INSIGHTS ON THE PEACE & SECURITY COUNCIL

COVID-19 AND ITS IMPLICATIONS ON THE WORK OF THE PSC AND PEACE AND SECURITY IN AFRICA
Following the declaration by the World Health Organization the COVID-19 outbreak as a matter of international health concern and subsequently as an international pandemic, various measures are taken by states to contain the spread of the virus. On its arrival in Africa, African Union (AU) member States have also joined the global fight against the pandemic.

On 11 March the African Union (AU) Peace and Security Council (PSC) decided to suspend all its meetings until end of April as a measure adopted to respond to the COVID-19 outbreak. This is in line with the recommendations proposed by the African Centre for Disease Control (Africa CDC), which advised for meetings to be held virtually if possible. And if meetings involve less than 50 participants and no international travel, the CDC advised to institute public infection prevention and control measures. The AU Commission (AUC) after consultation with Africa CDC informed member states of the PSC the postponement of the open session scheduled for 12 March on the safe school declaration.

On 13 March the AUC issued a general guideline directing that all meetings for the month of March and April are to be suspended until further notice and only essential meetings related to health and security to be held through a written waiver. As a follow up to this, the various activities of the PSC scheduled for March and April are cancelled.

The measures taken due to COVID-19 will have direct impact both on the work of the PSC and its working methods. The activities of the PSC for the month of March and April including its sessions and a scheduled induction for new members of the PSC have been cancelled. This will be the first time that the PSC will not hold sessions for an extended period of time since 2004.

In terms of its work, in the way the emergency response to the COVID19 pandemic has affected the UN Security Council, it also raises important questions about how the PSC could continue to discharge its mandate in such situations. While the ban on meetings instituted in the AU can be waived for security matters, none of the PSC legal and subsidiary instruments did not make provisions to cater for scenarios such as this one.

Indeed, under the PSC Protocol and its Rules of Procedure the expectation is that the PSC operates on the basis of sessions convened at the AUC. Article 8(1) of the PSC Protocol provides that the PSC ‘shall be so organized as to be able to function continuously’. Importantly, on the periodicity of meetings Article 8(2) of the protocol and Rule 2 of its rules of procedure stipulates that the PSC meets at least twice a month at ambassadorial level. These provisions impose on the PSC legal requirements for the continuity of the Council’s work and for the PSC to meet at a minimum twice a month.

The PSC may still play its role as the standing decision-making organ considering these provisions and given that certain countries/region which are already facing security challenges may be exposed to further risks due to the spread of the pandemic. Although there is still no clarity...
whether the PSC will meet and in what of circumstance, there are number of issues that may require guidance and direction by the PSC including in relation to the response to COVID-19.

Within the context of the response of AU member states to COVID-19, during its last meeting on COVID-19 at its 915th session, the PSC has requested to be briefed regularly on the fight against COVID-19. In the context of the various measures that states are adopting including closure of borders, freezing of flights, restriction on meetings and movement, one of the immediate issues for the PSC is how it would follow up on its 915 session particularly to address the impact of these measures on people affected by violence including Internally Displaced Persons and Refugees. This is also related to the concern over the impact of both these measures taken in response to COVID-19 and how the virus spreads on humanitarian response in conflict or crisis situations.

Also of interest for the PSC is the impact of the widespread focus on COVID19 on countries affected by conflicts including Libya, CAR, DRC, the Sahel region, South Sudan and Somalia and on efforts of the AU, the UN and regional organizations for the management and resolution of such conflicts. As the experience of the WHO and Africa CDC shows in 2019 in the response to the Ebola virus outbreak in Eastern DRC, another worry is the impact of ongoing conflicts on efforts for the prevention and containment of COVID19 in areas affected by conflict.

The other issue that may require early assessment is also the effect of these measures on peacekeeping missions, including mandate renewals, and the work of AU Special Representatives and Mediators. Particularly, safeguarding measures for AU troops deployed in Somalia and Darfur require attention, and whether and how troop rotations may be undertaken also need to be looked into.

The question that arises at this point is how the PSC may comply with the requirements of working continuously and meeting at least twice a month and engage any of these situations highlighted above. While no direct provision is available in PSC protocol and PSC subsidiary instruments, the following paragraphs examine the options available to the PSC.

Although it is not meant to be used for cases where the PSC could not hold sessions due to public emergency, one avenue that can be adapted for this unusual situation is the silence procedure provided for in the Manual on the PSC Working Method. The silence procedure involves the process of negotiation on and review of draft PSC session outcome documents electronically via email by members of the PSC. Given that this is the only provision from its subsidiary instruments that offers some avenue for the PSC to continue its work in the current conditions, it can be adapted for considering PSC action in relation to a particular situation or those highlighted further below, although it is not ideal for deliberation and focused engagement by PSC members.

Within the framework of Articles 7, 9, and 10 of the PSC Protocol, the Chairperson of the AU Commission has been entrusted with taking action on peace and security issues in Africa, albeit under the supervision and in conjunction with the PSC. This can also be used as another option that could serve as a gap filling measure and to address emergency situations during this extraordinary context. While it does not take the place of
the PSC, the AUC Chair makes pronouncements on conflict situations. A case in point during this period is the statement that Chairperson Moussa Faki Mahamat issued on the situation in Guinea on 21 March.

One of the options proposed by African CDC is for AU entities to conduct their meetings virtually. While this has not been tried before and is an option that is being tried by the UN Security Council, decision has to be made by the PSC on the using the option of holding its session virtually. Eventually with the appropriate virtual meeting platform procured, this may actually be incorporated into the working methods of the PSC to cater for situations where the PSC may not hold its sessions physically.

Which of these options or combination of them the PSC will work on during this period is yet to be seen. Some of the situations, such as mandate renewal, will provide the opportunity to see how the PSC will conduct its business until the convening of sessions is possible.
ABOUT US

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

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

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