



# Peace & Security Council Report

Will the AU be able to choose its own leadership team?

The AU's role in peace and security goes beyond norm-setting

What to do about the DRC?

Africa's trade contradictions could cost the continent

The AU's Mediation Support Unit is slowly taking shape

## Will the AU be able to choose its own leadership team?

African leaders are again called upon to discuss the institutional reforms of the African Union (AU) during an extraordinary AU summit on 17–18 November 2018 in Addis Ababa. Robust discussions among foreign ministers in the run-up to the summit indicate that only small gains are expected, particularly around the appointment of the AU Commission leadership and procedures to sanction countries that default on their contributions.

Two years after the AU reforms were first announced in Kigali, Rwanda, implementation of the reform decisions is still slow. It is expected, however, that the recruitment of the senior leadership of the AU Commission (AUC) will in future be adapted to introduce a merit-based system. This would be a partial move away from the current system, where member states appoint the AUC chairperson, deputy and eight commissioners based on regional and gender quotas.

A merit-based system is key to introducing more efficiency in the AU.

This is, however, a small victory for the AU reform team. Foreign ministers meeting ahead of next month's extraordinary summit limited this move to the commissioners only. Both the chairperson and deputy chairperson will continue to be appointed by member states.

This decision was made during a retreat of the AU Executive Council (comprising the ministers of foreign affairs of AU member states) held in September. The aim of the retreat was to try to find agreement on some aspects of the reform prior to consideration and endorsement by the heads of state.

### Options for AUC restructuring

A strong AUC guided by capable senior leaders could enable AU member states to entrust it with more responsibilities and give it more political support.

Based on the initial proposals seen by the *PSC Report*, the proponents of the AU reforms wanted a transition from political-based appointments to a merit-based recruitment system for the senior leadership team of the AU.

As such, the AUC chairperson, serving as the chief executive officer, would then play a critical role in recruiting the deputy chairperson and commissioners. The chairperson would also have the power to reassign portfolios or terminate the employment of unsatisfactory commissioners.

During the Executive Council retreat, it was agreed that the chairperson should be empowered to recommend the reassignment of portfolios or the termination of the tenure of other senior members to the Executive Council.

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### Current PSC Chairperson

**His Excellency Lazare Makayat Safouesse**, ambassador of the Republic of Congo to Ethiopia and permanent representative to the African Union.

### PSC members

Angola, Djibouti, Egypt, Equatorial Guinea, Gabon, Kenya, Liberia, Morocco, Nigeria, Rwanda, Republic of Congo, Sierra Leone, Togo, Zambia, Zimbabwe

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The council also widened the scope of the termination process to include not only the deputy chairperson and commissioners but also all the members of the senior leadership team, including the chairperson.

While the recall processes are important, implementation may be challenging if no clear deliverables and working methods are set out. There is also a need to emphasise that the failures of any senior leader should not be equated to the failure of the member state or region he/she represents. This will help prevent member states and regions from blocking recall mechanisms.

### **0.2% import levy implementation still slow**

Rwandan President Paul Kagame's July 2018 progress report on the reforms indicated that 23 member states had begun implementing the 0.2% levy, and 13 others had started collecting the funds. However, it is unclear how much has been generated thus far and what lessons have been learnt from the implementation process.

AU member states have complained about a conflict of interest between the levy and their own commitments

The AU also said that, between 2017 and May 2018, member states had raised US\$45.5 million for the Peace Fund. However, this is not close to the initial expectation of raising 'US\$325 million to the Peace Fund in 2017, rising to US\$400 million in 2020', as indicated in Donald Kaberuka's plan.

Indeed, other AU member states and subregions such as the Southern African Development Community (SADC) have complained about a conflict of interest between the new AU 0.2% levy and their own national and international commitments.

As a result, the AU reformers have begun considering a more nuanced approach to funding. The July 2018 progress report on the reform highlighted that the funding decision allowed member states a level of flexibility to implement the decision in line with their own commitments.

This is in line with Rule 33.b of the AU Assembly rules of procedure, which leaves 'national authorities with

[the] power to determine the form and the means to be used for their implementation'.

