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PEACE AND SECURITY COUNCIL
1035TH MEETING

ADDIS ABABA, ETHIOPIA
30 SEPTEMBER 2021

PSC/MIN/COMM.1035(2021)

COMMUNIQUE

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Adopted by the Peace and Security Council (PSC) of the African Union (AU) at its 1035th ministerial meeting held on 30 September 2021, on the projected impact of withdrawal of foreign forces and mercenaries from Libya on the Sahel and the rest of Africa,

The Peace and Security Council,

Recalling its previous decision on foreign fighters and mercenaries, in particular communique [PSC/BR/COMM.(CMXCVI)] adopted at 996th meeting held on 14 May 2021, which condemned the use of violence by mercenaries, foreign fighters and rebels in pursuit of political power in Chad, and demanded the immediate cessation of hostilities and the unconditional and expeditious withdrawal of all mercenaries, and foreign fighters from Chad, in line with the 1977 OAU Convention for the Elimination of Mercenarism in Africa;

Drawing particular attention to the OAU Convention for the Elimination of Mercenarism in Africa [(CM/817(XXIX)], adopted by the 14th Ordinary Session of the OAU Heads of State and Government held July 1977, in Libreville, Gabon, in particular Article 2(c) and Article 4(b); the OAU Convention on the prevention and combating terrorism adopted in Algeria, 14 July 1999 and the AU Non-Aggression and Defense Pact adopted in Abuja on 31 January 2005;

Referring in particular to the findings in the Report of the PSC/AUC Fact-Finding Mission to Chad from 29 April to 5 May 2021, especially paragraph 77(ii)(g) and (k) which highlighted the grave and multi-pronged attacks against the Chadian State from the rebels, armed groups, mercenaries/foreign fighters and terrorists and the destabilization impact on the security of Chad and whole region;

Recalling the UN Security Council resolution 2570(2021) and the conclusions of the two Conferences of Berlin on Libya, which among others, called for the withdrawal of all foreign forces and mercenaries from Libya without delay;

Noting the opening statement delivered by H.E. Ambassador Cherif Mahamat Zene, the Minister of Foreign Affairs, African Integration and Chadians Abroad of the Republic of Chad, and Chairperson of the PSC for September 2021, and the presentations by H.E. Ambassador Bankole Adeoye, AU Commissioner for Political Affairs, Peace and Security, and H.E. Madame Zainab Ali Kotoko, Executive Secretary of the Committee of Intelligence and Security Services of Africa (CISSA);

Also noting the statements made by the Deputy Minister of Foreign Affairs of the State of Libya, and the representatives of the neighboring countries of Libya and other countries concerned, namely Algeria, Chad, Egypt, Niger, and Burkina Faso, as well as the representatives of the Economic Community of Central African States (ECCAS) and the Economic Community of West African States (ECOWAS); **further noting** the statements of the Special Representative of

the Secretary General to the AU and Head of the United Nations Office to the AU (UNOAU) and the Head of the European Union Delegation to the AU;

Re-affirming the unwavering commitment of the AU for the preservation of sovereignty, territorial integrity and independence of its Member as enshrined in the AU Constitutive Act;

Acting under Article 7 of its Protocol, the Peace and Security Council:

1. **Welcomes** the positive political progress marked in Libya towards the unification of the country's security institutions since the signing of the Ceasefire Agreement on 23 October 2020; but **stresses** that the situation in Libya and its borders remain volatile, exacerbated by the presence and activities of the foreign forces and mercenaries and in this regard, **calls for** an immediate and full withdrawal of all foreign forces/foreign fighters and mercenaries from Libya with a view to creating space for national peacebuilding and conflict resolution processes;
2. **Expresses grave concern** over the violent conflicts which continue to exacerbate the security situation in the Sahel, the Horn of Africa, the Lake Chad Basin Region and Central Africa, as well as the potential impact on other parts of the Continent, perpetrated by foreign forces and mercenaries;
3. **Strongly condemns** the use of violence and any form of mercenarism in pursuit of destabilizing the countries in the Continent, and **demands** the immediate cessation of hostilities and the unconditional and expeditious withdrawal of all mercenaries and foreign fighters in the Continent, in line with the 1977 OAU Convention for the Elimination of Mercenarism in Africa;
4. **Strongly rejects** any interference in the internal affairs of Libya and **Calls** for an immediate halt to external interference and **reaffirming** that Council will not hesitate to name and shame those who continue to fuel the conflict in Libya, including through supply of arms and military equipment, thus violating the United Nations arms embargo;
5. **Urges** the Libyan parties to exert every effort to ensure that free, fair and inclusive parliamentary and presidential elections are held on 24 December 2021, as set out in the Libyan Political Dialogue Forum (LPDF) Roadmap, including arrangements to ensure the full, equal and meaningful participation of women and youth, with a view to building a robust democratic governance that promotes sustainable peace; in this regard, **appeals** to Member States and partners to provide the necessary support to the High National Elections Commission of Libya while **requests** the AU Commission to closely work with the Libyan Authorities and provide the necessary support towards the timely holding of the elections;
6. **Endorses** the conclusions of the Ministerial meeting of Libya's neighboring countries, held on 30 and 31 August 2021, in Algeria, and **expresses appreciation** for Algeria's continued efforts towards the restoration of peace and stability and the achievement of national reconciliation in Libya and **appeals** for support from the international community on the planned Libyan National

