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Seminar Report on: The Emerging New Architecture in the Relationship Between the African Union and the Regional Economic Communities in the Peace and Security, December 17, 2019

Speakers:

- Ambassador Osama Abdel Khalek, Ambassador of Egypt and Chairperson of the Permanent Representative Committee
- Ambassador Francisco Jose Da Cruz, Ambassador of Angola and Chairperson of the PSC
- Mr. Kagwe Mutahi, Head of IGAD Liaison Office to the African Union

Moderator:

- Michelle Ndiaye Ntab, Director, Africa Peace and Security Programme, IPSS

Opening of the Seminar: Dr Solomon Ayele Dersso, Founding Director of Amani Africa, welcomed the participants and expressed Amani Africa's appreciation for the presenters and the moderator of the seminar. After introducing Amani Africa and its work, he noted that the seminar forms part of Amani Africa's periodic public convenings for discussing and debating current issues of topical importance in the work of the AU and in particular those affecting the Peace and Security Council (PSC) of the African Union (AU). Apart from thanking the members of the PSC and colleagues in the AU Commission, Dr Dersso also recognized the support that Amani Africa received from the Embassies of Switzerland, Germany and the UK and while welcoming the recent partnership agreement signed with Finland, he expressed his hope for establishing further and stronger cooperation agreement with new and existing partners.

As part of the ongoing institutional reform of the AU, one of the critical areas witnessing major legal and institutional change is the relationship between the AU and the Regional Economic Communities/Regional Mechanisms (RECs/RMs). Given the weight of the impact that changes in this area would carry for the AU and its PSC, the seminar was convened with the aim of discussing the ongoing review of the institutional and working relationship between AU and RECs, the clarification of the principles that govern the relationship and the modalities for their operationalization and the shape that the emerging new architecture of AU-RECs relationship is taking with particular focus on peace and security.

Three presentations were delivered to help inform the deliberations during the seminar. The first presentation was by Ambassador Osama Abdel Khalek, Chairperson of the Permanent Representatives Committee of the AU. In his presentation, Ambassador Khalek underscored the importance of cooperation and burden sharing between the AU and RECs/RMs for realizing the objectives of the AU. While we are familiar with the principles meant to govern the relationship, he noted, how they work in practice has been a challenge. The partnership although it's built in line with principles of subsidiarity and comparative advantage, a solid consensus on their operationalization and how they govern the relationship is yet to be reached. This is most notable in the peace and security realm where frontline states can be as much a problem as the solution.



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It was noted that for the past two decades RECs have been responders in managing and responding to conflicts. The results have been mixed with RECs/RMs sometimes deploying effective response other times less so. At times the lack of effective coordination with the AU leading to frustration of effective response.

In terms of the various initiatives for elaborating a more effective architecture of working relationship between the RECs/RMs and the AU, reference was made to the inaugural mid-year coordination meeting held under Egypt's Chairpersonship in Niamey, Niger. It was particularly noted that in order to gain the buy in from member states, the discussion has to start at the national level then feeding to the regional and ultimately continental discussions. The inclusivity and consensus building aspects have been highlighted as key factors to prevent any objections at a later stage of the process.

Reference was also made to the various steps taken including as a follow up to the Niamey mid-year coordination meeting. These included the revision of the Protocol on the relationship between the AU and RECs/RMs and the elaboration of a detailed matrix on division of labour. The Specialized Technical Committee (STC) on Justice and Legal Affairs has also considered the legal frameworks on division of labour between AU and RECs/RMs.

Two issues that affect the role of RECs/RMs were also noted. The first is the fact that RECs/RMs are not on the same level of maturity with some RECs/RMs enjoying high-level of organizational development and capacity to respond and others lacking such level of capacity, while North Africa does not even have a regional body except NARC, which is limited to ASF. The other is the modality for participation of RECs/RMs in continental decision-making processes.

In the second presentation Ambassador Cruz, Chairperson of the PSC, offered a detailed expose of both the legal basis for the AU-RECs/RMs relationship and the evolution of the various frameworks defining the relationship. Accordingly, reference was made to the Abuja Treaty on the establishment of the African Economic Community, the AU Constitutive Act, the 2008 Protocol and the MoU between the AU and RECs/RMs. These instruments not only recognized the role of RECs/RMs but also sought to elaborate the principles, rights and obligations. Yet clarity on the roles and responsibilities between the two levels has become challenging.

