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PEACE AND SECURITY COUNCIL PROTOCOL

“The PSC shall encourage non-governmental organisations to participate actively in the efforts aimed at promoting peace, security and stability in Africa. When required such organisations may be invited to address the Peace and Security Council” – Article 20 of the Protocol Relating to the Establishment of the PSC of the African Union.

Early Warning Issues for December

The scheduled Rotating Chair of the African Union (AU) Peace and Security Council (PSC) for the month of December is Swaziland. In the absence of a country's representation at ambassadorial level, an alternate member will chair the Council for the month.

AMISOM:

On 2 November 2009, the African Union issued a statement pertaining to a meeting that convened the Troop Contributing Countries (TCCs) of the African Union Mission in Somalia (AMISOM) and its partners. The meeting was chaired by Ambassador Ramtane Lamamra, the AU Commissioner for Peace and Security and reviewed recent political and security developments in Somalia. In particular it discussed issues pertaining to enhancing AMISOM's capacity and condemned the persistent suicide attacks and targeted assassinations

against the Missions' officials. On 15 June 2009, the PSC issued a communiqué **PSC/PR/2(CXCIV)** which assessed the Report of the Chairperson of the AU Commission on the situation in Somalia **PSC/PR/COMM.2(CLXXIX)**. Through this communiqué the PSC renewed AMISOM's mandate for a period of seven months, starting from 17 June 2009. Currently, AMISOM's troops are facing an uncompromising and deadly adversary and the daily struggle of securing the TFG and its own personnel is becoming even more hazardous. This does not augur well for the Mission's effectiveness in the short to medium-term.

Zimbabwe:

The Chairperson of the AU Commission, Jean Ping, issued a statement **(N.53/2009)** welcoming the inauguration, on 11 February 2009, of the new Head of Government of the Republic of Zimbabwe, Prime Minister Morgan Tsvangirai, in the presence of President Robert

Mugabe, in Harare, Zimbabwe. In the intervening ten month period the challenges of implementing power-sharing in practice have become all too evident. On 16 October 2009, Tsvangirai effectively withdrew co-operation with the Mugabe-led ZANU-PF faction of the government, in response to the prosecution of a senior MDC member. However, he subsequently indicated that he would continue to work within the framework of the Global Political Agreement (GPA). State institutions have suffered significant attrition and are now effectively politicized beyond the point where they can functionally address the country's key social, economic and political challenges. This is the context that can seriously undermine the Inclusive Government and derail future political interaction between the two parties and fuel the re-escalation of the crisis.

Niger:

In its communiqué **PSC/AHG/**
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LIVINGSTONE FORMULA

“Civil Society Organisations may provide technical support to the African Union by undertaking early warning reporting, and situation analysis which feeds information into the decision-making process of the PSC” – **PSC/PR/(CLX)**, 5 December 2008, Conclusions of a Retreat of the PSC on a mechanism of interaction between the Council and CSOs. This Report is an independent publication of the Institute for Security Studies.

Early Warning Issues for December (continued)

COMM.3(CCVII) of 29 October 2009, the PSC endorsed ECOWAS' decision on the situation in Niger which it adopted during its Extraordinary Summit at the level of Heads of State and Government in Abuja, Nigeria, on 17 October 2009. The situation in Niger continues to escalate due to the undemocratic dispensation prevailing in the country. This situation was further entrenched when legislative elections were convened at the end of October 2009 to replace the country's parliament which was dissolved in May of the same year. President Tandja went ahead with the controversial polls despite pressure from various international organizations, including the AU, to postpone them. On going efforts, in support of ECOWAS' leadership is necessary to prevent the potential escalation of tension in the country.

PENDING PSC ISSUES

Issues pending for the Council include:

The PSC issued a communiqué **PSC/MIN/COMM(CXLII)** on 21 July 2008 in which it stressed that in accordance with the Rome Statute, the ICC is complementary to national criminal jurisdictions, which have therefore the primary responsibility of investigating or prosecuting cases over which they have jurisdiction. This communiqué also urged the Government of the Sudan to take immediate and concrete steps to investigate human rights violations in Darfur and bring to justice their perpetrators, and to keep the AU fully and continuously informed of the progress made in this respect. In light of the recommendations of the AU High-level Panel on Darfur, the PSC is yet to issue a

communiqué confirming the action that it requested of the Sudanese Government.

The PSC issued a communiqué **PSC/PR/COMM.3(CLXXVIII)** on 13 March 2009 in which it recalled the stipulation in Article 8(5) of the Protocol Relating to the Establishment of the Peace and Security Council to establish a Committee on Sanctions. The PSC also requested the AU Commission to submit a report in May 2009 on a study on the modalities for the functioning of this Committee. The PSC is due to discuss the issue of the Sanctions Committee before the end of the year. The PSC has yet to issue a communiqué acknowledging the report of the Commission on this issue.

MISSION ANALYSIS

AMISOM

Previous AU/PSC Communiqués and Reports:

On 2 November 2009, the African Union issued a statement pertaining to a meeting that convened the Troop Contributing Countries (TCCs) of the African Union Mission in Somalia (AMISOM) and its partners. The meeting was chaired by Ambassador Ramtane Lamamra, the AU Commissioner for Peace and Security and reviewed recent political and security developments in Somalia. In particular it discussed issues pertaining to enhancing AMISOM's capacity and condemned the persistent suicide attacks and targeted assassinations against the Missions' officials. On 15 June 2009, the PSC issued a communiqué **PSC/PR/2(CXCIV)** which assessed the Report of the Chairperson of the AU Commission on the situation in Somalia **PSC/PR/COMM.2(CLXXIX)**. Through

this communiqué the PSC renewed AMISOM's mandate for a period of seven months, starting from 17 June 2009. The Council also called upon the AU Commission to review AMISOM's Rules of Engagement in order to enhance its ability to protect its personnel, equipment, key installations, as well as provide more effective support to Somalia's Transitional Federal Government (TFG).

Crisis Escalation Potential:

Since its inception in 2007, AMISOM has faced serious challenges and its ability to effectively operate in Somalia has been severely constrained. Between January 2007 and November 2009, about 40 soldiers have been killed and a substantial number injured. The TFG has demonstrated its inability to secure any meaningful portion of the Somali territory and has thus far not succeeded in providing leadership on national reconciliation. Mogadishu remains virtually ungovernable. The insecurity in Mogadishu

and its surrounding areas has effectively stalled any debate about transforming AMISOM into a United Nations operation. There is no peace to keep in Somalia, and the human security of the local population has been compounded by droughts and the severe food crisis gripping the Horn of Africa peninsula. The continuing escalation of conflict and persistence of internal political fragmentation in Somalia remains a reality. This will continue to have an impact on the continued viability and effectiveness of AMISOM.

AMISOM troops are effectively under siege and are faced with targeted attacks against strategic locations from insurgency groups as well as recurring ambushes. On 17 September 2009, the Al-Shabab militia coordinated an attack against the peacekeeping mission. Specifically, two vehicles carrying explosives drove into an AMISOM-controlled territory at the Mogadishu airport, and were detonated at the Force headquarters killing 17 soldiers (including 12

Burundians and five Ugandans) and wounding 29 others. This was in the context of the escalating crisis in Somalia, which had witnessed by the end of June 2009, violent confrontation in Mogadishu which had killed more than 300 people, injured more than 1,700, and contributed towards displacing approximately 170,000 of the city's inhabitants. AMISOM troops are therefore facing an uncompromising and deadly adversary and the daily struggle of securing the TFG and its own personnel is becoming even more hazardous. The armed militia are consolidating their gains and the prospects for other AU member states to send additional troops to enhance AMISOM's troop strength is minimal. The deteriorating security situation in Somalia, coupled with AMISOM's declining capacity to manage its own security does not augur well for the Mission's effectiveness in the short to medium-term.

