

# 3rd Annual Consultative Meeting between the PSC and RECs/RMs Policy Organs

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On 28-29 August, the third Annual Consultative Meeting between the African Union (AU) Peace and Security Council (PSC) and the Regional Economic Communities and Regional Mechanisms (RECs/RMs) Policy Organs will take place in Bujumbura, Burundi.

The opening segment of the session is expected to feature the opening remarks by the PSC Chairperson for August, Burundi's Permanent Representative to the AU, Willy Nyamitwe. In addition to statement by the AU Commissioner for Political Affairs, Peace and Security (PAPS), Bankole Adeoye, a keynote address by a representative of Burundi as host of the meeting is expected. The representatives of the RECs/RMs and their Policy Organs are also expected to deliver their respective statements and reflect on the current state of the relationship between the PSC and RECs/RMs and the way forward.

The consultative meeting is convened within the framework of Article 16 of the Protocol relating to the establishment of the PSC (PSC Protocol) and the various PSC retreats that highlighted the need for closer working engagement between the PSC and RECs/RMs. The meeting is also taking place in line with the decision of the PSC and RECs/RMs, during their inaugural joint consultative meeting held on 24 May 2019, to convene the consultative meeting on annual basis. As part of the effort to regularize the engagement, it is to be recalled that the second consultative meeting, which took place on 26 August 2021, further decided to 'convene consultative meetings

at least twice a year at a strategic and political level, and quarterly at a technical level, as well as to remain open to convene ad-hoc consultations to deepen collaboration and respond to emerging conflict'. However, the practice over the last four years indicates that the consultative meeting is happening only once in two years.

The close segment of the session starts with an informal meeting between the PSC/RECs/RMs and the Chairperson of the Africa First Ladies Peace Mission (AFLPM). It is to be recalled that the PSC held for the first time a session on the AFLPM at its 1154<sup>th</sup> session. Apart from building on this first meeting of the PSC, this informal exchange also provides an opportunity for reflecting on how the AFLPM can contribute to the role of PSC/RECs/RMs including with respect to the impact of conflicts and terrorism on women and the impact of unconstitutional changes of government (UCG) on youth.

The next segment of the consultative meeting is dedicated to the most pressing current peace and security challenges focusing on the resurgence of UCG and the growing threat of terrorism in Africa. This meeting comes at a time when the PSC and RECs/RMs are facing challenges of policy coordination both in respect to UCGs and conflicts. Most recently, this challenge has been experienced vividly in the context of the 26 July 2023 military coup in Niger which became a major flashpoint on policy coordination between the Economic Community of West African States (ECOWAS) and the PSC. While the two agreed on the condemnation of the ousting of the deposed President and on the restoration of constitutional order, the different legal and institutional foundations as well as policy considerations vis-à-vis the range of measures to be taken against the coup led to difference in the policy approach to be taken for restoring constitutional order and the methods and means of achieving this objective. Similarly, gaps in coordination and lack of joint action in the context of the fighting that erupted in April 2023 in Sudan led to the

emergence of separate diplomatic initiatives by the AU and Intergovernmental Authority on Development (IGAD), leading to forum shopping.

With respect to the resurgence of UCGs in Africa, one of the immediate issues of concern for AU and RECs/RMs relate to at least two issues. The first is what more and how best the AU and RECs/RMs can do to stop the spread of the occurrence of coups. The second is how to mobilize complementary and coherent policy responses by the AU and RECs/RMs. For this, it is necessary that the RECs/RMs either develop their own policy sanctioning UCGs including coups or implement the common AU norm against UCGs under the African Charter on Democracy, Elections and Governance (ACDEG) to ensure that they have the same legal and policy basis for responding to coups. Some RECs/RMs don't have legal instruments prohibiting and sanctioning coups. Under such circumstances, it becomes difficult for the AU and such RECs/RMs to coordinate policy responses when coups happen. Thus, in relation to the coup in Sudan, while the AU rightly upheld the applicable principle against coups and invoked Article 7(1)(g) and Article 30 of the Constitutive Act of the AU to suspend Sudan, IGAD, which does not have a norm banning coups, adopted a position calling for the lifting of the suspension of Sudan before the restoration of constitutional order in Sudan.

With respect to the mobilization of coherent and complementary response to coups, the principle of subsidiarity cannot provide the framework for facilitating such coherence and complementarity. As elaborated in Amani Africa's [special research](#), what is needed for the AU and RECs/RMs to achieve coherence and complementarity in their response to coups is for them to have **shared analysis and understanding of the situation** and develop framework for consultative decision-making. Understandably, in the absence of such processes, the PSC is required by its Protocol to adopt a policy position on the basis of its own understanding of the situation vis-à-vis

the applicable AU norms and policies rather than automatically follow the decision of the REC/RM.

