

POLICY BRIEF

**HIGHLIGHTS FROM THE 41ST
ORDINARY SESSION OF THE
EXECUTIVE COUNCIL AND THE
4TH AU MID-YEAR COORDINATION
MEETING IN LUSAKA**

AMANI AFRICA

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INTRODUCTION

The 41st Ordinary Session of the Executive Council and the 4th AU Mid-year coordination meeting were held on 14-15 July and 17 July respectively in Lusaka, Zambia. The meetings were preceded by the 44th Ordinary of the Permanent Representative Committee (PRC) held from 20 June to 8 July in Addis Ababa under the chairship of Senegal.

The Executive Council considered a wide range of policy issues including health, peace and security as well as partnership, budgetary matters of the Union and elections and nominations of members for AU organs. The reports considered by the Executive Council included those on the operationalization of the Africa Centers for Disease Control and Prevention (Africa CDC), on the activities around the theme of the year, on the hosting of the African Medicine Agency (AMA) and the report of the PRC. This policy brief provides highlight on four agenda items that were considered by the Executive Council: implementation of the Assembly decision Assembly/AU/Dec.823(XXXV) relating to the membership of the AU Peace and Security Council (PSC), on the utilization of funds under the Crisis Reserve Facility (CRF) of the Peace Fund, the implementation of the Transition Plan of the AU institutional Reform and the appointment of a member of the Panel of the Wise.

The agenda items of the 4th Mid-Year Coordination meeting that followed the Executive Council session included the implementation of Agenda 2063, status of Africa's integration, division of labor between AU, RECs/RMs and member states and the status update on the AfCFTA. In this policy brief, we will highlight the status of regional integration, division of labor between AU, RECs/RMs and member states, launch of I-RECKE and on the impact of the global crisis on the continent.

Summary of agenda items covered in this policy brief

Highlights of the 41st Executive Council

- Membership of the PSC
- Funds to be used under Crisis Reserve Facility
- Implementation of Transition Plan of institutional reform
- Appointment of a Representative for the 5th Panel of the Wise

Highlights of the 4th Mid-Year Coordination

- Status of Regional Integration
- Division of Labor between AU, RECs/RMs and member states
- Launch of I-RECKE
- The impact of the global crisis on the continent

CONSENSUS NOT YET ACHIEVED ON CHANGING THE COMPOSITION OF THE PSC

One of the notable agenda items considered by the Executive Council during the recently concluded session was the implementation of assembly decision Assembly/AU/Dec.823(XXXV) relating to the membership of the AU Peace and Security Council which called for 'concrete consensual proposals to amend Article 5(1) of the Protocol'. The issue around PSC membership and regional representation was raised in the intervention of states during AU summit as far back as 2017/2018, it was placed firmly as agenda item by the northern Africa region during the 13th PSC's retreat on its working methods which was held in Mombasa from 27-29 May 2021. Subsequently during the 35th ordinary session of the AU Summit in February 2022, the Assembly tasked the AUC in consultation with Member States to 'present a comprehensive report to the upcoming Executive Council, with concrete consensual proposals to amend Article 5(1) of the Protocol relating to the establishment of the Peace and Security Council'. It was following this decision that the five regions came up with their respective positions on the matter.

The five regions held virtual consultations organized by the AUC and in the presence of the Commissioner of the Political Affairs Peace and Security (PAPS) ahead of Executive Council session. Consultations were based on the brief background provided by PAPS Commissioner and guidance provided by office of the Legal Counsel on the legal procedures to be undertaken in case of amendments. On 23 June the central region held its consultation. The following day, on 24 June, the consultations of the three regions namely the north, east and southern Africa were held. The last consultation of the west Africa region took place on 30 June.

This has become an issue on which no consensus

emerged among the five regions of the continent. Most notably, the idea of amendment of the PSC Protocol on composition of PSC membership did not receive wide support.

The report of the consultation reflecting the position of the various regions was then presented by Commissioner of PAPS to the Executive Council. The key point that emerged from the discussion in the Executive Council was the need for further consultation and negotiation. Accordingly, the matter is referred back for further consultation which seeks to address the lack of consensus and bridge the divergent positions.