Key Issues and Mission Dynamics:

AMISOM was deployed in 2007 as a wholly conceived AU peacekeeping mission, and received a retroactive approval from the UN Security Council to operate. The mission was ostensibly mandated to achieve four key goals including: i) supporting the transitional governmental structures notably protecting key officials and the institutions of the TFG; ii) implementing a national security plan; iii) training the Somali security forces; and iv) assisting in creating a secure environment for the delivery of humanitarian aid. The original aspiration of what AMISOM would achieve has not been fulfilled in practice. Today, AMISOM only guards a number of key installations, including the presidential palace, the airport and a section of the Mogadishu harbor and the roads connecting them.

In August 2009, AMISOM completed the deployment of its sixth battalion, which was

comprised of 850 troops from Burundi. At the time of going to press, AMISOM's included 5,217 personnel, which is 65 percent of the Mission's mandated strength. Based on the pledges to date AMISOM is to be composed of three battalions each from Uganda and Burundi. In addition, the AU has received pledges of an additional battalion each from Uganda and Burundi, as well as a pledge of 400 Special Forces from Djibouti. The AU has also received offers of personnel from Ghana, Mali, Nigeria and South Africa to complement the staff officers at AMISOM Force headquarters, based in Kulliyada Jalle Si'ad and Digfer Hospital in the capital Mogadishu. On 31 August 2009, the AU requested member states that have pledged troops to make them available as soon as possible. However, the usual obfuscation and procrastination by member states, due to security concerns in Mogadishu, has prevented the further deployment of troops.

AMISOM forces are currently deployed at the airport, the harbor, Villa Somalia, the old university, military academy, and a number of other sites in Mogadishu. The intensity of the hostility emanating from the armed insurgent groups has severely constrained the ability of the AU to extend AMISOM's presence beyond Mogadishu to key areas neighbouring Mogadishu as well as other parts of the country. In July 2009, an unidentified illness infected more than 200 AMISOM troops, and precipitated seven deaths. A total of 93 AMISOM troops were evacuated to their home countries. The origins and nature of the illness have not yet been made public.

The withdrawal of Ethiopian forces in January 2009 and the subsequent election of Somalia's new transitional government led by President Sheikh Sharif Ahmad could potentially have marked a turning point in the dynamics of the Somalia conflict. However,

even though President Sharif enjoys significant support from the international community and despite Ethiopia's withdrawal, the situation in Somalia deteriorated. Sharif's was unable to effectively establish a broad-based government that brought together the disparate regions and factions of Somalia. At the core of this non-compliance by other groups was a perception of the illegitimacy of the TFG – a view shared by a substantial section of the Somali citizenry. In addition, Sharif has faced significant challenges in rebuilding the TFG's security forces and restoring a semblance of stability, even in Mogadishu.

The Al Shabab and Hizbul Islam militia have coordinated attacks against the TFG and AMISOM, and seem to have adopted a relatively successful strategy reinforcing their ranks with recruits from outside Somalia. In mid-July 2009, these groups launched a full-scale attack on key strategic positions to dislodge the TFG. In effect, the establishment of Sharif's government only ushered in a renewed phase of warfare, through which the Al Shabab and Hizbul Islam gained control of a number of towns and regions. Specifically, the militia took control of substantial territory in central and southern Somalia, including the key towns of Kismayo, Marka and Baidoa.

The TFG's forces, estimated to number 3,000 troops, have also suffered significant losses. The morale with the TFG's troops is at an all-time low with personnel even defecting to the armed militia as the government continues to loose territory. The Al Shabab and Hizbul Islam militia have the common objective of overthrowing President Sharif's government, which they accuse of being beholden to the West. They are also opposed to the presence of any foreign troops in Somalia, including AMISOM.

AMISOM's limited mandate only permits it to protect its

PSC RETROSPECTIVE – AU High Level Panel on Darfur

The PSC met on 21 July 2008 at the ministerial level **PSC/MIN/Comm (CXLII) Rev.1** and requested the AU Commission to establish an independent AU High Level Panel on Darfur (AUPD) in an effort to bring a long lasting peace and stability to the troubled region. This request was subsequently endorsed at the 12th Ordinary Session of the Assembly of the Union **Assembly/AU/Dec.221XII** held from 1 to 3 February 2009 in Addis Ababa.

Consequently, the Chairperson of the AU Commission appointed eminent African personalities to the Panel to examine the situation in depth and submit recommendations to the PSC on 'how best to effectively and comprehensively address the issues of accountability and combating impunity, on the one hand, and peace, healing and reconciliation, on the other'. In March 2009, the seven-member Panel including three former African Presidents, Thabo Mbeki of South Africa, who was also the chairperson, Abdulsalami Abubakar of Nigeria, and Pierre Buyoya of Burundi convened its inaugural meeting in Addis Ababa.

The Panel was tasked with identifying ways to achieve peace, justice and reconciliation for Darfur in a complementary manner without jeopardising and compromising on any of these objective. The Panel consulted widely with a range of actors including Sudanese and Darfurian stakeholders, representatives of the internally displaced persons, Darfurian refugees in Chad, traditional leaders, native administrators and nomadic groups. Consultations were also held with leaders of the armed movements in Darfur, the Government of Sudan, political

parties, Sudanese civil society, and legal professionals. External to Sudan's borders, the Panel held discussions with the Prosecutor of the International Criminal Court (ICC) and Sudan's neighbouring states. By September 2009, the Panel had compiled its report.

On 29 October 2009, the PSC met at the level of Heads of State, in Abuja, Nigeria, and endorsed the 124-page report of the Panel entitled 'Darfur: The Quest for Peace, Justice and Reconciliation' **PSC/AHG/2(CCVII)**. The meeting also entrusted the three former presidents with playing a central role in continuing to advocate for the implementation of the recommendations in the coming year.

The Panel Report noted that the people of Darfur had unarguably endured extreme violence, serious violations of human rights and have seen the fabric of their society torn apart by the conflict. Specifically, the Panel noted that 'more than two million Darfurians live in conditions stripped of dignity, profoundly despairing that the Government of Sudan cares for them as citizens and human beings, fearful for their personal security, reliant on humanitarian assistance for day to day survival, and with little hope for the future'.

The Report which defines the conflict as 'Sudan's crisis in Darfur' assessed the root causes as well as the different levels and dimensions of the conflict and came up with a number of suggestions and recommendation on how to promulgate a lasting solution to the situation. According to AUPD, the roots of Darfur's crisis lie in a history of neglect of the Sudan's peripheries, dating back to the colonial era through the years of Sudan's independence to the present. In particular, the Report

noted that the crisis in Darfur is a manifestation of Sudan's inequitable distribution of wealth and power.

The Panel recommended a comprehensive negotiation process to end the conflict and suggested that all the political interlocutors in Sudan and Darfur work towards the signing of a Global Political Agreement (GPA). The Report also recommends deepening the democratization processes in the country, promoting reconciliation and building mutual trust, normalizing relations between Sudan, its neighbors and the wider international community. The Report also highlighted the significance of the upcoming national elections and the Southern Sudan referendum due next year and in 2011 for the stability of Darfur. The Report reflected and commented on the implementation of previous peace agreements, notably the still-born Darfur Peace Agreement (DPA), the role of the African Union-United Nations Hybrid Mission in Darfur (UNAMID) and the AU's previous efforts, through the African Union Mission in Sudan (AMIS I and AMIS II) in attempting to lay the foundation for peace in Darfur.

