

Annual consultative meeting between the PSC and ACHPR

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Tomorrow (10 August) the African Union (AU) Peace and Security Council (PSC) is scheduled to hold its annual consultative meeting with the African Commission on Human and Peoples' Rights (ACHPR) (Banjul Commission). The session will be the third consultative meeting between the PSC and the ACHPR since the inaugural meeting convened in August 2019. The session is envisioned to be held via video teleconference.

Following the opening remark of the PSC Chairperson for August, Cameroon's Permanent Representative to the AU, Churchill Ewumbue-Monono, the AU Commissioner for Political Affairs, Peace and Security (PAPS), Bankole Adeoye, is expected to deliver a remark. It is expected that the Chairperson of the ACHPR and the Focal Point of the ACHPR on Human Rights in Conflict Situations will deliver a presentation.

The consultative meeting is established within the framework of Article 19 of the PSC Protocol. The inaugural consultative meeting held during the 866th session of the PSC articulated the modalities and tools for the operationalization of Article 19 of the PSC Protocol. The second consultative meeting was held in October 2020 during PSC's 953rd meeting taking the outcome of the first consultative meeting forward. The consultative meeting presents an opportunity for taking stock of the follow up to the outcomes of the two previous consultative meetings.

Tomorrow's session coming at the time of the merger of Political Affairs and Peace and Security under PAPS can serve as an occasion for achieving the ambition set in the 953rd

session of the PSC, namely the mainstreaming of human rights into all aspects of the conflict prevention, management, resolutions and post-conflict reconstruction. More specifically the PSC may recall its previous request to the AUC and ACHPR secretariat to develop a 'modality for the establishment of a coordinated early warning mechanism on human rights related issues' in Africa between the two bodies.

The consultation is also expected to provide an update on human rights in conflict situations and the work undertaken by the ACHPR since the last consultative meeting in 2020. The presentation may highlight major trends in the protection of human rights in conflict situations. In this context, a resolution that may be of interest to the PSC is the Commission's 467th resolution on the needs for 'Silencing the Guns in Africa based on human and peoples' rights' adopted at its 67th session. With regards to the resolution the Commission may further highlight its request to the PSC on the development of 'a comprehensive continental legal and institutional framework...to address the scourge of illicit arms and weapons in Africa'. The resolution further requested the ACHPR focal point on human rights in conflict situations to support relevant AU bodies in developing such instrument. Hence the ACHPR representative may provide an update on this activity. The session offers an opportunity for Council members to reflect on mechanisms to initiate the process and seek advice from the focal point as well.

With regards to illicit arms, the PSC may make reference to its 860th session and the study endorsed during the session, which presented a continental mapping on illicit arms flows. The study may be an input to the proposed legal and institutional instrument on curbing the flow of illicit arms and weapons. The legal instrument may complement existing policies and guidelines in providing effective measures to prevent illicit flow and the diversion of stockpile to unauthorized non-state actors.

The ACHPR representative may also highlight resolutions on human right violations in specific emerging conflict situations released by the Commission during its 67th and 68th ordinary sessions as well as 32nd extraordinary session, which may be of particular interest to the members of the Council.

The other aspect of the update may also include the impact of the COVID19 pandemic on the protection of human rights. Similarly, the adverse socio-economic impact of COVID19 has exacerbated vulnerabilities and widened disparities within societies as well as globally. Hence beyond managing the public health threat it will also be important to address such inequalities so as they do not pose threats to security and stability. Moreover, efforts should be accompanied by ensuring equitable access of vaccines by African countries with a particular focus on the inclusion and protection of vulnerable groups.

It would be of interest to members of the PSC to receive an update on the implementation of AU Transitional Justice Policy adopted in February 2019. The briefing from the department of PAPS may address this particular process. Given that the consultative meeting is the first one after the official launch of the PAPS department, it offers an opportunity to also highlight the synergy between APSA and AGA in protecting and promoting human rights in conflict situations. The institutional harmonization that brings more coordination between the two architectures will be an added value in providing a comprehensive briefing on transitional justice in conflict and post-conflict situations.

One major issue worth addressing during tomorrow's session is the effective and practical operationalization of the modalities of close working relationship articulated in the communiqués of the 866th and 953rd sessions of the PSC. This requires engagements in between the annual consultative meetings including finding ways of using the input of the ACHPR for addressing the human rights dimensions of the

situations on the agenda of the PSC and of integrating human rights in the peace and security work of the AU generally.

The expected outcome of the session is a communiqué. It is expected that the PSC would welcome the human rights update from the ACHPR and the continued cooperation with the Commission through the annual consultative meeting within the framework of Article 19. Beyond this the PSC may further call for the modalities to operationalize Article 19 to be put in place including more regular exchanges between the two organs around early warning, the establishment of a thematic agenda on human rights and peace and security as well as undertaking joint field visits. The PSC may also welcome resolution 467 and the Commission's decision to develop a general comment on Article 23 of the African Charter on Human and Peoples' Rights to advance the right to peace and security. The PSC may call on the focal point on human rights in conflict situations to brief the Council on the development of the general comment. The PSC may also welcome the Commission's request for the development of a legal and institutional framework to illicit arms and weapons. It may reiterate its previous call to the AUC to include human rights standards and principles in its conflict prevention, management and post-conflict reconstruction programs. It may urge Member States to strengthen their support to the Commission in delivering on its mandate. It may also express its wish for the subsequent consultative meeting.