MONTHLY DIGEST ON THE AFRICAN UNION PEACE AND SECURITY COUNCIL – FEBRUARY 2023

THE MONTH AT A GLANCE

Five sessions were convened by the African Union (AU) Peace and Security Council (PSC) in February with South Africa, under Ambassador Edward Xolisa Makaya, as PSC’s chairperson for the month. Four of the sessions addressed country specific situations while one session was committed to a thematic issue. Apart from the convening of all the sessions initially envisaged to take place, the PSC also held an additional session on the 2023 Africa Governance Report (AGR) by the African Peer Review Mechanism (APRM). Explaining the emphasis put on specific conflict situations as opposed to thematic issues during the month, the Chairperson, Makaya told Amani Africa that the choice of those situations sought to ‘inject some urgency in the resolution of these situations.’

There was one session held at ministerial level and another one at the level of Heads of State and Government. The rest of the sessions took place at ambassadorial level. With the exception of the one on the Africa Governance Report for which there is no public outcome document, the outcomes of the sessions on all other agenda were adopted in the form of Communiqué. It took about 10 days on average for the publication of the outcome documents from the date on which the session was held.

PSC EXPRESSES CONCERN OVER MILITARY TENSION AND POSSIBILITIES OF MILITARY CONFRONTATIONS IN LIBYA

The 1136th session of the PSC convened on 01 February was committed to consideration of the situation in Libya. The newly appointed Special Representative of UN Secretary General (SRSG) for Libya, Abdoulaye Bathily, briefed the PSC for the first time. Statements were also presented by Wahida Ayari, the Special Representative of the Chairperson of the AU Commission (SRCC) for Libya, on behalf of Bankole Adeoye, Commissioner for Political Affairs, Peace and Security (PAPS); representative of the State of Libya; representatives of the neighbouring countries of Libya and Members of the High Level Committee on Libya, namely; the People’s Democratic Republic of Algeria, Republic of Chad, Arab Republic of Egypt and the Republic of Tunisia, as well as representative of the North Africa Regional Capability (NARC).

The outcome of the session, adopted in the form of a Communiqué, drew attention to two major ongoing concerns in the country. The first one relates to the political crisis Libya continues to face due to division and lack of agreement between political actors that has led to the formation of two executives. In the absence of an agreement between the Tripoli based Government of National Unity (GNU) headed by interim Prime Minister Abdul Hamid Dbeibeh and the Tobruk based House of Representatives (HoR) that has nominated Fathi Bashagha as Prime Minister-designate, Libya’s general elections that were originally planned to take place in December 2021 remain indefinitely postponed.

At the 1136th session, the PSC highlighted some positive progress made with respect to ensuring the conduct of the elections. One recent sign of potential progress, as noted at the 1136th session, was the conduct of a consultation in early January 2023 held in Cairo, Egypt. This culminated in a joint statement between Aguila Saleh, Speaker of the HoR and Khaled Al-Mishri, Chairman of the High State Council (HSC) underscoring the agreement reached between the two institutions for drawing a roadmap for the completion of all necessary measures leading to the conduct of the elections.
Consultation on Ways Forward in the Conduct of Libyan General Elections held on 05 January 2023 in Cairo, Egypt.

The critical test of whether this marks progress depends on whether the parties actually draw up and agree on a joint roadmap. The lack of agreement on constitutional basis and the relevant electoral laws, which was among the main factors that led to the delay of the elections in 2021, still continues to be an issue. Attaining agreement on these and other issues of contention will continue to be elusive as long as the broader political impasse between the two governments is not comprehensively addressed.

In this respect, the conduct of the inter-Libyan Reconciliation Conference, even if it does not itself address the impasse, will be essential if at least it facilitates the creation of conditions for mobilizing the wider population including key civil society actors and other pertinent institutions for helping the major actors overcome their differences and agree on a popularly supported roadmap that paves the way for elections. In light of this, accelerating the conduct of the reconciliation conference should be treated as a priority.