As an innovation the Panel recommended the establishment of a new hybrid court consisting of Sudanese judges and judges appointed by the AU to 'investigate, prosecute and adjudicate the war and other crimes committed during the Darfur conflict'. This was perhaps an attempt to find a politically acceptable way to circumvent the ICC's indictment of Omar Al-Bashir, the Sudanese President, on war crimes and crimes against humanity in Darfur. The

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PSC RETROSPECTIVE – AU High Level Panel on Darfur (continued)

Panel recommended genuine legal reform in Sudan and the rescinding of immunities for state actors who violate human rights. The AUPD further recommended the establishment of a truth and reconciliation commission to lay the foundations for societal healing.

Overall the international reaction to the AUPD report was generally positive. However, the fact that the Justice and Equality Movement (JEM), one of the main armed militia groups in

Darfur has rejected the Panel's recommendations as 'unpractical', as well as the recent public call by the Sudan People's Liberation Movement (SPLM) leader Salva Kir for independence of the south cast doubt on whether the recommendations of the Report will be effectively implemented.

The PSC which has the primary responsibility for peace, security and stability in the Africa, has been undertaking an oversight monitoring role with regards to the implementation of the peace

agreements in Sudan, and the operations of UNAMID. The Council therefore should have a vested interest in ensuring that the recommendations of the AU Panel on Darfur are duly implemented. The Council could also establish a timetable to monitor the implementation of the recommendations of the Report and urge member states to cooperate fully for the fulfillment of the Panel's vision to bring peace, justice, reconciliation and healing to Darfur.

the AU troop-contributing countries held a consultative meeting with international partners in Addis Ababa, Ethiopia. The meeting called upon the partners to hasten the disbursement of the pledges made at the Brussels Conference, convened on 22 to 23 April 2009 and commended the ongoing coordination of support to the TFG's security institutions. On 20 May 2009, IGAD issued a communiqué, which was subsequently endorsed by the PSC and by the thirteenth ordinary session of the AU Assembly of Heads of State and Government, requesting the UN Security Council to take immediate measures, including the imposition of sanctions on states that are supporting the armed militia in the country. Specifically, Eritrea is allegedly financing a number of armed militia in Somalia, and the PSC and IGAD Council of Ministers have called for targeted sanctions against Asmara. The Plan of Action adopted by the AU Special Session on conflicts in Africa, held in Tripoli, in August 2009, encouraged the TFG to intensify its efforts to promote reconciliation and an all-inclusive political process. Uganda and Burundi, both members of the PSC, have committed substantial troop levels to sustain AMISOM. Nigeria, Malawi and Ghana have pledged troops but are yet to deploy for the reasons stated

above.

On 2 November 2009, another consultative meeting was convened between the TCCs, AU and partners at the AU headquarters, demonstrating the diverse nature of international stakeholders, including African groupings and countries working towards solving the crisis in Somalia. This meeting was attended by Ministers of Defence of the TCCs to AMISOM, namely Burundi and Uganda, the Minister of Defence of the TFG of Somalia and the Minister of Defence of the Government of Djibouti. The meeting also included representatives of the UN, including representatives of Libya and Burkina Faso who are in the UN Security Council, IGAD, League of Arab States (LAS), the European Union (EU), and the Chair of IGAD Partners' Forum, who is Raffaele de Lutio, Ambassador of Italy to Ethiopia.

UN Dynamics:

On 26 May 2009, the UN Security Council issued a Resolution 1872 (2009), authorising the AU member states to maintain AMISOM until 31 January 2010. The UN has contributed towards forging political convergence, notably through its efforts an agreement was signed between the TFG and Asmara-based

Alliance for the Re-liberation of Somalia (ARS). Currently, following the request of the TFG, the UN is working closely with the Somali authorities to revitalize and refocus to work on policy coordination and the implementation of the Djibouti Agreement. The UN is playing a leadership role in the High Level Committee, which includes the UN as chair to the Committee and not more than 15 representatives from each of the TFG and the ARS. This Committee is tasked with drafting a new constitution, promoting justice and reconciliation, managing the humanitarian crisis, as well as mobilizing popular support for the Djibouti Agreement. It is envisaged that the Committee will expand its membership to include AMISOM itself.

Wider International Community Dynamics:

The international community is generally concerned that if the Somali government collapses the country will become a safe haven for militant groups which will generate further instability in the region. The increase in piracy off the coast of Somalia has precipitated the deployment of warships from countries as far as Canada, Malaysia, the US, China, India, and Russia to

secure the shipping lanes. NATO has authorized Operation Allied Provider, to ostensibly provide its member states with naval escorts for the humanitarian vessels in the Gulf of Aden. The EU has similarly authorized its own operation off Somali coastline. This has in effect led to the internationalisation of the crisis in Somalia.

On 6 August 2009, President Sharif met with United States Secretary of State Hillary Clinton, in Nairobi, Kenya. Clinton reaffirmed the United States' commitment to support the TFG. She also stated that the US would take action against Eritrea if it did not cease supporting Al-Shabab insurgents in Somalia. In April 2009, the Brussels Conference pledged to disburse US \$ 213 million to promote security in Somalia. By September 2009, US \$196 million had been confirmed.

Civil Society Dynamics:

Following the election of President Sharif, the TFG has sought to reach out to opposition groups that were external to the Djibouti peace process. Somalia's elders, scholars and clerics have also sought to encourage opposition groups to support or join the unity government. On 26 January 2009, the Transitional Federal Parliament voted to expand itself by 275 seats, with 200 seats allocated to ARS and the remaining 75 reserved for members of civil society, women, entrepreneurs, the diaspora and other opposition groups. On 20 February 2009, the new ARS members of Parliament were sworn in, and the Prime Minister, Omar Abdirashid Ali Sharmarke, formed an enlarged unity cabinet consisting of 36 members from the previous TFG, the ARS, and civil society and Somalis from the diaspora.

Somali civil society groups outside of the country have been also the most vocal in advocating for a renewed attempt at a comprehensive peace agreement, in light of the TFG's perceived

illegitimacy. Between 5th and 8th February, members of the Somali Civil Society Organizations, scholars, activists and members of Somali diaspora gathered in Rome, Italy, to 'develop and plan shared vision and strategies aimed to promote peace and dialogue in Somalia'. After four days of discussion, deliberation and networking, the group called upon all actors in the Somali crisis, including AMISOM, to work towards a peaceful resolution of the conflict and end of the culture of impunity.

Despite such calls from CSOs and international humanitarian organizations, however, there has been a marked deterioration in the human rights situation in Mogadishu as a result of the recent spate in fighting, including violations of international humanitarian law. Testimony gathered from refugees and displaced persons alleges that insurgents may have used civilians as human shields by taking the conflict into areas populated or frequented by civilians. Indiscriminate exchanges of mortar fire resulted in numerous civilian deaths and injuries. Tens of thousands of people were forced to flee Mogadishu. Death threats and intimidation were also frequently reported. Journalists covering the conflict are perpetually under risk. Since January 2009, six journalists have been killed in Mogadishu, four of whom appear to be victims of targeted assassinations, while the others were killed and several others injured in the crossfire while reporting on the conflict.