The aim of the overall process is to ensure that members pay their dues, one way or another. So if some members do not implement the levy but pay their dues from other funds, this would still be considered progress for the AU's self-funding strategy.

### **New scale of assessment and sanction regime for defaulters**

During the extraordinary summit, AU leaders will also consider the options for a new scale of assessment for 2019–2021. This includes agreeing on sanctions against member states that fail to pay their dues.

Tied to the new funding arrangement is the revision of the scale of assessment of member states between 2019 and 2021. The emphasis is on burden sharing to reduce an over-reliance on a few countries such as South Africa, Nigeria, Algeria and Egypt whose dues, together with external donations, sustain the union.

The new scale of assessment also comes with a new sanction regime proposal to punish those that fail to pay on time.

The AU Assembly already has the latitude to 'deny member states the right to speak in meetings, to vote, to present candidates for any positions or post within the Union or to benefit from any activity or commitments', in line with Article 23 of the AU Constitutive Act. But these sanctions have not been applied because most member states have failed at various times to pay their dues.

One of the new sanction proposals also says that heads of state could be restricted from participating in AU meetings if the country does not meet its contributions or adhere to the plan for payment of arrears. However, if the trend of non-payment continues and such sanctions are applied seamlessly, only a few member states will be spared and the AU could come to a complete halt.

Clearly, it is key that the new sanction proposals stress the need for AU member states' commitment to pan-African objectives.

A stronger and more efficient AUC leadership could also play a role in convincing AU member states of the critical value of the continental body, including nudging member states to pay their dues.

## The AU's role in peace and security goes beyond norm-setting

Clarifying the roles of the AU and subregional organisations is a central element of the AU reforms. It is key in terms of managing expectations about what the AU can or cannot do, as well as coordinating Africa's responses to avoid duplication of efforts. But this issue is also divisive, and it is unclear whether AU member states will reach a concrete decision on a division of labour at the upcoming extraordinary summit on reforms in Addis Ababa on 17 November.

The AU Constitutive Act and other legal documents, including the Peace and Security Council (PSC) protocol, envisage the AU as playing a leadership role in addressing challenges on the continent. Article 3(l) of the Constitutive Act mandates the AU to 'coordinate and harmonize the policies between the existing and future Regional Economic Communities for the gradual attainment of the objectives of the Union'.

However, none of the core documents of the various regional economic communities and mechanisms (RECs/RMs), which emerged through different processes, refers to the primacy of the AU. In the area of peace and security, for instance, RECs/RMs claim parallel responsibilities in terms of leading peace processes.

An analysis of the major security concerns on the continent shows that subregional organisations are increasingly at the forefront of addressing security threats.

### A diminishing role in peace and security?

Out of 10 major security situations mentioned in the January 2018 decisions of the AU Assembly, the AU is only taking a clear leading role in two: the military intervention in Somalia and the mediation to end the ongoing border dispute between Sudan and South Sudan.

On the other hand, subregional organisations and ad-hoc regional groupings are leading mediations in South Sudan, Burundi and Guinea-Bissau, as well as military interventions against terrorist groups in the Sahel, the Lake Chad Basin and Central Africa. The Intergovernmental Authority on Development (IGAD) also leads the political mediation in Somalia, alongside the African Union Mission in Somalia (AMISOM), while the Southern African Development Community (SADC) has taken the lead in the situations in Lesotho and Madagascar.

Yet, in some instances there is strong cooperation between subregions and the AU and United Nations (UN). One such example is the attempt to address the situation in the Central African Republic (CAR).

In some instances there is strong cooperation between subregions and the AU and United Nations

Finding solutions at the subregional level is in line with the 2008 memorandum of understanding (MoU) between the AU and subregional organisations and mechanisms. However, the memorandum is not clear on what role the AU should play in conflict situations.

### Should the AU be restricted to norm-setting?

In July 2018 the reform team led by President Paul Kagame produced a draft paper on the division of labour between the AU and RECs – a paper seen by the *PSC Report*.

The paper suggests that 'the AU should set the strategic direction, develop harmonized continental agendas, policies, texts, standards, coordination, lead resource mobilization for continental actions and be responsible for monitoring, evaluation and accountability'.