As highlighted in the Communiqué of the 1136th meeting, there is a need for the AU High-Level Committee for Libya to build on the recent momentum towards holding the national reconciliation conference. Subsequent to the session, there was a meeting of the AU High-Level Committee held on 17 and 18 February, at the margins of the 36th AU Summit. As announced by Moussa Faki, Chairperson of the AU Commission, the AU will be facilitating the conference under the Chairship of President Denis Sassou Nguesso. It is also to be recalled that preparatory meeting was held for the initiation of the conference on 08 January, in Tripoli, through the auspices of the AU. As indicated at the 1136th PSC session, the conference is expected to take place during May 2023.

Following his appointment, SRSG Bathily has also developed a plan for the establishment of a high-level steering panel for Libya which will aim to bring together relevant stakeholders for the facilitation of legal framework and timelines for elections in 2023. It is critical to ensure that consultations facilitated through this panel and the planned inter-Libyan reconciliation conference afford coherence while avoiding duplication of efforts.

‘The realisation of presidential and legislative elections in Libya requires a broad national consensus, which involves the active buy-in and participation of a wider range of stakeholders, including national institutions, political figures, security actors, tribal forces and other stakeholders.’

Abdoulaye Bathily, SRSG for Libya Briefing to the UN Security Council, 27 February 2023

The other issue of concern emphasised at the 1136th session was the persisting insecurity in the country. Although the 2020 Ceasefire Agreement continues to hold, military tension and the threat of confrontations remain concerning. In the previous year, incidents of armed clashes between supporters of the two rival governments have shown concerning escalation. Left unaddressed, the political impasse between the two governments not only complicate efforts aimed at unification of the armed forces, but also risk reversal of the relative stability obtained in the country.

Added to concerns over military confrontations emanating from the political strife between the rival governments, maintaining security in Libya continues to be challenging due to the presence of foreign fighters including mercenaries. As emphasised by the PSC at several occasions including 1035th PSC Session [PSC/MIN/COMM.1035(2021)], the presence of foreign fighters is an issue of concern not only for Libya, but
also the wider region, extending particularly to the Sahel region that is already under grave security threats imposed due to the escalating spread of terrorism and violent extremism.

Although somewhat slow, efforts have continued to ensure the withdrawal of foreign fighters from Libya in a manner that will not negatively impact neighbouring states and impose increased security risk to other regions including the Sahel. One of the latest developments in this regard has been the approval in early February 2023, of a coordination mechanism between the 5+5 Joint Military Commission (JMC) and liaison committees from Libya, Sudan and Niger for the withdrawal of mercenaries and foreign fighters from Libya. As noted by SRSG Bathily at the launch of the coordination mechanism, steps taken towards attaining full withdrawal of foreign fighters from the country will no doubt contribute towards creating favourable conditions for the political processes and the conduct of elections.

**Key actionable decisions requiring follow-up:**

- The PSC reiterated its request for the AU Commission to relocate the AU Mission in Libya to Tripoli, in line with [Assembly/AU/Dec.819(XXXV)].
- The PSC decided to undertake a filed mission to Libya and to dedicate a Heads of State and Government session to the situation (no timelines indicated with respect to either one of the activities).

**AU’s SANCTION AGAINST SUDAN MAINTAINED DESPITE IGAD’S CALL FOR ITS LIFTING**

During its 1137th session, which was held on 6 February 2023 at a ministerial level, PSC received an updated briefing on the situation in Sudan and adopted a Communiqué as an outcome document of the session. The Special Representative of the Chairperson of the AU Commission, Mohamed Belaiche, briefed the PSC. The Executive Secretary of the Inter-Governmental Authority on Development (IGAD) and the Special Representative of the Secretary-General to the AU and Head of the UN Office to the AU were among the speakers in the meeting.

The session was held at the backdrop of two important political developments in Sudan. The first is the signing of a Political Framework Agreement (PFA) on 5 December last year by General Abdel Fattah al-Burhan, President of the Transitional Sovereign Council, and his Deputy and commander of the Rapid Support Forces (RSF), General Mohamed Hamdan Dagalo, and some political parties and professional associations, notably the Forces of Freedom and Change (FFC). This was the culmination of the first phase of political process towards the restoration of constitutional order, which among others proposes a two-year transition period starting from the date of appointment of a civilian Prime Minister. The second important development was the launch of the second and final phase of the political process on 8 January this year with the facilitation of the AU-IGAD-UN Trilateral Mechanism. The Trilateral mechanism has been organizing series of workshops to facilitate discussion around the five contentious issues: the reinstatement of the Dismantling Committee, security sector reform, transitional justice, implementation of the Juba Peace Agreement, and the question of Eastern Sudan. PSC welcomed both developments and called on all political parties and groups that are yet to sign the PFA to do so.

