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15TH RETREAT OF THE PEACE AND SECURITY COUNCIL OF THE AFRICAN UNION ON THE REVIEW OF ITS WORKING METHODS

25 - 27 NOVEMBER 2023
TUNIS, TUNISIA

PSC/Retreat.15 (2023)

CONCLUSIONS



CONCLUSIONS OF THE 15TH RETREAT OF THE PEACE AND SECURITY COUNCIL OF THE AFRICAN UNION ON THE REVIEW OF ITS WORKING METHODS

I. INTRODUCTION

1. The Peace and Security Council (PSC) of the African Union (AU) held its 15th Annual Retreat on the Review of its Working Methods from 25 to 27 November 2023, in Tunis, Tunisia. The Retreat was chaired by H.E. Ambassador Abdi Mahamoud Eybe, the Permanent Representative of the Republic of Djibouti to the AU, in his capacity as the PSC Chairperson for November 2023. H.E. Ambassador Bankole Adeoye, the AU Commissioner for Political Affairs, Peace and Security (PAPS), delivered a statement on behalf of the Chairperson of the AU Commission.

2. The retreat was officially opened by H.E. Nabil Ammar, the Minister of Foreign Affairs, Migration and Tunisians Abroad of the Republic of Tunisia.

3. The Retreat observed a minute's silence (moment of silence) in solidarity and honour of all victims of the ongoing violent conflict in Gaza which has disproportionately affected women, children and the elderly.

II. PARTICIPATION

4. The Retreat was organized at the Ambassadorial level. All PSC Members, namely: Burundi, Cameroon, Congo, Djibouti, The Gambia, Ghana, Kingdom of Morocco, Namibia, Nigeria, Senegal, South Africa, Tanzania, Tunisia, Uganda and Zimbabwe attended the Retreat, accompanied by the Members of the PSC Committee of Experts. The AU Commission was represented by H.E. Ambassador Bankole Adeoye, the Commissioner for Political Affairs, Peace and Security, who was accompanied by the Directors of the Conflict Management and Governance and Conflict Prevention Directorates, Head of the PSC Secretariat, representatives from the Cabinet of the Chairperson of the Commission, Office of the Legal Counsel and staff from the PAPS Department. The list of participants is attached as Annex A.

III. RATIONALE

5. The 15th Annual Retreat was organized as part of the steps to continuously strengthen the PSC working methods, with a view to enabling it to effectively discharge its mandate of promoting peace, security and stability in Africa, within the framework of the African Peace and Security Architecture (APSA) and African Governance Architecture (AGA), as embodied in the Protocol Relating to the Establishment of the Peace and Security Council of the African Union (herein after referred to as 'PSC Protocol').

IV. FORMAT

6. The Retreat focused on three key issues, namely:
- i. Outcome of the Retreat of the PSC Committee of Experts held from 21 to 23 November 2023 which considered various working and policy documents to facilitate the deliberations of the Council;
 - ii. PSC Working Methods including an assessment of the Annual Indicative Programme of Work for 2023 and budget ; and

- iii. Unconstitutional Changes of Government (UCGs) on the Continent, with emphasis on the best ways and means of addressing them using the existing normative frameworks of the Union.

V. SUMMARY OF KEY OUTCOMES

A) On the Report of the Retreat of the PSC Committee of Experts (CoE)

7. The PSC welcomed the Report of the Retreat of the PSC Committee of Experts that was organized from 21 to 23 November 2023, as presented by Ms. Wafa Kassim Ali, in her capacity as the Chairperson of the Committee of Experts for the month of November 2023. The Committee of Experts Retreat finalized the following two Draft Documents which are herewith attached as annexes B & C, respectively:

- a) The Draft Terms of Reference for the PSC Sub-Committee on Sanctions; and
- b) The Draft Modalities of Enhancing Coordination and Collaboration between the PSC and the African Members of the United Nations Security Council (A3), also known as the 'Oran Process'.

8. Furthermore, the Committee of Experts developed its Indicative Annual Programme of Work for 2024, as well as the PSC Draft Indicative Annual Programme of Work for 2024. The Report of the Retreat of the Committee of Experts is also herewith attached as Annex D.

9. The PSC commended the Committee of Experts and underscored the need to institutionalize and regularize the Retreat of the Committee as an annual event to precede the PSC Annual Retreat on the Review of its Working Methods.