RECs/RMs are expected to be responsible for the actual implementation of AU decisions, including enforcing member states' compliance with AU norms. This resonates with a 2010 assessment of APSA that notes that 'some RECs/RMs are of the view that the AU Commission should not view itself as an implementing agency; it should rather play more of a coordination role'.

This would entail that the AU would act as a norm-setter, which in itself is not an easy task, given the security challenges and the diversity of governance standards on

the continent. To be successful in setting norms, the AU will have to make sure these norms and policies are respected.

Therefore, while implementation at the subregional level is important, the AU should be empowered to provide checks and balances, especially when peace processes led by subregional organisations are compromised.

### **AU's role when subregional peace processes fail**

The CAR, South Sudan and DRC conflict situations show the deep involvement of neighbouring states in such crises. They are often accused of taking sides and arming or harbouring parties to the conflict. This raises concerns about the role of neighbouring countries in crises.

For instance, while IGAD's mediation in South Sudan has recently seen some progress, South Sudan's neighbours have been caught up in the conflict itself. Uganda supports President Salva Kiir's government and sent troops in support of Kiir's forces from 2013 to 2015, when the peace deal was signed. Sudan is accused of supporting South Sudan's rebel groups.

Such concerns led UN Secretary-General Antonio Guterres to warn IGAD and neighbouring states against taking sides in South Sudan's conflict.

It took a lot of international pressure for South Sudan's neighbours to commit to the peace process, particularly after the resurgence of violence in July 2016. At the same time, these neighbours also blocked efforts to impose punitive measures on South Sudan elites.

### **The AU should lead the peace process while co-opting subregional actors and the international community**

An IGAD communiqué on 30 July 2018, for instance, argued that, 'given the latest developments in the peace process and the need to implement the permanent ceasefire and achieve an inclusive peace agreement, it is not helpful to pursue punitive measures at this stage'. The meeting and communiqué came prior to a meeting by the AU Ad Hoc Committee on South Sudan on 30 July as well as a PSC meeting on 31 July, thereby discouraging any considerations of punitive measures.

Even though a new deal has been reached with the support of Sudan and Uganda, the lack of an international enforcement plan in the agreement raises doubts about its sustainability. South Sudan's warring parties have violated several other agreements in the past. What stops parties to the conflict from violating the current deal? Indeed, violence is ongoing in several parts of the country despite the peace deal.

As such, AU reformers have to explore options to enable the AU to take over peace initiatives led by subregional organisations when the latter's efforts are compromised.

### **When subregional actors are unwilling or unable to address security threats**

In some conflict situations, such as those in Libya and Cameroon, subregional organisations tend to be unwilling and/or unable to address the security threats.

In Cameroon, for instance, the Economic Community of Central African States (ECCAS) is unwilling to put the issue either on its agenda or on the agenda of the AU. Most member states of ECCAS are led by like-minded elites who want to stay in power. This situation is complicated by the fact that ECCAS is a relatively weak REC when compared to the Economic Community of West African States (ECOWAS) and SADC, and its member states are facing internal issues of their own.

Given that the AU often takes its cue from subregions before intervening, the AU Assembly and the PSC have not been proactive in considering solutions to the crisis in the anglophone part of Cameroon. The issue continues to be viewed as an internal affair, despite the fact that over 400 people have died.

Such situations present instances where the AU should step up and lead the peace process while co-opting subregional actors and the international community.

Indeed, for the AU to be relevant to the lives of ordinary citizens and its member states, the continental body has to do more than set norms and evaluate implementation. This includes taking proactive steps in situations where member states are unwilling or unable to respond to security threats.

Such a proactive role requires a substantive review of the MoU between the AU and subregional organisations and mechanisms to clarify responsibilities and highlight situations that require AU intervention.



## What to do about the DRC?

**A recent visit to Kinshasa by the United Nations Security Council (UNSC) has not led to any progress in the stalemate between the opposition and the government in the Democratic Republic of Congo (DRC) ahead of crucial elections. There is, however, still an opportunity for international actors to push for credible elections on 23 December.**

The UNSC has come and gone, urging the Congolese political class to find consensus on controversial electronic voting machines, which the opposition rejects as illegal. Lambert Mende, the Congolese government spokesperson, accused the UNSC of overstepping its mandate in the DRC and said it had no business commenting on the upcoming elections, while President Joseph Kabila again rejected the logistical support of the UN Stabilisation mission in the DRC (MONUSCO).