An interesting dynamic that evolved ahead of the PSC session was Sudan’s diplomatic engagement with some members of the PSC with the hope to see, albeit futile, the lifting of the sanction imposed by the PSC following the 25 October 2022 military coup. Sudan’s Undersecretary of the Ministry of Foreign Affairs, Defalla Elhaj Ali, was, as widely covered by media and on the twitter handle of members of the PSC and AU Commission, in Addis Abeba for that purpose. The delegation, in a clear reference to the use of the same treatment the AU accorded Chad, in a statement questioned the appropriateness of the sanction, claiming that the decision of suspension was taken ‘before sending a fact-finding delegation to speak with Sudanese authorities’ and the sanction is ‘inconsistent with the spirit of the principle of African unity and solidarity’. Sudan’s request for the lifting of the sanction was indeed supported by IGAD. In his address to the PSC at the 1137th session, IGAD’s Executive Secretary, Workneh Gebeyehu, called for the reinstatement of Sudan to its membership to the
AU, reflecting the position taken by the 48th ordinary session of IGAD Council of Ministers that was held last November.

Despite the diplomatic push from Sudan as well as the regional bloc for the lifting of the sanction, the PSC did not revise its decision adopted at 1041st session, which suspended Sudan from all AU activities. Instead, the PSC highlighted some of its key demands against the military authorities and other stakeholders, including the ‘speedy and sustainable restoration of the constitutional order’, full adherence to the commitment by the military to withdraw from transition government institutions, ‘the immediate and unconditional release of all political detainees’, and ‘expeditious implementation of the Juba Peace Agreement’.

### Relevant previous PSC decisions

1041st PSC session [PSC/PR/COMM. 1041(2021)] held on 26 October 2021 the PSC:

- suspended Sudan, with immediate effect, in all AU activities until the effective restoration of the civilian-led Transitional Authority;
- decided to undertake a mission to Sudan to engage with all stakeholders with the view to finding amicable solution to the political impasse; and
- requested AU Commission to provide monthly updates on the evolution of the situation in Sudan.

PSC also agreed to undertake a field mission to Sudan and to receive a quarterly briefing to remain engaged on the file. It is worth recalling that PSC was not able to undertake the field mission in February last year as the military authorities were not ready to receive the mission. It remains to be seen if the proposed mission could happen as slated for May according to PSC’s annual indicative programme of activities. On the other hand, PSC changed the frequency of briefing on Sudan from a monthly to a quarterly basis. It remains to be seen if there will be quarterly briefing considering PSC’s repeated failure to convene monthly briefing sessions on Sudan in compliance with its own decision adopted at the 1041st session in October 2021.

### Key actionable decisions requiring follow-up:

PSC requested the Commission to:

- Undertake a technical needs assessment mission to Sudan focused on Post Conflict Reconstruction and Development (PCRD), through the AUPCRD Center and in close collaboration with the Transitional Government of Sudan, to identify the needs and priorities;
- Avail to the AU Liaison Office in Khartoum, the required human, material and financial resources, in order to enable the Office to more effectively discharge its mandate.

### PSC underscores Member States’ Responsibilities in Addressing Threats to Peace and Security

PSC, during its 1138th meeting held on 8 February 2023 which was the third session of the month, received a briefing by the Committee of Intelligence and Security Services of Africa (CISSA) on the peace and security outlook in the continent for 2023. Zainab Ali Kotoko, Executive Secretary of CISSA delivered the briefing. The outcome of the session was adopted in the form of a Communique. The session was convened within the framework of Council’s decision, at its 1073rd session of April 2022, requesting quarterly briefings to enhance conflict prevention. The session is also in line with PSC’s annual indicative program of activities for 2023 which has dedicated the month of February, June, October and December to receive such briefings.