Various developments and pressing need for a more enhanced coordination have brought the relationship to the forefront of continental policy discussion. The 2017 AU summit decision called for clear division of labour based on principles of subsidiarity and comparative advantage. A meeting of 15 ministers of Foreign Affairs held in May 2018 stipulated such division of labour to be outlined based on solid analysis and clear consensus.

The review of the legal and institutional framework for RECs/RMs relationship with the AU also needs to be informed by new developments most notably agenda 2063.

Ambassador Cruz also noted that the role of RECs should not be limited to economic integration but also equally important is the role they play in ensuring peace and security in their respective regions.

The 11th extraordinary session of the AU mandated the AUC in collaboration with RECs to develop a guiding framework on the division of labour in line with principle of subsidiarity and comparative advantage to be submitted to the mid-year coordination. The revised protocol and draft proposal on division of labour have been presented during the mid-year



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coordination meeting. The revised documents are expected to be presented at the upcoming Summit in 2020.

The PSC and RECs/RMs joint consultative meeting in May 2019 was a key opportunity to reflect on the division of labour based on the principle of subsidiarity within the APSA and AGA frameworks. Ambassador Cruz reminded participants that the PSC is sole decision making in conflict prevention, management and resolution as enshrined in Article 7 of its protocol.

Also noted in the presentation was the importance of the role of RECs/RMs for the integration agenda, for the realization of the vision of Agenda 2063 and to ensure peace and security. The cooperation in the areas of peace and security require the establishment of clear and detailed modalities of engagement. Consideration should be given to the comparative advantage of RECs/RMs including their proximity to crisis and conflict, familiarity with the social and political dynamics and having a bigger stake towards the resolution of a conflict since countries in the region are the ones primarily affected by the spill over of conflicts. The example of ECOWAS's intervention in the Gambia and SADC's in Lesotho were mentioned good recent examples.

Ambassador Cruz concluded his presentation by underlining the need for a clear mechanism for sharing information and analysis between the AU and RECs/RMs and the need to build trust and much more engagement of RECs in decision making for collective action.

Mr Kagawe Muthahi, Head of IGAD Liaison Office to the AU, spoke on the processes that followed the key recommendations from President Kagame report, which highlighted the importance of strengthening RECs engagement.

Particularly on the mid-year coordination meeting he discussed the two frameworks that were presented namely the draft protocol and the MoU, which are currently undergoing reviews. The revised draft of the protocol unlike its predecessor provides more details on how the AU and RECs engage and interact and incorporated elements around financing and implementation and monitoring mechanisms of joint work.

The mid-year coordination meeting aimed at primarily formalizing efficient and effective working methods. The forum seeks to monitor and follow up on the implementation of AU decisions. The coordination meeting is expected to enhance the operationalization of the of Abuja treaty anchored in the principles of subsidiarity and comparative advantage.

After the mid-year meeting a report was adopted which assesses the normative frameworks, the challenges of integration (including limited finance, lack of infrastructure and insecurity), the division of labour and the draft rules of procedure. The report needs to be adopted through the various decision-making channels for final adoption by the Assembly. The documents recognize that the AU is responsible for the continental coordination and policy and RECs/RMs are responsible for operationalizing it.

The African Peace and Security Architecture has served as a key framework for the AU-RECs working relationship on peace and security. Since 2008 the two institutions have worked on prevention, mitigation and conflict resolution. The current engagement is also underpinned in the APSA roadmap 2016-2020. IGAD within the APSA framework has improved prevention and mediation as well as security sector programming. In terms of engagement in the PSC, RECs/RMs have been 'side shows of the PSC', invited to make statements and made to leave thereafter with no participation in the deliberations.



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Mr Mutahi noted that although the steps in fostering RECs engagement is appreciated, it is also useful to recognize the need for RECs to be part of the actual decision-making process beyond delivering statements to the PSC. As best practices the cooperation between the PSC and RECs when responding to the conflicts in Somalia and South Sudan were mentioned. The partnership has also legitimized the work of IGAD.