As a matter on which the Executive Council will receive a report during next AU summit, it is one of the issues that will be closely followed in the lead up to and during the February 2023 AU Summit.

CRISIS RESERVE FACILITY: AN OPPORTUNITY FOR A RAPID RESPONSE TO EMERGENCIES?

The Executive Council has welcomed the establishment of the Crisis Reserve Facility (CRF) of the AU Peace Fund. The CRF is expected to contribute to the resources that the AU Commission needs to respond to emerging crisis and changes to conflict situations. An amount of 5 million was decided to be the appropriate level of funds to be used under the CRF. This fund constitutes part of the funding that was mobilized through the interest generated from the investment by the Peace Fund. The 5 million, which is proposed for the pilot phase, is expected to be used for activities that do not exceed one year. Through CRF the AU Commission plans to support emerging crisis situations, mediation and preventive diplomacy and political transitions.

One of the contentious issues between the AUC and the decision-making organs is centered around the process of its establishment, the extent to which the relevant bodies were consulted and whether due process has been followed as stipulated in the Financial Rules and Regulations of the Peace Fund. After the feedback and clarifications presented by the Commission, the Executive Council approved the establishment of the CRF with the allocation of the 5 million to

be operational in 2023 after approval by the AU policy organs during the next summit.

One of the issues that was not completed during the Executive Council meeting was the modality of replenishment of the CRF. Since the CRF is a revolving fund the modalities of its replenishment were presented to the Executive Council. Various modalities were put forward including: the use of scale of assessment of the Peace Fund, voluntary contributions from member states, other statutory contribution sources and assigning a percentage from the AU regular budget. As none of these options were endorsed, the modality for replenishment is expected to be determined in a joint sitting meeting of the PRC sub-committee on general supervision and experts of Committee of fifteen ministers of finance (F15).

The CRF is also envisaged to strengthen the ownership and contribution of AU member states to financing the peace and security activities of the AU on the continent. While the rules allow the CRF to cover peace support operations, in its current form and at present, it is largely confined to other peace and security engagements of the AU.

ADDRESSING THE FALLOUT FROM THE PROCESS OF IMPLEMENTATION OF THE INSTITUTIONAL REFORM AT THE AUC

As outlined in the presentation by the Deputy Chairperson of the AUC during the Executive Council, as part of the institutional reform, the AU Commission embarked in the process of implementing a transition plan that leads to the establishment of a new structure that is envisaged per the AU decision lean, professional and performance oriented. To this end, various mechanisms were established to manage human resource in line with the objective outlined in the institutional reform. These entailed the operationalization of the AU Wide Merit Based Recruitment System, the establishment of Recruitment and Selection Committee and the launch of the Skills Audit and Competency Assessment (SACA).

The process of implementation of some aspects of the institutional reform process, particularly the use of the

Merit Based Recruitment System for determining suitability of staff for the various positions, has been greeted with serious concern from staff, who declared the emergence of a labor dispute. Staff concerns particularly centered on the unreasonableness of the SACA process.

The AUC pointed out that the SACA process for P4 and below is temporarily on hold 'in order to address staff concerns regarding the implementation of the process and a detailed SACA implementation guidance which will provide clarity on the process is being developed by Transition Taskforce and will be shared with staff. The report also noted that delays with placement decision leads to 'high level of anxiety among staff and will affect performance', which is already born out by the experience of affected staff.

In Lusaka, while it was noted that the budget of 20.6 million of 2020 is not available for utilization, an amount of 13.4 million USD was proposed to cover the cost of separation of staff whose positions have been eliminated, limited by the quota system or staff who were unsuccessful following the SACA process. Moreover, there was also a proposal for the AUC to mobilize an additional 3.6 million USD from partners to provide an extra payment to cover payout as a recognition of their contributions to the organization. There was consensus to finalize the SACA process, covering both placements and separations, by December 2022.

It remains to be seen whether these various measures would avert the resort of aggrieved staff from raising legal challenges against the final outcome.

