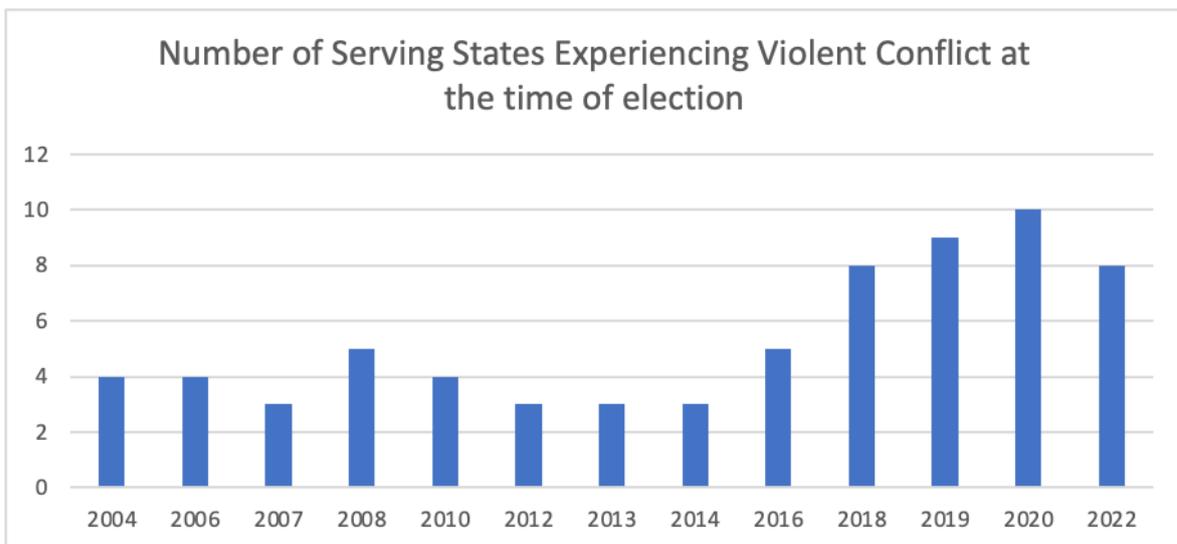
Appendix: African Union Member States Elected to the Peace and Security Council, 2004-2022

Year	North	North	West	West	West	West	Central	Central	Central	East	East	East	Southern	Southern	Southern
2004	Algeria (3)	Libya (2)	Nigeria (3)	Togo (2)	Ghana (2)	Senegal (2)	Gabon (3)	Congo (2)	Cameroon (2)	Ethiopia (3)	Kenya (2)	Sudan (2)	South Africa (3)	Lesotho (2)	Mozambique (2)
2006		Egypt (2)		Burkina Faso (2)	Ghana (2)	Senegal (2)		Congo (2)	Cameroon (2)		Rwanda (2)	Uganda (2)		Botswana (2)	Malawi (2)
2007	Algeria (3)		Nigeria (3)				Gabon (3)			Ethiopia (3)			Angola (3)		
2008		Tunisia (2)		Burkina Faso (2)	Benin (2)	Mali (2)		Chad (2)	Burundi (2)		Rwanda (2)	Uganda (2)		Swaziland (2)	Zambia (2)
2010	Libya (3)	Mauritania (2)	Nigeria (3)	Ivory Coast (2)	Benin (2)	Mali (2)	Eq. Guinea (3)	Chad (2)	Burundi (2)	Kenya (3)	Rwanda (2)	Djibouti (2)	Zimbabwe (3)	Namibia (2)	South Africa (2)
2012		Egypt (2)		Ivory Coast (2)	Guinea (2)	Gambia (2)		Congo (2)	Cameroon (2)		Tanzania (2)	Djibouti (2)		Angola (2)	Lesotho (2)
2013	Algeria (3)		Nigeria (3)				Eq. Guinea (3)			Uganda (3)			Mozambique (3)		
2014		Libya (2)		Niger (2)	Guinea (2)	Gambia (2)		Chad (2)	Burundi (2)		Tanzania (2)	Ethiopia (2)		South Africa (2)	Namibia (2)
2016	Egypt (3)	Algeria (2)	Nigeria (3)	Niger (2)	Togo (2)	Sierra Leone (2)	Congo (3)	Chad (2)	Burundi (2)	Kenya (3)	Rwanda (2)	Uganda (2)	Zambia (3)	South Africa (2)	Botswana (2)
2018		Morocco (2)		Liberia (2)	Togo (2)	Sierra Leone (2)		Eq. Guinea (2)	Gabon (2)		Djibouti (2)	Rwanda (2)		Angola (2)	Zimbabwe (2)
2019	Algeria (3)		Nigeria (3)				Burundi (3)			Kenya (3)			Lesotho (3)		
2020		Egypt (2)		Benin (2)	Senegal (2)	Ghana (2)		Chad (2)	Cameroon (2)		Djibouti (2)	Ethiopia (2)		Mozambique (2)	Malawi (2)
2022	Morocco (3)	Tunisia (2)	Nigeria (3)	Ghana (2)	Senegal (2)	Gambia (2)	Cameroon (3)	Burundi (2)	Congo (2)	Djibouti (3)	Tanzania (2)	Uganda (2)	Namibia (3)	South Africa (2)	Zimbabwe (2)

(2) or (3): Years of elected term.

Underlined: States experiencing a "violent crisis," "limited war," or "war" according to the Heidelberg Conflict Barometer, 2004-2020.

Red: States declared "Not Free" by Freedom House, *Freedom in the World*, annual 2004-2021.