B) On the A3 Draft Resolution on Financing AU Peace Support Operations

10. The PSC took note of the Draft United Nations Security Council (UNSC) Resolution on Financing AU Peace Support Operations that was circulated by the three elected African Members (the Republics of Gabon, Ghana and Mozambique), of the United Nations Security Council (A3), as presented by H.E. Ambassador Bankole Adeoye, AU Commissioner for Political Affairs, Peace and Security.

11. The PSC commended the A3, under the coordination of the Republic of Ghana, for the progress thus far and underscored the importance of ensuring predictable, adequate and sustainable funding for all AU Peace Support Operations through UN Assessed Contributions. The PSC underlined the importance of ensuring that AU common positions are respected, namely: the principles of AU ownership and leadership (command and control) of all peace support operations on the African Continent. Furthermore, the PSC:

- i) Emphasized that the AU has demonstrated its commitment towards burden and responsibility sharing, among others by providing financial support from the AU Peace Fund's Crisis Reserve Facility towards the financial needs of the AU Transition Mission in Somalia (ATMIS); the East African Community (EAC) Regional Force in the eastern Democratic Republic of Congo, support for the peace process in Sudan and implementation of the peace process in Northern Ethiopia;
- ii) Underlined that the Draft should not make any references to any figures, particularly in terms of percentages;

- iii) Stressed that Africa wants 100% funding from the UN-assessed contribution for AU-led PSOs;
- iv) Underscored the need for the A3 and Africa as a whole to continue to speak with one voice towards expediting the adoption of the Draft Resolution by the UNSC;
- v) Called on the PSC Members to urgently submit to the PAPS Department Secretariat their inputs to the draft resolution for onward transmission to the A3;
- vi) Requests the A3 to keep the PSC constantly abreast throughout the process of the negotiation.

C) On PSC Working Methods

12. The PSC took note of the presentation by the Head of the PSC Secretariat, on the PSC Working Methods, whose scope included the status of implementation of the decisions of Council, the 2023 PSC Indicative Annual Programme of Work, challenges and recommendations on areas that require further improvements.

13. The PSC commended the PAPS Department for the sustained support being provided to the PSC, albeit with very limited institutional capacity. Consequently, the PSC made the following observations:

- a) The need to ensure follow-up on the implementation of the PSC decisions, with emphasis on effective tracking, monitoring and evaluation of the implementation of PSC Decisions;
- b) The need to dedicate two sessions annually to the assessment/evaluation of the status of implementation of PSC and Assembly decisions on peace and security in the Continent. For this purpose, the PSC mandated the PSC CoE with the support of the PAPS Department to develop a matrix on the status of implementation of council decisions that include an impact assessment;
- c) In the interim, whenever a Concept/Briefing Note is prepared on a particular matter under consideration, the Secretariat shall attach a matrix indicating decisions taken on the same issues/themes in the past; the state of implementation of such decisions; and center of responsibility for its implementation, in order to ensure that Council avoids repetitions and detailed decisions on the matter and to promote effective monitoring and accountability;
- d) The importance of rationalizing the 2024 Annual Indicative Programme of Work of the Council, among others by limiting the frequency of meetings on thematic issues and where possible, by merging meetings on seemingly similar thematic issues;
- e) The need for the PAPS Department to continue to advise all incoming PSC Chairpersons to prioritize meetings on country-specific situations and to limit the number of meetings per month to ensure the devotion of more focused and sustained attention on existing and emerging conflict situations;
- f) The need for the PSC to ensure that the adoption of communiqués is guided by the weight of the matter discussed. As such, the PSC does not have to always issue communiqués for every meeting;
- g) The need to ensure that the draft Communiqués are processed expeditiously between the Secretariat and the Chair of the month so that the same can be submitted to PSC Members in

a timely manner for consideration under the Silence Procedure preferably not later than 12 hours after the conclusion of a meeting. This will facilitate timely reporting on the outcome of the meeting;

