

Informal consultation with countries in political transition

Informal consultation with countries in political transition

Date | 26 April 2023

Tomorrow (26 April), the African Union (AU) Peace and Security Council (PSC) is expected to convene an informal consultation with representatives of member states undergoing political transitions (Burkina Faso, Guinea, Mali and Sudan). The consultation mainly aims to serve as an opportunity for direct engagement between the PSC and representatives of member states suspended from the activities of the AU in relation to unconstitutional changes of government (UCG).

The meeting is being convened on the basis of Article 8(11) of the PSC Protocol and Rule 16 of the PSC Rules of Procedure which envisage informal consultations of the PSC 'with parties concerned by or interested in a conflict or a situation under its consideration'. As Amani Africa's [Handbook on the AUPSC](#) discusses, although a format yet to be properly operationalised, PSC's informal consultation – along with closed and open sessions – forms one of the three types of meetings stipulated under the provisions of Article 8, sub-articles 9 to 11 of the PSC Protocol. Despite the presence of the mechanism, tomorrow's consultation forms the first time for the PSC to explore this meeting format as a way to overcome the limitation from the other two forms of PSC meetings to engage with member states suspended from the activities of the AU.

The immediate background that precipitated the activation of this format of PSC's meeting from its long dormancy is traced back to the challenges for effective PSC engagement in

countries facing complex transitions induced by military seizure of power. At the 14th Retreat on the Working Methods of the PSC held in November 2022, one of the issues which formed part of the discussions was PSC's interface with AU member states that are suspended from the activities of the union. Highlighting the relevant provision of the PSC Protocol to enable informal consultations with such member states – Article 8(11) – the conclusions of the 14th Retreat underscored how the PSC may utilise such consultations to engage with AU member states suspended for UCG, to gather first-hand information on the situation on the ground and to work towards finding durable solution.

Additionally, during the AU summit in February, the ministers of Burkina Faso, Guinea and Mali were present for holding side meetings, although they were not allowed entry into the formal meetings of the summit. One of the issues that they highlighted in their engagement and presence during the summit without access to and presence in the sessions of the Executive Council and AU Assembly sessions was the unfairness of their exclusion while the AU did not suspend a neighbouring country, Chad, where similar military seizure of power took place, and allowed its full participation despite continuing military transitional rule.

It was also in this context that the concrete idea for the convening of the informal consultation was conceived. This emerged during one of the engagements of these ministers. This engagement involved a meeting with the minister of foreign affairs of Tunisia. After the meeting, Tunisia's foreign minister agreed to explore the convening of an informal consultation that gives the opportunity for the PSC to have direct engagement and hear first-hand from the parties. According to the information Amani Africa received in the consultation on the program of work for April under the Tunisia's chairship, the informal consultation may see the participation of the three countries at the level of

ministers. At the time the program was developed and adopted, in addition to the three West African countries suspended for UCG, Sudan was also anticipated to participate. It is to be seen if Sudan will participate in the light of its recent descent to the ongoing deadly fighting.

The suspension of member states from AU's activities at the occurrence of UCG is not an end by itself, but rather a means to the desired end result of ensuring the restoration of constitutional order in the concerned member state. The 2000 Lomé Declaration on UCG is in fact clear on the importance of sustained engagement of the AU with the perpetrators of a coup in order to exert the necessary pressure to ascertain a speedy return to constitutional order. The African Charter on Democracy, Elections and Governance (ACDEG) also clarifies under Article 25(3) that notwithstanding the suspension of a given member state, the AU 'shall maintain diplomatic contacts and take any initiatives to restore democracy' in that member state. In light of these guiding norms therefore, it is important to conceptualise suspension as a tool to register displeasure over the breach of agreed community rules and as a lever to use diplomatic efforts in member states affected by UCG for the initiation and implementation of roadmap for relevant reforms that facilitate both the return to constitutional order and its sustainability by preventing recurrence of UCG through addressing the conditions for its occurrence.

Upon suspension from the AU, representatives of member states are not invited to address the PSC as concerned country when the PSC convenes a meeting on their country situation. At the very best, those countries have to present their case by proxy either through members of the PSC or if their view is canvassed as part of the report, briefing or statement that the AU Commission presents to the PSC. As a result, with the exception of the only time the PSC has been able to conduct a field visit to one of these member states (the PSC's

evaluation mission to Mali conducted in July 2021 following the coup of May 2021), its direct interface with authorities in charge of the transition processes has been lacking. After the October 2021 military power grab experienced in Sudan, the PSC had also planned to conduct a similar evaluation mission to engage Sudanese actors but the visit could not be carried out as intended. There have also been no PSC missions to the other two member states suspended for UCG, Burkina Faso and Guinea. This is seen by PSC members as having the effect of limiting both PSC's understanding of perspectives of the de facto authorities and the full scope of the issues and dynamics at play as well as its diplomatic leverage over the authorities. Tomorrow's informal consultation is accordingly designed to address these perceived challenges around the direct engagement between the PSC and the de facto authorities of countries suspended on account of UCG.

Another critical area the informal consultation could contribute to is in responding to concerns that have been raised from various stakeholders, regarding inconsistencies observed in the way the AU has responded to UCG that occurred in the course of 2021 and 2022. After the consecutive coups that took place in Chad, Guinea, Mali and Sudan in 2021 (Burkina Faso's coming in 2022), only Chad has remained immune from suspension in line with Article 7(1)(g) of the PSC Protocol. Despite Chad's specific circumstances which led to the PSC's decision to refrain from imposing immediate suspension, not only has this decision brought up questions around the consistent application of the AU principles and norms banning UCG, it has also raised concern over the perceived differential treatment accorded to Chad – whose representatives had direct access to the PSC during its sessions on the situation in Chad while the other countries were restricted from the same privilege, having been suspended. Although it may not respond to the complex issues that arise from these experiences, the envisaged informal consultation could in part address some of the concerns that

have been raised in this regard.

While appreciating the advantages of an informal consultation of the PSC with member states suspended from the AU, it is also important to maintain the established practice through which the PSC keeps track of the status of developments in countries in political transitions. Although it has not had direct exchanges with suspended member states, the PSC constantly maintains engagement on the developments in these countries through the AU Commission and its Chairperson, though the PSC has not been receiving updates as regularly as the period as stipulated in PSC decisions. Indeed, even with PSC's direct engagement the best way to facilitate effective political transition for restoring constitutional order is through deploying diplomatic initiative (through a special envoy or high-representative or transition support mechanism and through the provision of technical support to transition authorities in required specific transitional tasks) as envisaged the Lomé Declaration and Article 25(3) of ACDEG. The role of the PSC would largely be to mandate the establishment or launching of such diplomatic initiative, the accompanying and monitoring of such initiative, and the review of its decision on suspension based on assessment of progress made.

No formal outcome document is expected from tomorrow's informal consultation. The consultation is expected to emphasise the importance of AU norms on democracy, good governance and constitutionalism, not only to avert the occurrence of coups, but also to ensure sustained peace, security and stability in Africa. It may commend member states currently undergoing political transitions for their ongoing efforts to restore constitutional order in their respective territories and urge them to continue abiding by the agreed terms in their transition charters and to fully handover authority to democratically elected civilian governments by the envisaged timelines. Highlighting the importance of occasional informal consultations to enable direct interaction

between the PSC and member states suspended from the AU, it may stress the need for maintaining the established method of engagement through the auspices of the AU Commission, particularly the Chairperson.