As highlighted in the outcome document, the PSC expressed its concern with regards to the persisting peace and security threats in the continent including ‘intra-state tensions, armed rebellion, secessionist agitations, terrorism and violent extremism, a surge of foreign terrorist fighters and mercenaries, transnational organized crime, illegal exploration and exploitation of natural resources, corruption, illicit financial flows, marginalization and political and electoral-related disputes, as well as democratic governance deficits’. While examining the various threats, the PSC put particular emphasis on the primary role of states in addressing and responding
to the multiple security and governance challenges. With regards to the alarming spread of terrorism and organized crime in Africa, the Council reminded member states’ responsibilities in safeguarding their territories. In relation to the rise of unconstitutional changes of government, it urged member states to uphold constitutionalism and democratic values. The Council also specifically called on countries in political transitions to respect set timelines and fulfil their responsibilities towards the restoration of constitutional rule including through transparent and inclusive processes.

While underlining the central role of member states in responding to security and governance challenges, the session also recognized the support that needs to be availed to member states by Regional Economic Communities/Regional Mechanism (RECs/RMs) and by AU specialized agencies including CISSA.

**Relevant previous PSC decisions:**

**1073**th PSC session [PSC/PR/COMM.1073(2022)]: towards enhancing the operationalization of PSC’s conflict prevention mandate it remains critical to implement the decisions of the previous sessions on continental early warning and security outlook. The 1073th session outlined a number of steps to further enhance efforts around conflict prevention including the convening of a meeting between the AUC and PSC committee of experts on early warning and conflict prevention, establishment of clear channel of communication between AUC and PSC, quarterly briefings on early warning and the creation of a trigger mechanism and indicators on potential conflict and crisis situations.

**1014**th PSC session [PSC/PR/COMM.1014(2021)]: requested CISSA, ACSRT and AFRIPOL to provide quarterly briefings (or immediate in cases of emergency) to Council on emerging threats to peace and security. If further requested the three institutions to report on the development and operationalization of the 5-Year Strategic Roadmap for the prevention and combating of terrorism and violent extremism in Africa which the PSC requested in 2017 at its 687th session.

**Key actionable decisions requiring follow-up:**

- PSC called for a strengthened coordination between CISSA, African Union Mechanism for Police Cooperation (AFRIPOL), and African Centre for the Study and Research on Terrorism (ACSRT)
- Requested the AUC and member states to provide the necessary resource for the three institutions to enable them to discharge their mandate

**PSC CONSIDERS SUMMARY OF AGR 2023**

On 10 February, the PSC convened to consider a summary of the 2023 AGR. While no outcome document was adopted, the PSC assigned its Committee of Experts (CoE) to consider the AGR and report back to the PSC. Accordingly, a meeting of the CoE was planned for March 2023.

The AGR assesses the state of governance in Africa, with the aim to provide relevant and accurate information on governance issues in all AU member States. The AGR is developed every two years, through collaboration of the APRM and the Africa Governance Architecture (AGA), in line with the mandate conferred by the AU Assembly.

**Relevant Executive Decisions:**

**11**th Extraordinary Session of the AU Assembly [Ext/Assembly/AU/Dec.1(XI)]: at its extraordinary session held in November 2018, the Assembly emphasised the need to strengthen the APRM’s capacity to implement its mandate, including in the development of a report on the state of governance in Africa, in collaboration with the AGA. Accordingly, the Assembly requested the APRM to present a report on the state of governance in the continent, to the 32nd ordinary session of the Assembly.

**32**nd Ordinary Session of the AU Assembly [Assembly/AU/Dec.720(XXXII)]: at its ordinary session held in February 2019, the Assembly welcomed the 2019 AGR presented by the APRM in line with Ext/Assembly/AU/Dec.1(XI). The Assembly then decided that the AGA shall be
developed by the APRM, in collaboration with the AGA, and presented to the ordinary sessions of the Assembly every two years.

35th Ordinary Session of the AU Assembly [Assembly/AU/Dec. 8(B)(XXXV)]: the February 2022 ordinary session of the Assembly welcomed the second AGR and requested for the development of the third report through collaboration of APRM and AGA.


The 1140th session of the PSC was convened on 17 February, at the Heads of State and Government level. The session addressed the worrying conflict in eastern Democratic Republic of Congo (DRC) and the outcome was adopted as a Communiqué.