- h) The importance of more consultations with Regional Economic Communities and Regional Mechanisms (RECs/RMs) in addressing peace and security challenges on the continent. In this regard, agreed to engage the RECs/RMs on a regular basis in order to exchange views, complement efforts and share lessons, as well as expertise in addressing various peace and security issues on the continent;
- i) Bearing in mind the importance of enhancing collaboration with other international organizations, the PSC underscored the need for reviving the annual consultations with the Peace and Security Council of the League of Arab States (LAS) and mandated the AU Commission to engage the LAS Secretariat on how to revive the consultations;
- j) Underscoring the importance of improving early warning mechanisms, the PSC reiterated its call for regularizing the interactions between the Chairperson of the Commission and the Council. Such consultations would provide the Council with an opportunity to exchange views on matters which need urgent attention of the Council, pursuant to the Mombasa Retreat Conclusions; as well as to brief the Council in situations where the Commission has deployed its good offices to ensure better coordinated efforts;
- k) With regard to preparations for this year's Oran Process, Council underscored the need for the host to adhere to the obligations of hosting AU statutory meetings. In this regard, the PSC mandated the Commissioner for Political Affairs, Peace and Security to engage with the host country and report back to Council¹;
- l) The need to ensure the full use of the PSC Troika System, in line with paragraph 75 of the PSC Manual on Working Methods including in preparations of the PSC monthly Provisional Programme of Work;
- m) While welcoming the efforts deployed in organizing the First Retreat of the Military Staff Committee (MSC), the PSC underscored the need to ensure that institutional capacity building programmes for the MSC are also incorporated in the activities of the PSC, including field missions;
- n) Requested the PAPS Department to closely coordinate with the PSC CoE on the budget of the Department and the PSC to enable PSC Members to support the budget during its presentation to the Permanent Representatives Committee (PRC) Sub-Committee on Budgetary matters as well as the Committee of Fifteen Ministers of Finance (F-15);
- o) The need to urgently enhance the institutional capacity of the PSC Secretariat, among others by expediting the recruitment of regular staff, including dedicated interpreters, in order to optimize its support to Council;
- p) The need for the Commission to;
 - a. communicate to all PSC Member States the technical requirements and required support for the renovation of the PSC Chamber at the Nyerere Peace and Security Building;

¹ On 29 November 2023, the Commissioner for Political Affairs, Peace and Security, following his engagement with the Host, reported back to the Council that the concerns raised by the PSC Members have been resolved.

- b. Furnish the office of the Chairperson of the PSC within the Mwalimu Julius Nyerere Peace and Security Building, in order to enhance its utilization;
 - c. name the plenary hall of the Nyerere Building as the "PSC Chamber"; and
 - d. Communicate to PSC Members the technical requirements and required support for the procurement of a system to transcribe PSC Meetings verbatim for purposes of institutional memory.
- q) Welcomed the proposal from the PAPS Department to mark the 20th Anniversary of the PSC in May 2024 and, therefore, requested the Department to establish a committee for the organization of the Anniversary. The Committee composed of one delegation per region should meet at both the Ambassadorial and Experts level, and to commence its activities from January 2024.

D) On Unpacking the AU Sanctions Regime for Unconstitutional Changes of Government and Similar Political Situations: Typology, Methodology and Procedure of Action:

14. The PSC took note of the presentation by H.E. Ambassador Bankole Adeoye, Commissioner for Political Affairs, Peace and Security and acknowledged that the AU has a formidable number of sanctions normative frameworks and instruments.

15. The PSC noted that the AU has mostly applied one type of sanctions in response to cases of unconstitutional changes of government, namely, suspension of a Member State from participating in the activities of the Union and its Organs. However, the PSC acknowledged the challenges being faced in the implementation of AU sanction regimes, include:

- i) Disparities between the AU and some RECs/RMs on the application of sanctions regimes, which were undermining AU peace efforts. For example, whereas the AU had suspended Sudan, IGAD had not; whereas the AU had suspended Niger, ECOWAS had not and whereas the AU had suspended Gabon, it remains a member of the A3;
- ii) non-compliance by some neighbouring countries in the implementation of sanctions imposed by the AUPSC and/or those sanctions imposed by RECs/RMs and endorsed by the PSC;
- iii) Lack of enforcement mechanisms for AU sanctions; and
- iv) called on Member States to respect PSC decisions and for closer coordination between AU and the RECs/RMs on the implementation of sanctions.

16. Furthermore, the PSC emphasized the need to ensure that the ordinary citizens of the concerned country do not suffer disproportionately due to the enforcement of sanctions on a Member State. In this connection, it called for more targeted sanctions.