The other agenda item relates to the application of the principles of subsidiarity and complementarity. While **the only principles enshrined in the PSC Protocol** on the relationship between the AU and sub-regional bodies on peace and security under Article 16 are **complementarity and comparative advantage**, the principle that dominates the policy discourse and practice is subsidiarity. This focus on subsidiarity and widely held misconception that subsidiarity entails exclusive leadership by RECs/RMs on peace and security or the failure of the AU to assume its role when crisis situations arise, have resulted in the emergence of skewed practices. These are practices that tend to defer to RECs/RMs full lead on responding to crisis and for PSC to play the role of accompanying RECs/RMs lead. These practices, while in part result from the failure of the AU and the PSC to timely engage and respond to emerging crises or conflicts, have the effect of stripping the PSC of the autonomous exercise of the responsibility entrusted to it and hence are not consistent with the framework set in the PSC Protocol, as the founding document of the African Peace and Security Architecture (APSA). In cases where crises or conflicts affect and are of interest for more than one REC/RM such as the terrorist attacks by Boko Haram and the conflict in Eastern DRC, the principle of subsidiarity does not provide guidance on which of the RECs/RMs can take lead and indeed how they can mobilize joint policy responses. (see Amani Africa's [special research](#) for more analysis on the implications of misconceptions relating to the principle of subsidiarity)

Against the background of the foregoing and some of the challenges that this unsound and singular application of subsidiarity have led to over the years with deleterious consequences for cohesion between the AU and RECs/RMs, this 3<sup>rd</sup> consultative meeting is expected to provide an opportunity for

the PSC and the RECs/RMs policy organs to deliberate how to ensure that their engagement on peace and security is guided by the principles of both subsidiarity and complementarity and achieve consensus on course correction on the skewed understanding and use of subsidiarity. For this, it is to be recalled that PSC and policy organs of RECs/RMs, during the [second consultative meeting](#), agreed to 'commence a transparent, in-depth and dynamic dialogue with the participation of the Member States, the Commission, RECs and RMs concerning the scope, dimensions, variables and criteria of the applicability of the principle of subsidiarity'. One of the workable approaches to subsidiarity is to consider requiring the effective engagement of RECs/RMs that could avoid the policy gaps, divergences and inconsistencies that resulted from its skewed conception and understanding.

Additionally, building on the decisions that the PSC and policy organs of the RECs/RMs adopted during the [first](#) and second consultative meetings, as well as PSC's [870<sup>th</sup> session](#), PSC and RECs/RMs can during this 3<sup>rd</sup> consultative session agree to implement the following measures.

**First**, the PSC and RECs/RMs Policy organs can decide to implement and operationalize the various modalities for policy coordination and consultative decision making. For instance, during the second consultative meeting, PSC and RECs/RMs agreed to meet at least twice a year at a strategic and political level, and quarterly at a technical level.

**Second**, there is a need for both the PSC and RECs/RMs to consult and exchange between each other more frequently on specific conflict or crisis situations than before given the challenging political and security landscape of the continent, which is characterized by resurgence of military coups and rising trends of terrorism and violent conflicts. In that regard, the two sides should consider taking practical steps, including the establishment of a team of focal points from all

RECs/RMs and the PSC Secretariat that would facilitate a well-coordinated network for regular engagements as envisaged under the previous consultative meeting.

**Third**, the trans-regional nature of some of the peace and security threats such as terrorism and overlapping membership of some countries in the RECs/RMs raises the issue of horizontal coordination among these organizations. A case in point is Democratic Republic of Congo (DRC) where its overlapping membership to Economic Community of Central African States (ECCAS), Southern African Development Community (SADC), International Conference on the Great Lakes Region (ICGLR), and East African Community (EAC) and the multiple but uncoordinated diplomatic and security initiatives necessitated a convening of the quadripartite summit under the auspices of the AU at the end of June in Luanda, Angola. It is incumbent on the AU to facilitate such coordination in the absence of which, there is risk of paralysis and political vacuum.

The expected outcome of the consultative meeting is a joint communique. While commending the operationalization of some of the agreed initiatives such as the Inter-Regional Knowledge Exchange (I-RECKE) on early warning and conflict prevention, PSC and RECs/RMs may recognize the follow-up challenges to the implementation of most of the previous decisions adopted with the aim to strengthen cooperation and coordination between them. In that regard, both may request the AU Commission, in consultation with the RECs/RMs, to prepare and submit within a specific timeframe, an implementation matrix that clearly highlight the necessary measures along with timelines for the implementation of each decision. The two sides may further agree to convene a high-level meeting (summit level) as part of the AU Mid-year coordination meeting, which could serve as a platform to discuss strategic issues. Given the lack of clarity on the principle of subsidiarity and its implication over the smooth working relationship between the PSC and RECs/RMs, they may decide to take steps to implement their

[previous decision](#) of commencing a study on the 'scope, dimensions, variables and criteria of the applicability of the principle of subsidiarity'. This can be done for instance by mandating the AU Commission and the representatives of RECs/RMs to undertake the study within a specific timeframe and submit the same to their joint meeting for consideration.