A NEW MEMBER APPOINTED AS THE 5TH MEMBER OF THE 5TH PANEL OF THE WISE

Phumzile Mlambo-Ngcuka former deputy President of South Africa and former Executive Director of UN Women was appointed as a member of the 5th Panel of the Wise representing the southern Africa region. It is to be recalled that the new members of the panel were appointed for a three-year term by the AU Assembly at its 35th Ordinary Session (Assembly/AU/Dec. 815(XXXV)), pending the nomination from the Southern Africa. Mlambo-Ngcuka will be joining the other eminent persons namely Domitien Ndayizeye, former President of Burundi (Central Africa Region) and chair of the Panel, Amre Moussa, former Foreign Minister

of Egypt and former Secretary General of the League of Arab States (Northern Africa Region), Effie Owuor (Eastern Africa Region), and Babacar Kante (Western Africa Region).

It is to be recalled that following the appointment of the members, the Panel held its inaugural meeting on 28-29 March 2022 in Addis Ababa. Members of the new Panel were at the time briefed by the AUC on the work of the Panel's subsidiary bodies. They also received a horizon scanning briefing on issues related to peace, security and governance. In the meeting the Panel outlined the thematic issues and country situations that will be prioritized. The Panel committed to work in support of specific countries namely Sudan, South Sudan, Chad and Somalia. Moreover, in the first year of its current mandate the Panel decided to focus supporting member states holding elections, those experiencing political transitions and countries that need support around constitutionalism and promotion of consensus building, including through national dialogue, reconciliation and transitional justice issues, and climate and security.

SLOW PACE OF REGIONAL INTEGRATION

One of the standing agenda items of the Mid-Year Coordination meeting is the consideration of the status on regional integration. The major findings from the African Integration Report 2022 presented by the AUC (in a form of a policy brief) highlighted the progress made so far through the use of the African Multidimensional Regional Integration Index (AMRII). The index assesses integration in seven areas: social integration, trade integration, macroeconomic integration, productive section, infrastructure integration, environmental integration and peace and security integration. As observed in the findings of the report, the continent is most integrated in the area of peace and security followed by environmental integration and social integration. Moreover, the findings also demonstrated the need for integration in the productive sectors to expand member states economies and to also boost production for the AfCFTA.

Discussions during the meeting pointed out the lack of linkage between industries in Africa and weak regional value chains which have significantly affected trade among member states and left the continent

highly vulnerable to external shocks. There has been a call for trade integration to be accompanied and supported through the development of infrastructure and industrialization of member states and for a more holistic approach of integration through the strengthening of the various interlinked development sectors.

In terms of the challenges, the report noted how the surging oil and food prices, especially grains, triggered by 'conflict between Russia and Ukraine' are restraining the external and fiscal balances of commodity-importing countries and have increased food security concerns. It also additionally notes violent conflicts and overlapping membership of states in multiple RECs also affect the integration process of the continent. Violent conflicts are not only barriers to development, trade and integration but they also divert resources and attention from development sectors. On these and structural challenges, the report emphasized the need for inclusive and sustainable growth which requires 'decisive policy action to enhance economic diversification, unleash the private sector's potential, and address the challenges posed by climate change.'

IMPENDING DIVISION OF LABOR

One of the key components of the AU institutional reform is to create more synergy between AU-RECs. An important instrument to this effect is the development of a division of labor framework. The framework serves to provide guidance on coherent strategic planning, joint monitoring, evaluation and reporting. However, the process of finalizing a comprehensive division of labor between AU, RECs/RMs and member states has been slow.

Timeline and evolution of policies around division of labor between AU and RECs.