Inter-RECs relationship has been raised as a key approach to avoid duplication of efforts and to building capacity. The 2017 RECs meeting in Abuja was an opportunity to discuss the challenges on ways of working and in finding a common voice among RECS. Similarly the inter-RECs meeting in 2019 aimed a fostering the capability of standby forces.

The presenter concluded after raising the following key points:

- Given that Peace Fund is a key part of the APSA there is a need for a better clarity on whether the role of RECs-RMs in accessing and utilization of the Fund
- Further discussion is needed on the proposed division of labour assigning continental policy responsibility to the AU and operational role to RECs (this presupposes joint planning, joint policy making etc but how these would be done remains not clear)
- Each REC has different capacity in responding to conflict and crisis and the nature of conflicts is also different across regions, whether and how would it be possible to have a standard (one size fits all) framework?
- There is a need to unpack the power and authority of the mid-year coordination meeting. The relevant policy organs: PRC, Executive Council and Assembly need to work towards enhancing the mid year coordination meeting. There is a need to ensure that the mid-year meeting is not sidelined or undermined by the AU summit.
- RECs/RMs participation in policy organs meeting should move beyond being observers. Consideration should be given to reflect the voice of RECs/RMs in AU decision-making processes.

Discussion

-During the question and answer session a point that emerged strongly was on the kind of authority the mid-year coordination meeting will have. Some argued that there is a need for further improvement in the relationship between AU and RECs and particularly for RECs to contribute to decision-making. The type of authority given to the mid-year coordination meeting will determine the level of influence of RECs/RMs. However other participants pointed out that the rules of procedure of the coordination meeting needs to be first endorsed by the Assembly to determine the level of authority. Moreover, it was stressed that the AU remains a relevant body and at this stage it cannot be driven by a virtual platform i.e. the mid-year coordination, which is yet to be institutionalized.

- The need to make the AU closer to citizens was also raised. The AU has to prove its relevance to member states and citizens by particularly focusing on the delivery of its objectives.

- The relationship between the two institutions needs to be based on practicality. The RECs have comparative advantage given their proximity and some have been established for a long period of time. RECs experience sharing practice is one way of advancing common agenda. This will also enable the peace and security and the integration agenda to be promoted simultaneously.



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- On the role of RECs in supporting the PSC, it was emphasized that it will require for RECs to be part of meetings not only to provide statements but to also inform decisions and provide briefings and analysis regularly on broader peace and security trends. Moreover, the need for RECs to access the Peace Fund was highlighted. Although RECs are not part of the board of trustees of the Fund, their involvement must be secured in the committees that will be managing the three windows.
- Participants noted that there needs to be caution when deciding how and who will use the Peace fund. In this respect RECs may also be required to take in consideration the capacity of the Fund and manage their expectations accordingly. There are still issues that will require clarification on how resources will be collected from member states. Currently the assessed contribution quota has been applied and so far 114 million USD has been collected. The assessed contribution criteria applied for resource mobilization for the Peace Fund compels certain regions such as the Northern block to contribute up to 30%. This method may not be sustainable; hence the equal distribution of 20% from all the five regions was proposed as a better alternative.
- Participants have noted that a challenge around strengthening early warning and prevention efforts is mainly related to sovereignty issues. This challenge may also be mitigated by building closer collaboration with RECs, which are closer to the conflicts and crisis. AU-RECs need an open and honest dialogue on continental integration, and peace and security being the central objective. Although the cooperation between AU-RECs is on the right direction but more is expected particularly in areas of early warning. There is a need to enhance efforts around addressing structural causes of conflicts and not to be limited to immediate factors. Early response mechanism under APSA, should also include the area of election observation mission. The cooperation may also address the challenges that arise from multiple memberships of member states in various RECs.
- The discussion also stressed the importance for the PSC members to own their decision documents. Issues relating to the role of states in the drafting of PSC outcome documents, observance of the silence procedures and the release of final outcome documents have also been highlighted.
- The conversation addressed other APSA components namely the ASF. The operationalization of the ASF continues to be delayed, hence suggestions were made to review the mechanism and to explore possibilities for a lighter arrangement.

The Seminar ended with concluding remarks of Bitania Tadesse, Program Director of Amani Africa, who thanked the presenters and the participants for the rich presentations and deliberations.