That the latest international diplomatic effort to push for credible elections in the DRC amounted to nothing comes as no surprise. Kabila and his entourage have frequently been at odds with the international community, and the current electoral crisis has worsened the relationship. The United States (US), Belgium, the European Union (EU) and others have not had Kabila's ear for a long time, nor has the UN. US and EU sanctions have not changed the situation either.

**If SADC does not want the instability in its largest member state to worsen, it needs to act boldly**

As the crisis has worsened and pressure on him to stand down has increased, Kabila has even turned away from some of his African allies; last year he rejected former Namibian president Hifikepunye Pohamba, the special envoy of the Southern African Development Community (SADC).

In August he also rejected South Africa's proposed special envoy, former president Thabo Mbeki, embarrassing South Africa, once an ally, in the process. The Congolese government has also rebuffed bilateral offers of electoral support from SADC member states, saying that these must be channelled through SADC.

After ceding to regional and domestic pressure not to stand for a third term, Kabila seems to have closed the

door to any additional external advice, assistance or pressure related to the elections, still scheduled for December 23.

This isolationist attitude makes it nigh impossible for any actors – domestic, regional, continental or international – to influence the process, or to get traction on the key issues: more transparency in the electoral process, an immediately liberated political space, a review of the voter's roll, and the scrapping of the electronic voting machines.

### **SADC needs to speak up**

So what can still be done to try to stave off the crisis that will emerge if the elections go ahead in the current conditions? First of all, SADC needs to speak with one voice. The organisation itself – not just its strongest and most concerned members, in this case South Africa and Angola – needs to speak out clearly about the need for the elections to be credible and spell out the key issues that it wants the Congolese government to address.

The regional organisation has been too meek for too long on the DRC, allowing the Congolese government to believe that it has nothing to fear if the elections are substantially flawed or lack credibility. If SADC does not want the instability in its largest member state to worsen, it needs to act boldly and be willing to go beyond the boundaries of sovereignty. It will not be enough for SADC to merely send an electoral observer team, even if that team's report is critical of the process.

In addition to the above demands, SADC needs to urge the DRC to accept logistical support from MONUSCO and other willing bilateral players. Ensuring that the electoral preparations are well organised and that electoral materials are delivered on time is a key element of the process's credibility. It is equally important that the government share the roll-out and financing plan for the remaining electoral processes. This is essential because there are concerns that the disbursement of funds to the

Independent Congolese Electoral Commission (CENI) has been deliberately slowed down in order to create a pretext for further delays.

The African Union (AU) too needs to state clearly what its expectations are, and should support SADC's intervention. If the two organisations speak as one, the impact of the message will be substantial, putting the Congolese government on notice that continental organisations will not look the other way if the elections are shambolic.

## **Dealing with the aftermath**

As essential as a strong AU and SADC voice is in pushing for a credible process, it is still unlikely that the Congolese government can be persuaded to fundamentally change its approach to this election. This makes it essential that key actors – domestic, regional and international – prepare a strategy for dealing with the aftermath of a process over which they have had no influence. An essential aspect of this is training and supporting – financially and logistically – large numbers of domestic electoral observers. Opposition political parties must also take this seriously and plan to have as many observers at the polling stations as they can manage.

If there is fraud on the polling day, it is essential that a critical mass of witnesses can provide evidence thereof and that this forms the basis of any contestation. Successive elections in Zimbabwe have taught us that unsubstantiated allegations are not enough, no matter how tainted the process or controversial the government.

## **A unity candidate for the opposition?**

Unity within the key opposition parties is another essential element. The opposition is currently pulling in several directions, with some players wanting to field a unity candidate and participate in the elections, and others holding out hope that the international community will weigh in and push for a transitional arrangement without Kabila, followed by the holding of credible elections. No one is entertaining the idea of a boycott for now, knowing that this is precisely the direction in which Kabila is steering them.