As recently as November 5, 2009, also Somalia's main Sufi movement, Ahlu Sunna wal Jamaa, concluded an unprecedented conference in Nairobi to strategise its response to the rise and radicalisation of the Al-Shabab group, which the participants said was 'an existential threat'.

Documentation:

Relevant AU Documents:

- Statement of the Consultative Meeting of the African Union Troop Contributing Countries (TCCs) to AMISOM and International Partners on Somalia, Addis Ababa, 2 November 2009.
- PSC/PR/COMM.2 (CLXXIX) (15 June 2009) Report of the Chairperson of the AU Commission on the Situation in Somalia
- PSC/PR/Comm.(CXC) (22 May 2009) Communiqué of the PSC on the outcome of the Thirty-third Extraordinary Session of the IGAD Council of Ministers on Somalia
- PSC/PR/2(CLXXVII) (11 March 2009) Report of the Chairperson on the situation in Somalia
- PSC/PR/Comm.(CLXXVII) (11 March 2009) Communiqué on the situation in Somalia
- PSC/PR/BR(CLXVII) (21 January 2009) Statement on the situation in Somalia
- PSC/MIN/4(CLXIII) Report of the Chairperson of the Commission on the situation in Somalia
- PSC/MIN/Comm.4 (CLXIII) (22 December 2008) Communiqué on the situation in Somalia

RECs Documents:

- Inter-governmental Authority on Development (IGAD) Communiqué of the Thirty-third Extra-Ordinary Session (Extra-ordinary No.3) of the IGAD Council of Ministers on the Security and Political Situation in the Sub-region,

in particular Somalia, Addis Ababa, Ethiopia, 10th July 2009.

UN Documents:

- S/2009/503 (2 October 2009) Report of the Secretary-General on Somalia
- Security Council resolution 1872 (2009)
- S/RES/1872 (26 May 2009) Renewed authorization of AMISOM until 31 January 2010
- S/PRST/2009 (15 May 2009) Presidential Statement condemning the renewed fighting by Al-Shabab and other extremists
- S/2009/210 (16 April 2009) Secretary-General's Report requested by resolution 1863 on a possible UN peacekeeping deployment in Somalia
- S/RES/1863 (16 January 2009) Renewed authorisation of AMISOM for six months to June 2009

Useful Additional Resources:

- Solomon Dersso, 'The Somalia Conflict Implications for Peacemaking and Peacekeeping Efforts', ISS Paper 198, September 2009.
- Paula Roque, 'Somalia: Understanding Al-Shabaab', Situation Report, Institute for Security Studies, 3 June 2009.

COUNTRY ANALYSIS

Zimbabwe

Previous AU Statements and Recommendations:

On 29 March 2008, the AU,

as well as other international partners, observed the elections in Zimbabwe. At the time the AU expressed concern over the ensuing delay in the announcement of the results, would fuelled suspicion that the results of the poll were being manipulated, which generated a degree of tension in the country.

The Chairperson of the AU Commission, Jean Ping, issued a statement (N.53/2009) welcoming the inauguration, on 11 February 2009, of the new Head of Government of the Republic of Zimbabwe, Prime Minister Morgan Tsvangirai, in the presence of President Robert Mugabe, in Harare, Zimbabwe. The Chairperson commended the 'historic' occasion which had been achieved through the culmination of ongoing initiatives to find a solution to the crisis that confronted Zimbabwe, following a disputed election. In addition, on 1 July 2008 following the 11th Summit of the AU Assembly, held in Sharm-el Sheikh, Egypt, a resolution was adopted EX.CL/Dec.452 (XIII) requiring the political leadership of Zimbabwe to begin talks with the objective of establishing a Government of National Unity (GNU) to heal the nation's deep political wounds after President Robert Mugabe's triumph in a one-candidate runoff election widely condemned as unacceptable. The Summit also endorsed the proposal that Thabo Mbeki, now the former President of South Africa, continue with his function as the SADC Mediator to the Zimbabwe conflict.

Crisis Escalation Potential:

In February 2009, the Inclusive Government (IG) of Zimbabwe was inaugurated heightening the expectations for the restoration of stability and order in the country. In the intervening ten month period the challenges of implementing power-sharing in practice has become all too evident. Specifically, the Zimbabwean African National Union-Patriotic Front (ZANU-

PF) has unilaterally appointed individuals to key political positions which was in direct contravention of the provisions of the Global Political Agreement (GPA). The constitution-making process remains contentious and there is no consensus over the timing as well as the scope of the constitutional talks that are expected to pave the way for elections in late 2010 or early 2011. The political buy-in for new dispensation is not wide spread. Senior heads of the military, the police, prison service and intelligence service have notably avoided official events that acknowledge the authority of the new unity government. Hard-line elements in the ZANU-PF establishment would not be dismayed if the Inclusive Government failed. There are still regular manifestations of mistrust between the main partners in government. Tsvangirai's Movement for Democratic Change (MDC) continues to be seen by many within the ZANU-PF as a 'junior partner' in the unity government.

On 16 October 2009, Tsvangirai effectively withdrew co-operation with the Mugabe-led ZANU-PF faction of the government, in response to the prosecution of a senior MDC member. Historically, the MDC has had to contend with its own challenging internal dynamics. Specifically, in March 2005, the MDC was affected by a fissure between the hardliners and liberals. These divisions still manifest themselves today, specifically with regards to how MDC deals with the ZANU-PF in the contrived Inclusive Government. Similarly, the succession battle between the two ZANU-PF factions has led to considerable mistrust among government officials. State institutions have suffered significant attrition and are now effectively politicized beyond the point where they can functionally address the country's key social, economic and political challenges. This is the context

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PSC RETROSPECTIVE – Military Staff Committee of the PSC

The AU PSC convened a meeting **PSC/PR/BR(CLXVI)** on 16 January 2009, in which it was briefed by the Commission on the progress made in the operationalization of the African Standby Force (ASF). At this meeting the Council also discussed the Military Staff Committee (MSC) and urged its members to delegate their appropriate representatives in the Committee.

The Military Staff Committee of the PSC is a vital component for the operationalization of the African Peace and Security Architecture. The MSC was established by the PSC Protocol through Article 13 to advise and assist the Council on assessing the military aspects of their discussions, recommendations and decisions. Specifically, the Protocol stipulates that the MSC shall be composed of senior military officers or Defence Attachés of the member states of the PSC. The MSC however can also convene at the level of National Chiefs of Defence Staff to discuss questions relating to the military and security issues and submit recommendations to the PSC and the Chairperson of the AU Commission on missions and the implementation of peace operations.

MSC is mandated to advise and assist the PSC to ensure that its policies and actions are consistent with military requirements. On 16 May 2003, the Policy Framework for the Establishment of the ASF and the MSC was adopted, in Addis Ababa. This Policy Framework states that members of the PSC and MSC should be informed of meetings simultaneously, so that the Military Staff can undertake their own deliberations, consultations, and provision of advice, prior to meetings of the Council.

The Policy Framework also states that the MSC should convene as often as required prior to all meetings of the PSC at the level of the Senior Military Officers. In any event the MSC should meet at least once a month, prior to meetings of the Council. Military Staff are also required to attend the proceedings of the Council and to offer any necessary clarifications and advice when invited to do so. The MSC has a responsibility of preparing briefs detailing its perspective or position with regards to issues that will be under the consideration of the PSC. To date the MSC has not convened as regularly as it is required to do. The MSC is also required to convene at least once a year at the level of the Chiefs of Defence Staff. This provision has been fulfilled since the members of the MSC met as part of a meeting in May 2009, held in Addis Ababa, to discuss the ASF.