- i. In January 2017 Assembly 635 (XXVIII) decides to set up the Mid-Year Coordination meeting as the principal forum for the African Union and RECs to align their work, coordinate better and establish clear division of labor
- ii. The first Mid-Year Coordination meeting was held on 8 July 2019 in Niamey, Niger
- iii. In February 2020, the AU Assembly received the Report of the first Mid-Year Coordination Meeting and endorsed the division of labor framework that guides the division of labor in

the six areas of policy formulation, policy adoption, implementation, monitoring, evaluation and reporting, resource mobilization and partnerships. Assembly also adopts the Protocol on relations between AU and RECs

- iv. Three areas were identified to start the process of the division of labor namely; trade, political affairs and peace and security
- v. On 22nd October 2020, the second coordination meeting considered the report on the three areas;
- vi. In February 2021 Assembly 801(XXXIV) decision called for the finalization of the remaining sectors concerning the division of labor;
- vii. Subsequently series of meetings took place with the AUC and RECs/RMs and AUDA-NEPAD and areas of convergence were agreed upon including Infrastructure; Agriculture and Food Security; Education, Science, Technology and Innovation; Industrialization, Investment, Tourism and Private Sector Development; Health; Sports, Culture and Heritage; Humanitarian Affairs; Monetary and Financial Integration and Free Movement of Persons and Social Integration.

In 2022 the process did not progress much since Assembly's decision in 2021 that called for the finalization of the process for the remaining sectors. In the update presented by the reform unit, it was indicated that currently the selection of a firm to work on the details of the division of labor is underway. Instead of the extraordinary Mid-Year coordination meeting proposed in the report on institutional reform it was recommended that a retreat will be convened to consider the outcome of the study in order to present the conclusions to the 36th Ordinary Session of the Assembly in February 2023.

HOW WILL A NEW MECHANISM IMPROVE EARLY WARNING AND CONFLICT PREVENTION?

The discussion on the establishment of a knowledge platform between the AU and RECs/RMs was tabled during the second annual consultative meeting be-

tween the PSC and RECs/RM in August 2021. In the joint communiqué released at the end of the session the two actors agreed to establish 'a knowledge exchange platform on Governance and Conflict Prevention between the AU and RECs/RMs premised on horizontal partnership and aimed at fostering consistent interaction between AU and the RECs/RMs'. To this end, PAPS and RECs/RMs were tasked to develop 'concept paper and operational framework' of the platform.

It was against this background that the inter-regional knowledge exchange (I-RECKE) on early warning and conflict prevention was launched on 17th July during the Mid-Year coordination meeting. The platform is expected to serve as an information and knowledge sharing platform on early warning and conflict prevention. The platform through the use of existing structures will be driven jointly by AUC PAPS and RECs/RMs. The goal of the platform as articulated in the concept paper of its establishment is 'to serve as a policy-to-practice-knowledge tool and coordination mechanism to re-energize early warning systems, preventive diplomacy and mediation as well as mainstreaming political governance into conflict prevention activities through regular interface between the AUC and RECs/RMs'.

As a regional coordination, partnership and experience sharing on practical lessons platform I-RECKE has the following objectives:

- Develop, learn and share information
- Allow an all-inclusive systematic consultation between AUC and RECs/RMS
- Support and reinforce existing interactions and coordination between AUC and RECs/RMs
- Provide an institutionalized mechanism for the development of a continental knowledge to support implementation of AU decisions
- Implement, monitor and review existing early warning and preventive instruments and build synergy between AGA and APSA

A wide range of actors including the AUC leadership, the eight RECs and two RMs, all the directors and head of divisions of the AUC, AU liaison offices, AU member states, AU organs namely the APRM, ACHPR, AfCHPR and AUDA NEPAD, AU PSOs and ad-hoc coalitions are identified as stakeholders of the platform.



"[I-RECKE] will bring together the department of Political Affairs, Peace and Security...Regional Organizations, sister AU Institutions, our non-state Actors think tanks and individual experts, to periodically reflect on effective early warning, early response, conflict prevention and synergy building between stakeholders, vertically and horizontally."

Commissioner Bankole Adeoye, March 15, 2022 (AU Reflection Forum on Unconstitutional Changes of Government)

The I-RECKE is also envisaged to be co-chaired by the PAPS Commissioner and senior official of one of the RECs/RMs on rotational basis. A policy group and a technical/ advisory group in both bodies is also expected to support the functioning of the platform.