A unity candidate is crucial, because it sends the message that opposition politicians are putting national interests above their own. It would also make a win by the ruling party candidate – the largely unknown Emmanuel Ramazani Shadary, who has no political base of his own – somewhat implausible. South Africa – and Mbeki in his role as special envoy – can play a significant role here. Mbeki knows the DRC well, and has substantial experience interacting with and mediating between Congolese political actors, first at the Sun City peace talks and then during the 2003–2006 transition. Kabila need not accept him in order for him to use his experience and skills to midwife a unity candidate in the opposition.

Finally, there are concerns that Kabila may yet pull the rug out from under the current process and announce a further delay in the election date. If he does this, the AU, SADC and the international community should speak in one voice and demand a transition arrangement be put in place to manage the period of the delay.

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23 December  
2018

ELECTIONS IN THE DRC

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## Africa's trade contradictions could cost the continent

The future of Africa will be significantly shaped by two major accords: the post-Cotonou Agreement with the European Union (EU) and the African Continental Free Trade Agreement (AfCFTA). The recent backtracking by some AU foreign ministers who do not want the AU Commission as the lead negotiator with the EU, however, could hamper the success of these agreements.

The 2000 Cotonou Agreement between the EU and the African, Caribbean and Pacific (ACP) group of states is currently being renegotiated. The new agreement will redefine how African (as well as Caribbean and Pacific) countries trade with EU member states. Along with the 2000 Cotonou Agreement, a number of economic cooperation agreements have also been signed in the last few years between the EU and individual countries or regional economic blocs.

Meanwhile, the AfCFTA is set to turn Africa into the biggest single market since the establishment of the World Trade Organization. It will represent a 1.2 billion people market with a combined gross domestic product (GDP) of more than US\$3 trillion and a growing middle class. The AfCFTA is projected to boost intra-African trade by 52% by 2022 and increase the volume of exchange by up to US\$35 billion per year. By 2050 the African market will have grown to 2.5 billion people.

National and sub-regional egos and prejudices have prevailed over the vital interests of the continent

Both agreements, ideally, hold enormous potential for the continent's social and economic development, which is critical for addressing the structural causes of conflict (and preventing the eruption of more conflicts) and harnessing the demographic dividend.

Those who support the leading role of the AU Commission in both these negotiations believe this can only be realised if the continent takes a coherent, unified and determined approach not only to those agreements but also to addressing the core governance issues gripping Africa. They believe it begins with understanding that Africa's bargaining power lies in its unity, which will allow it to define how it wants to trade with others and hence with itself.

### Back-peddalling on post-Cotonou negotiations

Earlier this year the AU Executive Council, meeting in Kigali, agreed on an African common position for the post-Cotonou negotiations. There was a general recognition that fragmented cooperation with the EU is detrimental to the continent's integration and its socio-economic interests, as contained

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2.5 billion

PEOPLE IN AFRICA  
BY 2050

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in Agenda 2063. As such, the council stated that the continent's interests were not soluble (i.e. could not be properly advanced) within the ACP framework and committed to negotiating as one and sign a new agreement, continent (AU) to continent (EU). This position was confirmed by heads of state at the 31<sup>st</sup> AU summit in Nouakchott in June this year.

At this summit, former United Nations Economic Commission for Africa (UNECA) head Carlos Lopes was appointed AU high representative to support member states in the negotiation with the EU. The council subsequently met in September to consolidate Africa's common position. However, it failed to come to an agreement, and some back-pedalled on the earlier decision in this regard, arguing for the ACP negotiation framework to be maintained. A report will now be submitted to the extraordinary summit of heads of state in Addis Ababa next month.

Chad's minister of foreign affairs, Chérif Mahamat Zene, summed up the outcome of the Executive Council meeting in the following terms: 'Africa has unfortunately failed to agree on the way forward for negotiating as an [single] entity with the EU on post-Cotonou. National and sub-regional egos and prejudices have prevailed over the vital interests of the continent. Pity.'

A united EU negotiating with a fragmented AU does not favour the latter, and the benefits for the continent from a renegotiated post-Cotonou Agreement are arguably now in jeopardy.