17. Among others the PSC proposed the following in order to enhance the efficacy of the AU sanctions regime:

- i) The need to review and consolidate the AU Sanctions Regime and, in that connection, mandated the AU Commission to undertake the review and brief the Council accordingly;

- ii) The importance of ensuring clarity, including the distinction between AU sanctions or punitive measures in response to unconstitutional changes of government and those sanctions and other forms of punitive measures imposed on Member States by other institutions and/or bilateral development partners;
- iii) Underscored the primary mandate of the PSC, in accordance with the protocol relating to its creation, in addressing peace and security matters on the Continent. The PSC called for an institutional mechanism or framework for enhancing coordination and complementarity of efforts in the implementation of sanctions measures, as well as the best ways and means of communicating accurately the AU Sanctions Decisions to all critical stakeholders, in particular the RECs/RMs;
- iv) With reference to article 16 of the PSC Protocol, the need to ensure alignment of responses/activities in the field of peace and security between the African Union and the RECs/RMs, bearing in mind that the PSC is the standing decision-making organ for the prevention, management, and resolution of conflicts on the Continent;
- v) The need to ensure support of the international community in the effective application of sanctions, in particular targeted sanctions, as well as the support of the private sector or quasi-private companies;
- vi) The need for the PSC to be consistent in the application of AU normative instruments;
- vii) The need for the development of guidelines for the implementation of AU Sanctions, in this regard, the Council mandated the PSC CoE to work with the PSC Secretariat on the draft and submit to the PSC for consideration by 31 January 2024;
- viii) The need to ensure that the perpetrators of unconstitutional changes of government face justice for their actions; in this regard, the Council underscored the imperative of leveraging existing institutions such as the African Court on Human and Peoples' Rights;
- ix) The PSC welcomed the Draft Terms of Reference for the PSC Sub-Committee on Sanctions which will focus on the effective monitoring and evaluation of the status of implementation of sanctions imposed by the PSC. The Council directed the PSC Sub-Committee on Sanctions to immediately commence its operation, following the adoption of its terms of reference;
- x) The need for informal regular interactions between the PSC and AU Member States under AU sanctions, in order to expedite the process of restoration of constitutional order;
- xi) The Council encouraged all Member States to fully comply with, and consistently enforce, AU sanctions; and
- xii) The PSC Commended the PAPS Department for its ongoing assessment of the structural root causes/drivers and impact of UCGs in Africa and requested the Department to submit the findings of the study by 31 January 2024 to Council for consideration.

E) On Briefing on PAPS Institutional Development Matters; Progress Review of PAPS New Structure under Implementation of AU Institutional Reform

18. The PSC took note of the presentation, solely for information purposes, by H.E. Ambassador Bankole Adeoye on the PAPS institutional development matters within the context of ongoing AU

Institutional Reforms. The presentation highlighted some mismatches and misalignments such as, the exclusion of the AU Border Programme in the PAPS Structure, as well as the efforts being deployed by the PAPS Department towards addressing them, including to ensure that the Unit on Urbanization is urgently transferred to the Department of Infrastructure and Energy where it fits more appropriately.

F) On Financing AU PAPS activities - Utilization and Evolving Impact Assessment of the AU Peace Fund and Crisis Reserve Facility (CRF)

19. The PSC took note of the briefing by H.E. Ambassador Bankole Adeoye on the status of the AU Peace Fund and the disbursements made from the Crisis Reserve Facility to ATMIS, EAC Regional Force, Sudan, and Ethiopia Peace Process.

VI. CONCLUSION

20. The PSC moved a vote of thanks that was delivered by H.E. Ambassador Edward Xolisa Makaya, Permanent Representative of the Republic of South Africa to the AU, to the Government and People of Tunisia for the warm hospitality accorded to the PSC delegation and members of the AU Commission and for graciously hosting the Retreat.

21. The Council welcomed the pledges by the Republic of Djibouti to host the 2024 retreat on its working methods and by the Republic of Namibia to host the 2024 PSC induction in March 2024.

22. The Report of the 15th PSC Annual Retreat on the Review of its Working Methods and the Draft Terms of Reference for the PSC Sub-Committee on Sanctions will be submitted to the Council for consideration and adoption. However, before the approval by the PSC, the Draft Terms of Reference of the PSC Sub-Committee on Sanctions will be submitted to the PRC for further inputs and comments to ensure a universal and more inclusive validation process by the entire membership of the Union. The Draft Modalities of Enhancing Coordination and Collaboration between the PSC and the African Members of the United Nations Security Council (A3), also known as the 'Oran Process' will be submitted to the PSC for consideration and adoption after inputs from the 10th High-Level Seminar.

African Union Commission (AUC)

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Peace and Security Council

Retreat - Conclusions

2023-11-27

Conclusions of the 15th Retreat of the Peace and Security Council of the African Union on the Review of its Working Methods held from 25 to 27 November 2023, Tunis, Tunisia.

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