The PSC discussed the MSC at a retreat of the Council **PSC/PR/2(LXXXIII)** which took place in Dakar, Senegal, between 5 and 6 July 2007. The conclusions of the retreat called on the PSC members who had not done so to ensure that they had a representative for the duration their tenure as members of the Council. The retreat also called members of the PSC to embrace the practice of receiving input from the MSC, particularly when considering issues pertaining to the pre-deployment or deployment of troops and major military equipment to field missions in accordance with the provision of the Protocol.

The major challenge confronting the MSC is the inadequate representation that it has from member states of the PSC. A number of PSC member states are yet to send their delegates to the Committee. The reasons for the under-staffing of the MSC

ranges from a lack of political will to do so as well as financial constraints on the Council members. However, the PSC also has to adopt a much more engaging stance with regards to the MSC. In particular, the PSC should regularly and update the Committee on the Council's activities. In practice, this is not the key challenge because MSC representatives generally tend to part of the staff complement at the Permanent Missions of PSC member states, so they would in theory regularly meet with their ambassadors who serve on the Council.

Currently, the flow and exchange of information and expertise is minimal. The interaction with the AU Commission might be more regular given to issues relating to the operationalisation of the ASF. In November 2009, the AU Peace Support Operations Division (PSOD) organized a seminar for members of the MSC on the AMANI-Africa military exercise. However, there is still a need for the MSC to increase its visibility as a key component of APSA and for the PSC to provide it with the opportunity to fulfill its responsibilities

that can seriously undermine the Inclusive Government and derail future political interaction between the two parties and fuel the re-escalation of the crisis.

Key Issues and Internal Dynamics:

In July 2008, a Memorandum of Understanding (MoU) was signed between ZANU-PF and the MDC following the intervention by the Southern Africa Development Community (SADC) mediator the former President of South Africa, Thabo Mbeki. The MoU outlined the key issues that needed to be addressed to lay the foundation for a negotiated settlement between the disparate factions. On 15 September 2008, this led to the establishment of the framework for the signing of the power-sharing arrangement – now referred to as the Global Political Agreement. On 11 February 2009, the Inclusive Government was established in keeping with the provisions of the GPA. Almost a year after the signing of the GPA, key provisions are still to be implemented.

Following its independence from Great Britain in 1980, Zimbabwe was effectively a source of agricultural commodities for the region. The intervening years witnessed the deterioration of the Zimbabwean economy and a concomitant increase in the opposition to Mugabe's government. By September 1999, escalating discontent fuelled a convergence of forces including the Zimbabwe Congress of Trade Unions (ZCTU) to promote the formation of the MDC. The MDC successfully led a campaign to reject the national referendum to change the constitution that was proposed by ZANU-PF. In 2000, following the failed attempt by Mugabe and his party to amend the constitution, the government became increasingly repressive. Farm land was forcefully repossessed with landless and former war veterans adopting increasingly violent strategies to

achieve this objective.

In the 2005 parliamentary elections Mugabe's ZANU-PF faced the most credible challenge since the country's independence. There were allegations that the poll was not transparent. The ensuing disagreements over how to engage with the government in the aftermath of this flawed election led to the fragmentation of the MDC. Two factions emerged notably the MDC-T led by Tsvangirai, and the MDC-M led by Arthur Mutambara. Essentially, MDC-M was generally more reconciliatory towards the ZANU-PF. By March 2007, the constraints imposed on the opposition gave the impetus to a SADC intervention. In effect, SADC mandated former President Mbeki to mediate between the government and the MDC. But the crisis was further aggravated by the violence and alleged opposition intimidation that prevailed during the presidential and parliamentary elections. In stark contrast with its history of governing the country since independence, ZANU-PF lost its majority in parliament with a vote of 47.9 percent to 43.2 percent in favour the opposition MDC. There was a delay in the announcement of the March 2008 presidential election results. Subsequently, following the announcement of the convening of a second round run-off election on 27 June 2008, Tsvangirai immediately announced his withdrawal from the race. A stalemate ensued in which repression escalated. An estimated number of 85 MDC supporters were killed while nearly 200,000 people were displaced. Nevertheless, the run-off took place with Mugabe acquiring 86 percent and Tsvangirai acquiring 10 percent of the vote.

The international community did not whole heartedly endorse the poll. Notably, the AU and SADC emphasized the need to form an inclusive government. Accordingly, the MoU was signed between the ZANU-PF and the two MDC

factions on 21 July 2008. This represented a significant step forward since the crisis emerged in 2000.

The GPA established a governance framework in which Mugabe retained the presidency and Tsvangirai would ascend to the prime ministership. This apparent display of political convergence set the scene for the temporary easing of Zimbabwe's international isolation. Analysts have questioned the broad scope and vague aspects of the GPA with reference to four specific areas. Firstly, Article 5 of the GPA stipulates the need to undertake a land audit but it does not address the issue of rationalizing land reform policy. Secondly, Article 4 addresses the issue of the lifting of sanctions on Zimbabwe, but this decision can only be enacted by parties who are not signatories to the GPA. Thirdly, the agreement fails to confront the need for a robust and effective security sector reform strategy, which is necessary in order to assuage concerns about the future misuse of state institutions. Finally, with regards to the powers of the President and Prime Minister over the cabinet, the GPA awarded both Mugabe and Tsvangirai executive powers, which sets the scene for institutional impasse in the context of a disagreement between the two offices.

The Interim Government was only inaugurated in February 2009, five months after the signing of the GPA. Tsvangirai was duly appointed as the Prime Minister on this occasion. It was only several months later that ZANU-PF and the two MDC factions agreed on the distribution of key ministries.

Currently there are signs of an economic recovery in Zimbabwe. The first few months of the Inclusive Government have seen concerted efforts to reign in hyperinflation, the re-opening of schools and hospitals as well as the disbursement of salaries

PSC RETROSPECTIVE – Meetings of the Panel of the Wise

Between 9 and 10 November 2009, African Union's Panel of the Wise held its seventh meeting **POW/PR(VII)**, at the AU Commission headquarters in Addis Ababa, Ethiopia. The meeting was jointly presided over by the Chairman of the Panel, former Algerian President Ahmed Ben Bella, and the AU Commissioner for Peace and Security, Ambassador Ramtane Lamamra. Also in attendance were, representatives from Libya, in its capacity as the Chair of the AU Assembly of Heads of State and Government, and Rwanda, as Chairperson of the PSC for November 2009. Furthermore, key partners participated including representatives from the European Union (EU) to the AU and the embassies of Italy, Sweden and Japan, as well as other partner countries and organizations.

The agenda of the meeting covered four main issues: (i) a consideration of the outcome and recommendations of the Panel's Workshop on Impunity, Justice and National Reconciliation, held in Monrovia, Liberia from 28 to 29 May 2009, based on a report prepared by a team of consultants; (ii) a consideration of the plan of action for the implementation of the Panel's report on election-related conflicts; (iii) a review of the state of peace and security in Africa and a consideration of the steps to be taken by the Panel in support of the ongoing efforts to promote peace, security and stability; and (iv) a consideration of its work programme for 2010, including the identification of the third area for its thematic focus.