Furthermore, the rationale for renegotiating with the EU as a single entity also applies to Africa's other partners, including China, Russia and the United States (US).

### Consequences for the AfCFTA

One of the stumbling blocks of the AfCFTA is precisely the plethora of bilateral and regional agreements African countries have signed with various partners, including the EU.

The failure to agree on an African common position to renegotiate with the EU (and with other partners) and rationalise those agreements thus also poses problems for the already complicated AfCFTA ratification process. As of August 2018, only six countries – out of the 22 needed for implementation – had ratified the agreement. In the current context, it is perhaps more important to address how Africa trades with others than how

Africa trades within itself. For one thing, the various agreements the continent has signed with external partners, coupled with issues of poor governance and planning, have kept Africa's economies in the resource-extraction cycle.

Not taking into account the distribution of power within the global economy is at best short-sighted.

It is believed that the AfCFTA will increase the volume of intra-African trade by US\$35 billion per year, while Africa loses, on a lower estimate, US\$50 billion per year in illicit financial outflows. Fixing that problem alone would provide much-needed capital for the continent to develop.

The illicit flows are another indication that the AfCFTA is unlikely to benefit the continent if a united Africa does not renegotiate trade and economic agreements with its external partners.

It is perhaps more important to address how Africa trades with others than how Africa trades within itself

In fact, the latest UN Conference on Trade and Development (UNCTAD) report warns that 19<sup>th</sup> century trade patterns have persisted and that the current regimen has contributed to growing economic inequalities worldwide. According to UNCTAD, '[T]he ability of lead firms in global production networks to capture more of the value added has led to unequal trading relations even as developing countries have deepened their participation in global trade.'

The report further states that while protectionism is not the answer, 'simple-minded calls for more trade liberalization are no substitute for development strategies either'.

### The need for truth telling

African countries' failure to uphold their commitment to negotiate as one with the EU could be seen as a display of how far the continent still has to go in terms of regional integration and speaking with one voice.

With a growing and youthful population, and increasing inequalities, the continent would do well to show coherence and consistency in how it deals with current and future challenges.

## The AU's Mediation Support Unit is slowly taking shape

The AU has started setting up a Mediation Support Unit (MSU) at its headquarters in Addis Ababa. This is to support the various efforts across Africa to make peace. Technical obstacles, such as where the unit should be based, as well as problematic coordination between the various AU departments, are, however, slowing down its implementation.

The AU has been involved in mediation for many years, mostly through high-ranking diplomats or former heads of state, yet it only started establishing an MSU in late 2016. This is a recognition by the AU that mediation is not only a political – depending on a heavyweight personality to sway belligerents – but also a technical exercise.

The PSC earlier this month discussed the nascent MSU, which is tasked with providing technical support to the various categories of mediators.

Some of the issues now under discussion are in which department of the AU Commission (AUC) this unit should be based and what kind of structure it should have. The MSU's location within the AUC is more than an organisational or structural challenge, as it will determine its work orientation, focus and efficiency.

Observers agree that the crisis situations in many AU member states require that the MSU be made fully operational and be appropriately resourced as soon as possible.

### The MSU will be more efficient with the right mediators

Much criticism has been levelled at the AU's practice of choosing former heads of state or prominent African political figures as mediators in conflicts.

Success, whatever the context, is never guaranteed. Even the United Nations (UN), with its considerable resources and its professionally trained and experienced diplomats, often encounters serious challenges.

For example, in the Libyan quagmire, Bernardino León, Martin Kobler and Ghassan Salamé succeeded each other as UN mediators, with little success. In Syria, the late Kofi Annan threw in the towel and was

replaced by career diplomat Lakhdar Brahimi, who then gave way to Staffan de Mistura.

Some former African heads of state have achieved a measure of success. Former South African president Thabo Mbeki, for example, was instrumental in striking a peace deal between rivals in the conflict that followed the ousting of former strongman Mobutu Sese Seko in the Democratic Republic of Congo (DRC), and in securing the Burundian transition. He was less fortunate in his efforts in Côte d'Ivoire in the early 2000s and again at the end of 2010. His track record in Zimbabwe is also highly contested, even if he managed to get both parties to the conflict to agree to a government of national unity in 2008.

