

Consideration of proposed finalisation and operationalisation of the AU Humanitarian Agency

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Tomorrow (24 August), the African Union (AU) Peace and Security Council (PSC) will convene a virtual session to consider the proposed finalisation and operationalisation of the AU Humanitarian Agency (AUHA).

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. The AU Commissioner for Health, Humanitarian Affairs and Social Development, Amira El Fadil is also expected to brief Council on the status of finalisation and operationalisation of the AUHA.

It is to be recalled that Council last convened a session on the AUHA at its 843rd session where it was briefed on the status of the AUHA, however there was no outcome document. At its 762nd meeting held in April 2018 the PSC called on the AU Commission to expedite the development of modalities for operationalising the agency, outlining the legal, financial and structural implications. In addition to reflecting on the importance of the AUHA to contribute towards resolving the current humanitarian crisis in the continent, tomorrow's session may follow up on the progress obtained in the process of operationalising the agency.

A study on the operationalisation of the AUHA was conducted and its preliminary findings were evaluated among member

states and independent experts in 2019. The study which details the options for operationalisation, proposes the structure of the agency and highlights its legal and financial implications was validated at an Extra-ordinary session of the Special Technical Committee (STC) on Migration, Refugees and Internally Displaced Persons (IDPs) (MR&IDPS-STC) and adopted with couple amendments at a meeting of member state experts which took place in June 2020. In the same year, the AU Commission finalised the draft AUHA Statute as directed at the 3rd Ordinary Session of the MR&IDPS-STC. It is expected that the 4th Ordinary Session of the MR&IDPS-STC, planned for November this year will consider and validate the draft Statute of the AUHA, which will be one of the considerations that will determine when the agency will become fully operational. Tomorrow's briefing by the Commissioner for Health, Humanitarian Affairs and Social Development may provide more highlights in this regard.

The increasing rate of humanitarian crises in Africa and the intensifying nature of exacerbating factors such as climate change and outbreak of pandemics like Covid-19 are more than ever making it mandatory to find ways to respond to the situation in an organised and better coordinated manner. While AU has already mechanised various structures to respond to crises and disasters (such as the Special Emergency Assistance Fund (SEAF), the Africa Centres for Disease Control (Africa CDC) and Africa Risk Capacity (ARC)), there is limited coordination among these structures in addition to the slow implementation of normative standards such as the African Humanitarian Policy Framework, the OAU Refugee Convention and the Kampala Convention. One of the key roles the AUHA aims to undertake is coordination of humanitarian action, as emphasised in the 2016 Common African Position (CAP) on Humanitarian Effectiveness, which was adopted by Assembly/AU/Dec.604 (XXVI). The AUHA would thus be instrumental to fill the existing gap in effectively coordinating action among existing operational mechanisms

which are fundamental for addressing humanitarian challenges in the continent.

While both the AU and its predecessor – the Organisation of African Unity (OAU) – have for long sought ways to deal with humanitarian crises on the continent, solid steps towards the establishment of the AUHA were initiated following the adoption of AU Assembly Decision of 30 January 2016 (Assembly/AU/Dec.604 (XXVI)). As emphasised in Assembly/AU/Dec.604 (XXVI), the AUHA is aimed to be “anchored on regional and national mechanisms and funded through African resources”. The purpose behind fully financing the AUHA through African resources is to ensure full African ownership of the agency and the establishment of the agency has already obtained the support of all 55 member states of the AU. In this context it is also important to consider the potential challenges that may be encountered in the process of establishing the agency.

The first challenge is around the mechanisms in which member states mobilize financial resources to effectively and sustainably finance the agency. As primary responders to humanitarian crises within their territories, member states – some more than others – have already strained capacities. Hence, they may find it difficult to consistently finance the AUHA to ensure that it can effectively manage humanitarian crisis in the continent. It is therefore important to compliment member states’ contributions through building strong partnerships with global actors who can contribute to the successful formation and functioning of the AUHA, while the agency maintains its foundation in existing continental policy and legal frameworks.

The second issue relates to collaboration and coordination with other humanitarian actors. It is important to have clarity on the added value of the AUHA in the presence of a number of aid agencies and international humanitarian organizations in various humanitarian situations in the

continent. To prevent any duplication of efforts and resources it would be useful to also identify the exact gap that the AUHA is expected to fill.

It would be of interest for Council members to also consider how the PSC may collaborate with the agency. As enshrined in the PSC Protocol, the Council is among the various AU organs assuming responsibility to respond to humanitarian issues. Art.6(f) of the Protocol for instance stipulates humanitarian action and disaster management among the functions of the Council. Art.7 mandates the PSC to facilitate and support humanitarian action in the context of both natural disasters and armed conflicts. Another relevant provision is Art.13(3)(f), which mandates the African Standby Force (ASF) to provide humanitarian assistance to alleviate the suffering of civilians in conflict situations and to support efforts in cases of major natural disasters. The PSC and the AUHA – once operationalised – will thus need to work in collaboration and complement each other's mandates. In addition to coordination and collaboration with the relevant AU organs, it is also important for the AUHA to work together with international humanitarian actors and UN agencies that already have presence on the ground and extensive experience in dealing with humanitarian challenges in the continent.

The outcome of the session is expected to be a press statement. Council may express concern over the deteriorating humanitarian situation in the continent, particularly the growing rate of displacement and the plight of migrants, refugees and IDPs. It may urge the Commission and member states to further expedite the full operationalization and establishment of the AUHA. It may call on member states to honour their commitments to finance the AUHA and to ensure implementation of Executive Council decision EX.CL/Dec.567(XVII) which called for the increase of AU humanitarian fund from 2% to 4% of member states' assessed contributions.