Based on agenda item (i) the Panel underscored 'Africa's firm stand against impunity'. The Panel acknowledged the work of AU High Level on Darfur (AUPD) as 'providing a unique and holistic opportunity to resolve the

problems of Sudan', notably with regards to its recommendations on transitional justice and the strategies for addressing the issue of impunity. With regards to the thematic reflection on election-related conflicts, Ben Bella requested the Panel's Secretariat to liaise with AU's Department of Political Affairs to finalise the elaboration of a plan of action on the implementation of its recommendations. The third agenda item gave the Panel the opportunity to recognise the political developments which led to the convening of elections in Mauritania as well as the negotiations between the stakeholders in Madagascar stakeholders. The Panel however expressed concerns about the situation in Somalia and the Republic of Guinea. In terms of its Work Programme for the year 2010, the Panel agreed to focus its thematic reflection on the issue of women and children in armed conflicts.

Since its inauguration in December 2007 the Panel of the Wise has generally tried to come to terms with the intricacies executing its mandate and ensuring that it had the necessary support to execute its mandate. As a consultative body of the AU, the Panel's value is still in using its moral authority to persuade African leaders to eschew war as an option for addressing grievances. However, the culture of mediation, as a means of resolving conflicts on the African continent, still needs to become more entrenched. In order to be effective in the next phase of its existence, the Panel of the Wise requires a robust mediation support unit, and efforts have been undertaken in this regard to increase the staff complement within the Peace and Security Department to support the work of the Panel.

The mandate of current members of the Panel comes to an end at the

beginning of 2010. According to the *Modalities for the Functioning of the Panel of the Wise* which were adopted by the AU Peace and Security Council at its 100th meeting held on 12 November 2007, in Addis Ababa, Ethiopia, the Panel's members are eligible for re-election for another term. However, it is clear that the Panel of the Wise needs to be comprised of individuals who have time and energy to dedicate to traveling across the African continent and meeting with leaders in order to effectively operationalize its preventive function and actualize its track-two diplomatic intervention model to complement the work of the PSC and the AU Commission.

While the meetings and reports that the Panel's convenes to discuss thematic issues provide useful insights, this is not the primary function for which it was created by the PSC Protocol. Specifically, the PSC Protocol endows the Panel with a very broad mandate to effectively comment, draw attention and intervene in virtually any situation on the continent that it deems worthy of attention. The AU Peace and Security Council is more often than not constrained by the political considerations of its members, and the wider AU membership, when it comes to intervening in controversial situations. The Panel is due to meet in February or March 2010 to consider the status of implementation of its Programme and make assessment of the missions that will be undertaken by its members. This would be an appropriate occasion for the Panel to consider that the mandate stipulated by its Modalities is broad and unencumbered by the political considerations which typically undermine efforts to promote early warning and

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PSC RETROSPECTIVE – Meetings of the Panel of the Wise (continued)

response. However, it is not sufficient to have such a mandate, the members of the Panel of the Wise have to be willing to use this broad mandate to act as the eyes and ears of the institution as far preventing conflict is concerned. Furthermore, the Panel's

independence needs to be assured by the provision of an adequate institutional support mechanism to ensure that it has timely information and the ability to intervene, as the Modalities state, 'on any issue' and 'at its own initiative'. The Panel also needs to take more advantage of

the provisions that have been established for it to accept and receive proposals from the Pan-African Parliament, the African Commission on Human and People's Rights and civil society groups.

senior officials, if the Zimbabwe government hampered the work of the EU's election observer mission.

In 2009, following the apparent rapprochement between the key protagonists in the Zimbabwean drama some international partners voiced a willingness to renew their support to the country. The Inclusive Government reported that it had succeeded in raising US \$ 1 billion in credit lines from African agencies and banks to finance the reconstruction of the shattered economy. In March 2009 the Australian government pledged a substantial amount of aid to help restore health, water and sanitation services. While in May of the same year the Norwegian government pledged about US \$ 9.17 million to bolster the country's health and education sectors. Both Norway and Australia agreed to channel the funds through the World Bank and UN agencies. Currently the Commonwealth is reviewing its strategy on how to re-engage Zimbabwe and take an active role in the country's economic revival. Zimbabwe pulled out of the Commonwealth in 2003 after Britain, Australia and Canada colluded to suspend the country from the organization.

Civil Society Dynamics:

Zimbabwean civil society leaders have effectively been under siege in a recent crack-down against independent voices in the country. In June 2009, the National Association of Non-Governmental Organizations (NANGO) rejected

plans by the Ministry of Justice and the Ministry of Labor and Social Services to amend laws regulating NGO operations. Under the fragile power-sharing agreement, the Ministry of Justice is controlled by ZANU-PF, while the Ministry of Labor is under the tutelage of the MDC. But both ministries apparently collaborated in drafting amendments to the Private Voluntary Organizations (PVO) and Deeds Registries Act. While the government portrays the amendments as technical readjustments to existing regulations, civil society groups believe the changes are an attempt to control independent groups that address human rights and governance issues in the country. On 4 November 2009, Zimbabwean civil society leaders called for immediate and decisive action to implement the SADC-brokered GPA and halt political violence. CSOs also condemned the current violence and the notion that 'land is only land when it is owned by blacks'.

On 28 September 2009, the Supreme Court of Zimbabwe upheld the human rights activist, Jestina Mukoko's, application for a permanent stay of prosecution on terrorism charges following her abduction and illegal detention allegedly orchestrated by state agents. Approximately a dozen people were also detained at the same time including MDC officials Chris Dhlamini and Ghandi Mudzingwa, and journalist Andriison Manyere. They faced charges ranging from recruiting people for training in banditry, insurgency,

sabotage to terrorism, the penalties of which range from lengthy prison sentences to state execution. MDC's top officials were reportedly beaten up by ZANU-PF militants. Officials who support Mugabe have questioned the validity of these allegations and described them as 'cheap propaganda'. There are also reports of acts of violence against MDC supporters in both the urban and rural regions. This pattern of violence is reminiscent of the attacks on Tsvangirai supporters during last year's elections.

Documentation:

Relevant AU Documents:

- African Union Commission Statement N. 53 / 2009 (12 February 2009) AUC Chair Urges New Zimbabwean Government to put the past behind and look ahead.
- SP/ASSEMBLY/PS/RPT(I) (30 - 31 August 2009) Report of the Chairperson of the Commission Enhancing Africa's Resolve and Effectiveness in Ending Conflict and Sustaining Peace. Special Session of the Assembly of the Union on the Consideration and Resolution of Conflicts in Africa, Tripoli, Libya.
- Assembly/AU/6(XIII) (1-3 July 2009) Report of the Peace and Security Council of the African Union on its Activities and the state of peace and security in Africa, Sirte, Libya.

COUNTRY ANALYSIS

NIGER

Previous PSC Communiqués and Recommendations:

In its communiqué **PSC/AHG/COMM.3(CCVII)** of 29 October 2009, the PSC endorsed ECOWAS' decision on the situation in Niger which it adopted during its Extraordinary Summit at the level of Heads of State and Government in Abuja, Nigeria, on 17 October 2009. The Council also requested the Chairperson of the AU Commission to intensify his efforts towards resolving the ongoing crisis and to collaborate with ECOWAS on this matter. The Chairperson of the Commission was requested to report within a month on the developments in the country and the outcome of his efforts as well as those of ECOWAS to resolve the crisis.