Crisis situations in many AU member states require that the MSU be made fully operational

One suggestion on the table is establishing a list/roster of individuals of the required calibre who are willing to conduct such work. Edem Kodjo, the AU mediator in the DRC in 2016, declared that he had unexpectedly been asked to take up the job.

The next step is to carefully select, according to a set of predefined criteria (including impartiality in the eyes of the protagonists), the appropriate mediator to be deployed to a particular country.

The AU must then ensure that the individuals it chooses receive the necessary training and support to carry out their duties.

The MSU could be mobilised in this regard. It could be used to establish a roster of mediators, to provide training to these mediators and to help decide which

mediator is suitable for what conflict. That is, in addition to providing ongoing technical support during the mediation.

### **A unit at the service of the entire AU**

Discussions on finding a home for the MSU within the AUC have been contentious. Mediation is not a once-off intervention, but must be mobilised before and after the outbreak of crises. With that understanding, the MSU must work closely across Peace and Security Department (PSD) divisions – particularly the Crisis Management and Post Conflict Reconstruction Division and the Conflict Prevention and Early Warning Division – to ensure that its work fully contributes to a peaceful and stable continent. It should also work closely with the PSC.

Departments that should work closely together tend to operate in silos, if not compete outright

Although there seems to be an agreement that the MSU should be located within the PSD, its relationship with the Department of Political Affairs (DPA) should also be clarified. In fact, this raises the question of a merger between or rationalisation of the DPA and the PSD; one of the issues on the agenda of the AU institutional reforms.

Overall, the debate about where the MSU should be located within the AUC highlights the challenge of collaboration in the commission. Departments that should work closely together tend to operate in silos, if not compete outright.

### **A responsive structure**

Because conflicts are multiform (e.g. low and high intensity), and often unpredictable and intractable, AUC structures must be responsive. This is another reason why resolving the question of placing the MSU within the AUC must at the same time address the problem of collaboration between departments.

Current AU reforms also intend to review the relationship between the AU and regional economic communities (RECs), notably the division of labour between them. Mediation work is one key aspect to

rethink. In particular, the AU must be able to identify the cases in which it can and must take the lead and those where it simply needs to support RECs.

As such, some RECs such as the Economic Community of Central African States (ECCAS) are still building their internal mediation capacity, whereas the Southern African Development Community (SADC) and the Economic Community of West African States (ECOWAS) are much further along in that process.

In 2017, for example, ECOWAS leaders were able to end the deadlock in The Gambia. ECOWAS put tremendous pressure on former president Yahya Jammeh to step down, issuing an ultimatum before military intervention.

The ECOWAS mediation facilitation division was active throughout the pre-electoral, electoral and post-electoral processes in The Gambia, and provided support to the ad hoc mediation committee led by Nigeria's Muhammadu Buhari and Ghana's John Dramani Mahama.

Comparative advantage and complementarity must guide the choice of who takes the lead on mediation, the AU or the RECs. Therein too lies the complexity of finding the right balance between institutionalisation and flexibility.

### **Approaching mediation**

Mediation requires a healthy dose of institutionalisation, flexibility and creativity. It should favour local, indigenous, African mediation approaches, and should rely on national and local resources.

Because conflicts are multiform and often unpredictable and intractable, AUC structures must be responsive

The AU should define its own vision and approaches to mediation and governance. Ultimately, it is a question of ethos rather than structures and procedures, which can be imbued with a renewed and properly grounded philosophy. This will require challenging inadequate but now internalised practices, and constituting and managing new knowledge on the subject of African mediation.

### About the PSC Report

The Peace and Security Council Report analyses developments and decisions at the African Union Peace and Security Council (PSC). The monthly publication is the only one of its kind dedicated to providing current analysis of the PSC's work. It is written by a team of ISS analysts in Addis Ababa.

### About the ISS

The Institute for Security Studies (ISS) partners to build knowledge and skills that secure Africa's future. Our goal is to enhance human security as a means to achieve sustainable peace and prosperity. Using its networks and influence, the ISS provides timely and credible analysis, practical training and technical assistance to governments and civil society.

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