

Consultative meeting between the PSC and the African Commission on Human and Peoples' Rights

Automatic Heading TextDate | 08 October 2020

Tomorrow (8 October) the African Union (AU) Peace and Security Council (PSC) will hold a session involving a consultative meeting with the African Commission on Human and Peoples' Rights (Human and Peoples' Rights (Banjul) Commission). The session is envisaged to be held via video teleconference.

It is expected that, the Human and Peoples' Rights Commission's Focal Person on Human Rights in Conflict Situations is expected to deliver a briefing on human rights and peace and security and the follow up to the communique of the 866th session of the PSC.

This session is convened within the framework of Article 19 of the PSC. It is to be recalled that the PSC held the first such session at its 866th meeting held on 8 August 2019. One of the major outcomes of that session, stipulated in the communiqué of the session, is the decision to convene the consultative session with the Human and Peoples' Rights Commission on annual basis. Tomorrow's session thus constitutes a follow up to this decision. This consultative meeting also represents an important avenue for enhancing synergy between the governance work of the AU and the African Peace and Security Architecture.

There are at least three legal bases for the convening of this session. The first of this relates to the mandate that the PSC has been explicitly assigned under the PSC Protocol for upholding human and peoples' rights as part of its conflict

prevention, management, resolution and post-conflict reconstruction mandate. It is envisaged that this is to be done in accordance with the 1981 African Charter on Human and Peoples' Rights, the founding treaty of the African human rights system that has near universal ratification by AU member states.

The second foundation for the convening of this session is the overlap in the mandate of the PSC and that of the African (Banjul) Commission. Given that the African (Banjul) Commission is the body with the expertise for the interpretation and application of the human and peoples' rights of the African Charter, it is best placed to provide the requisite technical analysis to enable the PSC in the implementation of the human rights dimension of its mandate including its role relating to Article 4(h) of the Constitutive Act. It is worth noting in this regard that the African (Banjul) Commission has also established a thematic focus on human rights in conflict situations under its Resolution 332.

Finally, and crucially, tomorrow's session is convened within the framework of Article 19 of the PSC Protocol. This article provides for the establishment of close working relationship between the PSC and the African (Banjul) Commission.

Apart from establishing the modalities for operationalizing the human rights dimension of the mandate of the PSC by deciding to convene the consultative meeting on an annual basis and establishing human rights and peace and security as a standing thematic agenda of the PSC, the communiqué of the 866th session of the PSC also provided for the mechanisms for maintaining close working relationship with the Human and Peoples' Rights Commission. These mechanisms include information sharing including through an established arrangement for incorporating relevant work of the African (Banjul) Commission into the Continental Early Warning system (CEWS); provision of briefings to the PSC in between the

annual sessions on the human rights dimension of conflict situations on the agenda of the PSC or on themes of interest for the PSC; and regular interaction between the PSC Chairperson and Human and Peoples' Rights Commission through its Chairperson or the Focal Person on Human Rights in Conflict Situations.

In the briefing, the Focal Person of the Commission is expected to provide update on follow up to the outcome of the inaugural consultative session and on human rights in conflict or major crisis situations. In respect of the follow up to the 866th session, there two areas expected to receive attention. The first of this is the operationalization of the specific elements of the 866th session communique. In this respect, issues to be highlighted include the importance of a dedicated arrangement that facilitates the engagement of the African Commission and the operationalization of the measures envisaged in the 866th session of the PSC. The other is the update on the work of the Human and Peoples' Rights Commission with a bearing on peace and security that may receive particular attention. These include the Commission's Guideline on protecting human rights while countering terrorism, transitional justice study under its Resolution 235 and the study on human rights in conflict situations under its Resolution 332.

In the context of the AU theme of the year, one work worth noting is the Human and Peoples' Rights Commission's study on 'Addressing Human Rights in Conflict Situations', which was launched in November 2019 and unveiled on the sidelines of the February 2020 AU Summit in a press briefing held at the AU Commission. Of particular interest for the PSC is the five-pillar approach that the Study outlined as a framework for addressing human rights issues in peace and security, which include, among others human rights monitoring and response and remedial measures for violations.

In terms of the update on human rights in conflict situations,

the briefing is expected to share the work of the Human and Peoples' Rights Commission as reflected in its resolutions and statements. Other issues that may feature during this session include human rights, the COVID19 pandemic and peace and security and the importance of human rights for silencing the guns. With respect to COVID19, it is expected that the Human and Peoples' Rights Commission will highlight its resolution 449 on human rights and COVID19 adopted at its 66th session.

The expected outcome of the session is a communique. It is expected that the PSC would welcome the work of the Commission and the opportunity for the operationalization of Article 19 of the PSC Protocol and the modalities established under the 866th session of the PSC. In this respect, one major expected outcome is welcoming the work of the Commission on human rights and peace and security, particularly its study and expression of support for the role of the Human and Peoples' Rights Focal Person and the need for enhancing the role of and collaboration with the Focal Person. The PSC may welcome the update on human rights in conflict situations and request that the Human and Peoples' Rights Commission works closely with the countries concerned and provides it with more comprehensive briefing on the same. The PSC may also welcome the work of the Commission with respect to protecting human rights in the context of the COVID19 pandemic and call on states and the AU to apply the guidelines outlined in Resolution 449 on 'Human and Peoples' Rights as central pillar for a successful response to COVID19 and its socio-political impacts'.