Crisis Escalation Potential:

The situation in Niger continues to escalate due to the undemocratic dispensation prevailing in the country. This situation was further entrenched when legislative elections were convened at the end of October 2009 to replace the country's parliament which was dissolved in May of the same year. President Tandja went ahead with the controversial polls despite pressure from various international organizations, including the AU, to postpone them. A high-level ECOWAS delegation, composed of former Nigerian President Abdulsalami Abubakar, Liberian President Ellen Johnson-Sirleaf and the ECOWAS Commission President Mohamed Ibn Chambas, did not succeed in convincing President Tandja not to convene the polls, demonstrating the continuing intransigence of Niger's leader. On 21 October 2009, ECOWAS duly suspended Niger's membership. Even though Niger's regime is renegeing on a transition

towards transparent democratic governance, this has not yet unleashed widespread violence. However, domestic tensions are markedly on the increase and ECOWAS has appointed Abubakar as its mediator with a mandate to promote dialogue between the various parties. The position of the country's armed forces is likely to be a crucial determining factor in either the resolution or the escalation of the situation, due to the issue of their allegiances to Tandja's regime.

Key Issues and Internal Dynamics:

Both national and international actors are calling for a return to constitutional order which would require rescinding the recent political developments in the country. Crucially, it would be necessary to suspend the adoption of a revised constitution and the implementation of the results of the October elections which were orchestrated to replace the dissolved Parliament. This would also require Tandja to relinquish power on 22 December 2009, which was the initial end date of his second five-year mandate. However, through out 2009, Tandja has demonstrated his commitment to intransigence, even in the face of increased regional isolation and international condemnation. The action taken by ECOWAS and the EU were therefore inevitable, since Tandja's regime appears to believe that these are sacrifices worth making to allow enable the illusory 'will of the people' which it manufactured to prevail.

Concurrently, Tandja is dealing with an ongoing armed insurrection by disparate Tuareg movements in the north of the country. The variegated Tuareg militia have sought amnesty in neighbouring countries. However, Libya repatriated several hundred fighters from its territory to Niger. The talks with the militia intensified in mid-2009, but not because of a sudden change of

- EX.CL/Dec.452 (XIII) (1 July 2008) AU Executive Council Decision on the Current Political Situation in Zimbabwe
- Opening Statement by the Chairperson of AU Executive Council, Bernard K. Membe MP, Minister for Foreign Affairs and International Cooperation of the United Republic of Tanzania, at the 14th Ordinary Session of the AU Executive Council, 29, January 2009, Addis Ababa, Ethiopia.
- AU Communiqué on the Situation in Zimbabwe, 17 April 2007, Addis Ababa, Ethiopia.

RECs documents

- Communiqué of the Extra-Ordinary Summit of the SADC Heads of State and Government, Sandton, Republic of South Africa, 9 November 2008
- Communiqué of the Extra-Ordinary Summit of the Organ Troika, 20 October 2008, Ezulwini, Kingdom of Swaziland.
- Communiqué of SADC Extraordinary Summit on the Situation in Zimbabwe, Dar es Salaam, 28-29 March 2007.

UN Documents:

- S/PRST/2008/23 Statement by the President of the Security Council, 23 June 2008

Useful Additional Resources:

- Judy Smith-Höhn, Situation Report on Zimbabwe, Institute for Security Studies, 10 September 2009

heart by Tandja's regime to address their grievances. Rather the talks are being undertaken based on a political calculus to prevent the armed insurgency from colluding and joining forces with the domestic opposition - a move that would seriously threaten Tandja's grip on power. The armed militia are therefore unlikely to accept Tandja's overture and may resume their armed opposition.

Scenario Planning:

Scenario 1:

The situation in Niger could remain relatively calm, in the short-term, whilst ECOWAS mediation efforts are being deployed to get the various parties to agree to a resolution of the crisis.

Scenario 2:

In spite of the sanctions that have been imposed and the increased isolation of the regime Tandja could continue with his intransigence strategy and fail to generate genuine compromise. This could in turn set the scene for protracted negotiations or a compromise from the opposition parties, which does not serve their core interests of promoting democratic pluralism.

Scenario 3:

The failure of the mediation efforts could result in an escalation of tension and an increase in the violent clashes between opposition supporters and the security forces loyal to Tandja. This would have negative consequences and implications for the human and civil rights of Niger's citizens.

Early Response Options:

Option 1:

The PSC can buttress the ECOWAS-led initiative and call on AU member states, particularly those

in the region, to support the efforts to promote an inclusive dialogue between all stakeholders that would lay the foundation for a return to constitutional order.

Option 2:

The PSC could impose its own sanctions to complement ECOWAS in order to increase the pressure on Tandja's regime, and prevent the escalation of the situation into more entrenched violent confrontation.

Geo-Political Dynamics:

Pan-African and RECs Dynamics:

On 21 October, ECOWAS announced its decision to suspend Niger from its membership. The regional organisation noted that recent developments in Niger violate the ECOWAS Protocol on Democracy and Good Governance and sanctions are thus imposed in accordance with Article 45 of the Protocol. The AU has endorsed the ECOWAS decision, and is generally playing a supportive role to the regional organisation.

UN Dynamics:

The UN Secretary-General, Ban Ki-moon, has repeated his appeal for restraint by the people of Niger and requested all parties to refrain from any form of violence. Ki-moon reiterated the UN's willingness to support any initiatives to resolve the crisis, through the engagement of Said Djinnit, the Secretary-General's Special Representative for West and Central Africa.

International Community Dynamics:

On 6 November 2009, the EU upheld its threat to suspend development aid to Niger. Specifically, Euros 458 million of European development aid due to be disbursed between now and 2013 has been frozen. Humanitarian aid, however, is not affected. The

regional body has given Niger a month to commence talks which will pave the way for a return to restore constitutional order, but it has not specified what additional action it will take in the event of Tandja's intransigence.

Civil Society Dynamics:

The Coordination of Democratic Forces for the Republic (CFDR), which brings together political parties, human rights organisations and labour bodies, continues to voice its opposition to Tandja's maneuvers. CFDR has also held talks with the ECOWAS mediator, to present its views on how the national crisis can be resolved. Specifically, the CFDR has submitted a series of recommendations to the mediator, which might inform his mediation strategy.

Documentation:

Relevant AU PSC Documents:

- PSC/AHG/COMM.3(CCVII) (29 October 2009) Communiqué on the situation in Niger, issued in Abuja, Nigeria.

RECs Documents:

- ECOWAS Press Release N°113/2009 (21 October 2009) ECOWAS suspends Niger from membership of organisation.
- ECOWAS Statement N°109/2009 (13 October 2009) ECOWAS to hold extra-ordinary summit in Abuja.

Spotlight on the PSC - Membership Criteria and 2010 Elections

The Peace and Security Council is a vital component of the African Peace and Security Architecture (APSA) and has the primary responsibility for promoting peace, security and stability in Africa. The 15 countries on the Council are elected by the wider AU membership. Five Council members are elected for a three-year term and ten for a two-year term. Council members can be re-elected once on the expiration of their terms. Due to an arithmetic twist of fate, January 2010 will be unique in the sense that all the Council members will be concluding their terms. In electing the PSC members, the AU Assembly of Heads of State and Government generally applies the principle of equitable regional representation and rotation. Therefore the intervening period will be one in which the five regions of Africa will be identifying the representatives that they will be proposing to serve on the PSC.

Article 5 of the Protocol Establishing the AU Peace and Security Council, adopted in 2004, stipulates the criteria that candidate countries have to fulfill in order to be eligible for election. Specifically, the Protocol emphasizes that members should politically commit to upholding the principles of the Union and make provisions to ensure that they have the capacity to serve as an effective member of the Council. In addition, Council members should have the ability to financially support the activities of the AU and be willing to deploy troops to continental peace operations. In this regard, ideally members would have participated in conflict resolution, peacemaking and peacebuilding at regional and continental levels.