The session, preceded by a summit of the leaders of the countries of the EAC responsible for the Nairobi and Angola, leading the Luanda process, attracted the presence of both Félix-Antoine Tshisekedi Tshilombo, President of the DRC (as well as the Chairperson of the Economic Community of Central African States (ECCAS) and Southern African Development Community (SADC)), and Paul Kagame, President of the Republic of Rwanda.1 In addition to the leaders of the two countries, Évariste Ndayishimiye, President of the Republic of Burundi and Chairperson of the East African Community (EAC) as well as H.E. João Manuel Gonçalves Lourenço, President of the Republic of Angola and ICGLR Chairperson took part in the session as the leads on the two critical regional initiatives on the situation in eastern DRC – the Nairobi process and the Luanda process, respectively. Statement was also presented by António Guterres, the UN Secretary General.

Demonstrating enhanced engagement of the PSC on the issue as compared to the previous year where much-needed follow-up on the situation and its own decision from August 2021 was lacking, the 1140th session convened at the highest level. It brought attention to the deteriorating security, humanitarian and socio-economic situation resulting from the fighting in eastern DRC and the accompanying escalating tensions between the DRC and Rwanda.

With respect to growing tensions between DRC and Rwanda, further to expressing concern, the PSC emphasised the importance of confidence and trust building in the region. This is very central given that the trading of blames by two sides for the grave situation eastern DRC and military incidents accompanied by hate speeches and misinformation and disinformation have raised valid concerns over the heightened risks of outright armed confrontations or a full-blown proxy war.

Exacerbating the issue, the fragile ceasefire between the March 23 Movement (M23) and DRC army, which came about as part of the outcomes of the 23 November 2022 Mini-Summit facilitated by President Lourenço of Angola, seems to have failed after affording a short-lived respite. As DRC forces and M23 resume their fighting in full, Angola has just declared it will be deploying a military unit to the DRC to assist in protecting forces involved in monitoring the ceasefire and facilitating withdrawal of the M23 from territories its forces captured.

It is to be recalled that as of June 2022, the EAC has deployed a regional force to assist as key component of the military track of the Nairobi process. Burundi,
followed by Kenya have already deployed their respective troops in contribution to the EAC force. One of the major outcomes of the session in this respect is the decision of the PSC for the use of the Peace Fund for supporting the EAC force. This signals a clear commitment of the AU to contribute funding to peace operations that its partners repeatedly called for, thereby contributing to the negotiations for achieving agreement at the UNSC on a framework resolution for use of UN assessed contributions for AU PSOs.

In the context of the deployment of various forces in eastern DRC, it is of high importance to ensure that the deployment of troops from multiple countries does not end up further compounding and internationalising the conflict in eastern DRC, which is already complex enough as it is. The PSC, at its previous session on the situation in eastern DRC, seemed to have taken into account the possibilities of unintended negative impact of uncoordinated response by multiple regional actors.

**Relevant previous PSC decision:**

1103rd PSC session [PSC/PR/COMM. 1103 (2022)]: the PSC requested the AU Commission to ‘facilitate consultations amongst all the stakeholders, including the EAC, ECCAS, ICGLR and SADC, to agree on a joint framework and modalities for effective implementation, monitoring and evaluation of the harmonized and coordinated efforts’.

The conduct of a Mini-Summit of the EAC and ICGLR on Peace and Security in eastern DRC, which took place on 17 February 2023 has been one commendable progress in terms of ensuring coordination among relevant actors. The full engagement of all relevant actors including the missing RECs as well as ensuring the regularity of such consultations remains to be seen.

Central to the 1140th session was the revitalization of the Peace, Security and Cooperation Framework Agreement (PSCF) for the DRC and the Region. In this respect, the PSC, at the 1140th session, beyond emphasising the importance of ensuring implementation of the Luanda and Nairobi processes, has underscored the need for revitalising the PSCF.

With respect to the M23, the new component in the PSC decision relates the approach it proposed for the disarmament of the M23. In this respect, the 1140th session called for ‘the cantonment and disarmament of the M23 under the control of the DRC authorities, and the supervision of the EAC Regional Force.’ What is missing from this is clear reference to the tools of peace-making such as mediation on which such disarmament is to be anchored. This is critical on account of the need for avoiding the repeat of the failure of the previous mainly military-focused disarmament of the M23 in 2013.