Reconciliation Conference to be organized by the AU in full coordination with the neighboring countries;

7. **Commends** the efforts by neighboring countries, the region and the UN, in supporting and facilitating the Libyan-owned political process, and **stresses** the importance of consistent cooperation and sharing of information both at regional and continental level, as well as strengthening mechanisms on border management and surveillance; in this regard, **appeals** for the reactivation and operationalization of the 2018 Quadripartite Agreement between Libya, Niger, Sudan and Chad on the security of common borders;

8. **Emphasizes** the need for participation of all the neighbouring countries of Libya in all efforts, and in this regard, **urges** all partners and international community to ensure participation of the neighbouring countries in all meetings on the situation in Libya, with a view to enhancing cooperation and coordination of efforts towards supporting peace process in the country;

9. **Stresses** the urgency of the immediate withdrawal of all foreign fighters and mercenaries from Libya, **however, expresses serious concern** over the impact of the movement/displacement of the foreign forces and mercenaries from Libya into other countries and regions in Africa, posing a serious security threat; in this regard, **underscores** the need to ensure that the withdrawal is undertaken in an orderly, coordinated and incremental manner, and **looks forward** to the upcoming Libyan Ministerial meeting on 21 October 2021 aimed at consolidating international consensus for a comprehensive withdrawal of foreign elements from Libya, and the reunification of Libyan military institutions;

10. **Calls for** cooperation and synergy between the AU and UN, in close cooperation with neighbouring countries, in the development and implementation of the withdrawal plan of foreign forces and mercenaries from Libya, in order to ensure that their withdrawal does not adversely impact the stability of the region;

11. **Calls on** Member States to take advantage of the existing security cooperation mechanisms, including the Nouakchott Process, the Multi-National Joint Task Force (MNJTF), and G5 Sahel Force, as well as the African Union Mechanism for Police Cooperation (AFRIPOL) and the African Centre for the Study and Research on Terrorism (ACSRT), to enhance security in the region and strengthen sharing of information and intelligence; in this regard, **commends** CISSA and AFRIPOL for their efforts towards the establishment of a data base of foreign fighters, mercenaries and militant groups active in the Continent and **requests** CISSA and AFRIPOL to work closely with Member States and provide support in intelligence gathering and sharing, within the concerned countries;

12. **Emphasizes** the need to strengthen the capacity of the G5 Sahel Force and the MNJTF in order to eliminate foreign fighters, mercenaries and terrorist groups in the Sahel region and prevent their possible spread to other parts of the Continent; in this regard, **reiterates** its request to the AU Commission to scale up consultations with the relevant stakeholders on the possibility

of deployment of 3000 troops to the Sahel in line with the relevant decision of the AU Assembly, and report back to Council before the next AU Assembly of January/February 2022;

13. **Stresses** the urgency to operationalize the Special African Fund for the fight against terrorism and **decides** to reactivate the PSC sub-committee on counter terrorism in order to enhance efforts aiming at the fight against terrorism in the Sahel and in the whole Continent; **also decides** to expedite the implementation of the previous decisions, notably with regard to the establishment of an African list of persons, groups and entities involved in terrorists acts, including foreign terrorist fighters, and to put into practice the African arrest warrant;

14. **Further requests** the AU Commission to mobilize resources in conjunction with Libyan Authorities and other Member States, to support Libyan efforts to develop a people-centered plan for Security Sector Reform (SSR) and design a robust Disarmament, Demobilization and Reintegration (DDR) program, to mitigate resurgence of non-state armed groups and assist countries of origin of returned fighters and mercenaries in the Continent, including addressing the influx of illicit weapons;

15. **Reiterates** its request to the AU Commission to take the lead to develop a comprehensive and integrated strategy by for the Sahel region in partnership with ECOWAS, ECCAS, UN and EU, to address the dire situation and prevent the deterioration of stability in the region and the Continent, including repatriation of foreign forces and mercenaries, and the improvement of regional border management mechanisms; in this regard, **underscores** the urgent need for the AU Commission to expedite the process and report back to the Council during the first quarter of 2022;

16. **Welcomes** the dispatch of a multidimensional team of the AU Commission on needs assessment to Libya, through its Political Affairs, Peace and Security Department, to engage with the Libyan authorities and identify areas in which the AU can provide support aimed at stabilizing the country and report back to Council during the first quarter of 2022;

17. **Underlines** the need to expedite the revision of the OAU Convention for the Elimination of Mercenarism in Africa, adopted by the 14th Ordinary Session of the OAU Heads of State and Government held July 1977, in Libreville, Gabon, in order to reflect the new dynamics of the situation of the foreign forces, terrorism and mercenaries in the Continent and submit it to PSC Committee of experts for consideration and subsequently to the PSC and STC Defense and Security;

18. **Takes note, with deep concern,** of the humanitarian situation in Libya including the smuggling of migrants and refugees and human trafficking; and **calls for** the revitalization of the Joint Tripartite Task Force on the Situation of Stranded Migrants and Refugees in Libya, which brings together the AU, the EU, and the UN to address the issue of migration in the region in line with international humanitarian and human rights law; **while encouraging** the international community to continue to provide humanitarian support to the population in need in the country;

19. **Commends** the AU Commission for drafting a Policy Paper on the impact of withdrawal of foreign forces and mercenaries in Libya by the ACSRT and **encourages** it to finalize and share the Policy Paper with all Member States for information;
20. **Decides** to remain actively seized of the matter.