Politically, potential members

of the PSC should respect constitutional governance, human rights and the rule of law in accordance with the Lomé Declaration on the Unconstitutional Change of Government, of July 2000. They also need to be willing to shoulder the responsibilities which accompany membership. This includes having sufficiently staffed and equipped Permanent Missions to the Africa Union, in Addis Ababa, and the United Nations, in New York, in order to undertake the independent analysis required to make informed contributions and to take the necessary decisions. Council members need to honor their financial obligations to the Union and should also be in a position to contribute to the AU Peace Fund. Countries that are under sanctions by the AU for being in substantive arrears with regards to their annual membership contributions to the AU will not be able to stand as candidates for the PSC.

In terms of the modalities of the election in 2010, each of the five sub-regions have to submit a list of five candidate countries for its three positions allocated to the region on the Council. The reserve list is also required including two additional countries, in the event that some of the countries on the list do not fulfill the criteria stipulated for membership. Retiring members are generally eligible for re-election, however due to the principle of rotation, inter-regional negotiations strive to ensure that positions are allocated to members who have not served since the Council was inaugurated in 2004, however this is not a hard and fast rule.

It is an unspoken reality that the election of PSC members is usually the product of a combination of diplomatic horse-trading and brinkmanship among AU member states. Based on evidence drawn

from nature and inclination of past members, the criteria for PSC membership are essentially aspirational because not all African countries that will serve on the Council will consistently uphold the principles of the Union. Therefore not all countries will be in a position to systematically deploy their troops to African peace operations. A preponderance of such countries however will have implications for the continental legitimacy of the PSC, particularly when it has to pronounce on issues relating to peace, security, governance and human rights. The AU Assembly has a responsibility to periodically review the extent to which the members of the Council are fulfilling the criteria stipulated in Article 5 of the PSC Protocol. Therefore, the PSC that will be elected in 2010 will also reflect certain inadequacies, inequities and limitations among its members. However, the Council will continue to function as one of the vital pillars of the African Peace and Security Architecture.

The AU Special Summit on IDPs

Forced displacements and human migration are neither unique to Africa nor they are confined to this historical era. As the inevitable collateral of war and civil conflict, current displacements figures in Africa are alarming. As of early 2009, Africa was host to an estimated 11.6 million Internally Displaced Persons (IDPs), around 45 per cent of the worldwide total. While there is progressive decline in the number of refugees, the phenomenon of internal displacement continues to expand across the continent notably due to the effects of internal repression and conflict. In 2008, close to two million African's became newly displaced persons.

Between 19 and 23 October 2009 in Kampala, Uganda, African leaders met to discuss the issue of forcibly displaced people in an AU Special Summit on Refugees, Returnees and Internally Displaced Persons (IDPs) in Africa. Specifically, the Summit was convened with six key objectives namely to:

- i) understand the root causes and recommending solutions to address displacement;
- ii) identify ways of preventing forced displacement;
- iii) improve the protection of the forcibly displaced, including displaced women and children;
- iv) devise strategies to reduce the impact of natural disasters as a cause for displacement of people;
- v) develop approaches to facilitate the rebuilding of communities emerging from conflict; and

vi) enhance partnerships in addressing forced displacement across Africa.

The Special Summit was a culmination of three years of extensive preparatory work in which the AU Commission engaged in a consultative process with the relevant organs of the Union, member states and partners. In May 2006, the Commission convened the Second Ministerial Conference on Refugees, Returnees and IDPs in Ouagadougou, Burkina Faso. During that meeting African ministers called for increased measures to prevent forced displacement, address the situation of refugees and undertake peacebuilding and post-conflict reconstruction. The African Union Executive Council has periodically appealed to the continent's leaders to ratify the 2007 African Charter on Democracy, Elections and Governance (ACDEG), which can also be deployed to address the grievances which fuel internal conflicts that often precipitate forced displacement.

A key recommendation of the Ministerial Conference was the convening of an AU Special Summit on forced displacement in Africa. The Kampala Summit witnessed 17 AU countries signing up to the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (also known as the Kampala Convention). In this regard, African Heads of States and Government set a global precedent, in adopting a regional Convention to prevent the displacement of populations inside countries and safeguard the rights of those who have been internally displaced. The Convention seeks to prohibit the arbitrary displacement of populations on the basis of policies of ethnic or racial discrimination and the use of displacement used as a method of

war or as a collective punishment. Where AU member states lack the resources to provide the necessary protection and assistance to IDP populations, they are required by the Convention to seek the assistance of international organizations and humanitarian agencies. States must also maintain updated registries of all internally displaced persons within their jurisdictions. This Convention is the first in the world to give legal protection to the millions of people displaced within their own countries by conflict and natural disasters.

There are internationally binding conventions for the treatment of refugees – those forced to flee their countries and seek refuge in other nations – but there is no legally sanctioned protection offered to IDPs, despite the ongoing efforts of the UN Office for Internally Displaced Persons. On 22 October 2009, the UN Secretary-General Ban Ki-moon commended African leaders for adopting the Convention. At the Special Summit, the UN's High Commissioner for Refugees Antonio Guterres noted that 'Africa's future depends upon meeting the challenge of forced displacement in all its dimensions and finding lasting solutions' as well as establishing 'a new equilibrium between the dignity of human beings and the sovereignty of the State'.

In 1969, the AU's predecessor the Organization of African Unity (OAU), adopted a Convention Governing the Specific Aspects of the Refugee Problems in Africa. At that time the primary form of displacement was across African borders. While cross-border displacement still occurs, the African context has changed dramatically in the last 40 years.

Important Forthcoming Dates

PSC Meetings

28 January - 2 February 2010: Election of Members of the Peace and Security Council.

December 2009: Tentative PSC meeting on the Sanctions Committee, in Swaziland.

AU Meetings, visits, reports

28 January - 2 February 2010: 16th Ordinary Session of the Executive Council and the 14th Ordinary Session of the Assembly to be held in Addis Ababa, Ethiopia.

1 to 5 December: Meeting of Experts to consider the Legal Instruments on the Transformation of the AU Commission to the AU Authority, Addis Ababa, Ethiopia.

7 to 9 December: Meeting of Experts on Maritime Safety, Security and Protection of the Environment

Expected Upcoming elections in Africa

Guinea	13 December 2009,	Presidential Elections
Chad	December 2009,	National Assembly Elections
Sudan	April 2010	National elections

Calendar of Elections for 2010

Guinea	31 January	Presidential 1st round
Togo	28 February	Presidential
Central African Republic	March	Presidential/Parliamentary
Sao Tome and Principe	March	Presidential/Parliamentary
Ethiopia	May	Parliamentary

The AU Special Summit on IDPs (continue)

Internal displacement is much more pronounced today as a consequence of violent conflict, debilitating structural economic adjustments, the deterioration of environmental conditions and competition for scarce resources. It is evident that internal displacement will remain a feature of the African landscape for the foreseeable future. The Kampala

Convention is therefore timely and a necessary Pan-African governance and advocacy tool that can be utilised to enhance the protection and assistance of IDPs.

The Kampala Summit sought to refocus the attention of AU member states and their leaders on their responsibilities to towards IDP's within their own borders.

AU member states now have to ratify and domesticate the legal provisions proposed by this Convention into their national legislative framework. There is now also a precedent which the United Nations can refer to in order to mobilize support to establish a global convention on IDPs.

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