While the development and establishment of I-RECKE takes place there are a number of issues that may require reflection. The first is its relationship or overlap with existing statutory mechanisms which have a clear mandate on prevention and early warning including the Continental Early Warning System. There is an ongoing effort in terms of streamlining the continental system through regional desks. Hence there is an existing structure that is aimed at integrating regional level analysis and efforts in continental policy formulation. It would hence be essential to see how these regional desks and the platform interact. There is still a need for further clarity around its structure within existing institutional architecture and resources needed to run the platform.

Second, the weakness of the early warning mechanism that has been observed over the past years was not necessarily due to the lack of adequate data. In fact, a lot of data has been generated on risks of eruption of crisis or conflict, including by the AUC. Two major challenges continue to hamper effective early warning and response. The first is the existence of agreed upon channels for communicating to policy and decision makers for early action and commonly shared criteria on the use of such analysis. The second is the rise in the use by states of the defense of sovereignty.



'A restrictive, even dogmatic reading of the intangible principle of the sovereignty of the Member States raises an iron wall against any intervention by the continental organization, either as a preventive measure through early warning, or as a remedy when the crisis breaks out'.

AUC Chairperson Mousa Faki
opening address to the 35th ordinary session of the AU Assembly

These challenges are more political in nature rather than being just technical. Currently the I-RECKE is created as an experience sharing tool, thus it is important to examine the extent to which it would be able to overcome some of the fundamental challenges related to effective functioning of the early warning and conflict prevention work of the AU and RECs/RMs.

Third, a related point is how data collected and curated by I-RECKE will directly feed in decision making or shape such processes. While various AU human rights organs, development agencies and governance bodies are mentioned as stakeholders, the way in which the platform supports the work of the PSC or interacts with Council for policy action is yet to be articulated. For any institutionalized and collective policy action around early warning and preventive diplomacy, the political backing of the PSC is fundamental as it is the standing decision-making organ on peace and security matters. In this context it is important to also avoid any parallel process that may create further division.

From the perspective of inclusivity and coordination, I-RECKE is an important initiative in strengthening the role of RECs in continental policy formulation and action. The fact that it was launched during the Mid-Year Coordination was also an important step to integrate a standing peace and security agenda into the coordination meeting.

Ensuring sustainability and building ownership among the wide range of stakeholders of this initiative will be additional essential factors for the effective functioning of the platform.

THE WAR IN UKRAINE CONTINUES TO HOVER AROUND AU PROCESSES

The impact of the current global crisis drew attention during the Executive Council session and the Mid-Year Coordination meeting. Apart from the reference made to its impact on the economies of the continent in the report on regional integration, it also brought spotlight on the vulnerabilities of Africa's infrastructure. The Executive Council reflected on the impact of the current global crisis on Africa although this did not attract the amount of time it might have deserved. The draft decision presented to the Executive Council on the report of the 2nd Extraordinary Session of the Specialized Technical Committee on Transport, Transcontinental and Interregional Infrastructure, and Energy stated the impact of the crisis on Africa's infrastructure and energy sectors and reflected on managing Africa's susceptibility to external shocks including in these sectors. The draft decision considered the various ways and steps to be followed by the AUC to boost intra-continental partnership around infrastructure and energy in order to mitigate the adverse impacts of the crisis.

Another impact of the war in Ukraine is the increased use of AU high level meetings by external powers to engage with African leaders. The Mid-Year Coordination meeting was no exception in this aspect. President of the European Council Charles Michel participated and addressed the Mid-Year Coordination meeting. In his statement the President of the Council characterized the 'people of Africa' as 'direct victims of the conflict' due to food and energy crisis that ensued the war. The statement was not only pointing out the dangers but it also sought to remind the audience of the need to renew commitments towards multilateralism and rely on the partnership between the AU and EU to overcome the challenging period brought by the war. The President further expressed his support to Africa's right to access energy for its development in the context of climate change negotiation and Africa's representation in G20.

While AU and its members would wish and continue to collaborate with EU in addressing the impact of the current global crisis, they are weary of taking sides and continue to express the need for diplomatic solutions and speedy end of the war.



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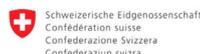
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We support the pan-African dream of peaceful, prosperous and integrated Africa through research, training, strategic communications, technical advisory services, and convening and facilitation.

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