Another important aspect of the 1140th session was the recognition of UN Security Council Resolution 2667 (2022) [S/RES/2667(2022)]. Resolution 2667 presents the lifting of the arms embargo that was imposed against DRC in line with Resolution 1907 (2008) [S/RES/1907(2008)] - while maintaining the applicability of measures incorporated in Resolution 1907 to all non-governmental entities. It is to be recalled that the PSC has been pushing for the lifting of the embargo in order to enable the DRC government effectively ward off the growing armed pressure from multiple rebel groups. While it remains valid that the lifting of the embargo is necessary to enable the government to more effectively fight against the threat imposed by armed groups, it remains unclear to what extent the DRC government has the institutional capacity and preparedness to effectively monitor national stockpiles of weapons and ammunition in order to avert the risk of diversion.

**Key actionable decisions requiring follow-up:**

- Welcoming the deployment of the EAC, the PSC decided to support its operations, including through utilisation of the AU Peace Fund. Accordingly, the AU Commission, in collaboration with the Governance Structures of the Peace Fund has been tasked to work out modalities for the utilization of the Fund and report back to the PSC within six weeks.
- The AU was requested to work in collaboration with EAC, ECCAS, SADC, ICGLR, and UN towards the urgent revitalisation of the PSCF Agreement and report back to the PSC within six weeks.

2 See the Communiqué of PSC’s 1103rd session, Para 14 as well as Assembly Resolution [Assembly/Au/Res.1(XXXV)] on the Impact of Sanctions and Unilateral Coercive Measures on African Union Member States.
PSC REJECTS POSSIBILITY OF EXTENSION OF THE NEWLY SET TRANSITION PERIOD FOR SOUTH SUDAN

At its 1141st session held on 28 February, the PSC considered and adopted the Report of its field mission to South Sudan conducted from 23 to 25 February. The outcome adopted as a Communiqué mainly served the PSC to request the AU Commission to follow-up on the implementation of the recommendations outlined in the report.

One of the striking elements of the communique that was adopted at the 1141st session on the consideration of the report of the field mission is PSC’s rejection of the possibility for further extension of the newly set 24-months Transition until 23 February 2025. This is an important pronouncement given the concern over commitment of the RTGoNU not to seek further extension by end of 2024 to prolong its stay in power. Indications, such as the failure to meet key timelines, are that the possibility for such request cannot be discounted.

Other key elements of the PSC decision on the report of its field mission to South Sudan include: the establishment of a team of experts by the Commission to support the country’s effort to organize credible elections by December 2024; the possibility of tapping into the resources mobilized from the Malabo Humanitarian Summit and Pledging Conference; provision of the necessary resources to the AU Liaison Office in Juba; mobilization of technical support for the disarmament, demobilization and reintegration (DDR) and security sector reform (SSR), as well as an appeal to the international community to lift the arms embargo and other sanctions imposed on South Sudan. To sustain its engagement on the file, PSC also agreed to undertake another field mission to the country before the next ordinary Session of the AU Assembly.

Other PSC Activities During the Month

Aside from its sessions, the PSC’s seventh field mission to South Sudan conducted from 23 to 25 February, was its main engagement. The field mission was led by the Permanent Representative of South Africa, Edward Xolisa Makaya, in his capacity as the chair of the PSC for the month of February.

The last time PSC undertook a field mission to South Sudan was last year around the same time. This year’s field mission was in line with the decision taken at PSC’s 1123rd session in late November last year where it agreed to make the solidarity visit on 22 February 2023 - a day that marked the end of the 36 months first Transition period and the start of the 24 months extension of the Transition period as envisaged in the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) and the August 2022 Roadmap on Outstanding Issues, respectively.

The second field mission initially envisaged in the Program of Work of the PSC in early February did not materialize. This was meant to take the PSC to Tigray region of Ethiopia, which would have been the first such mission involving African states. The abortion of the field mission was a missed opportunity for showing, under South Africa’s leadership as host of the peace process, PSC’s interest to accompany the implementation of the Pretoria peace accord and for the parties to the accord to acknowledge the contribution made by AU member states.
ABOUT AMANI AFRICA

Amani Africa is an independent African based policy research; training and consulting think tank with a specialization and primary focus on African multilateral policy processes, particularly those relating to the African Union.

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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