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Peace and Security Council Protocol

'The PSC shall encourage non-governmental organizations to participate actively in the efforts aimed at promoting peace, security and stability in Africa. When required such organizations 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 March

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

Niger

On 29 October 2009, the PSC issued a communiqué, PSC/AHG/ COMM.3(CCVII), endorsing the decision on Niger adopted by the Extraordinary Summit of Economic Community of West African States (ECOWAS) Heads of State and Government, held on 17 October 2009, in Abuja, Nigeria. Niger's political landscape was drastically altered when on 18 February 2010 a group of soldiers staged a military detained and President Mamadou Tandia as well as several cabinet ministers. The leader of the group, Salou Djibo, declared that the Supreme Council for the Restoration of Democracy (CSRD), the military junta which usurped power, had suspended the country's new constitution and dissolved all state institutions. The restoration of constitutional order has to be closely scrutinised to ensure that the military leadership does not entrench itself in power.

Comoros

On 9 May 2007, the PSC issued a PSC/MIN/Comm.1 communiqué, (LXXVII), authorising the deployment of the African Union Electoral and Security Assistance Mission (MAES) to the Comoros. On 30 April 2008, the PSC communiqué, PSC/PR/COMM(CXXIV), extended the mandate of the MAES to assist the central government undertake post-conflict reconstruction and oversee the forthcoming legislative elections. The Council also urged the island State authorities to create an environment conducive to free. fair and democratic elections. In December 2009, after a series of postponements, these polls were convened. However, tensions have resurfaced linked to the outcome of the poll which could escalate the crisis situation in the country.

Nigeria's Niger Delta

February 2010, 10 Chairperson of the AU Commission, Jean Ping, commended the initiative to install Goodluck Jonathan as Nigeria's Acting Head of State in the absence of the Country's President, Umaru Yar'Adua, due to ill health. The Chairperson commended the authorities and people of Nigeria for demonstrating a 'respect for the constitution, good governance, democracy and the rule of law'. At a regional level, on 23 June 2008 the ECOWAS issued communiqué ECW/ A/OJUN34 applauding the Nigerian Government's Amnesty Programme which it extended to armed militia in the Niger Delta. The lengthy absence of the country's President Yar'Adua, since 23 Novermber 2009, prompted concerns about a political vacuum to address insecurity in the Niger Delta.

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Livingstone Formula

'Civil Society Organizations 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.

Pending PSC Issues

Issues pending for the Council include:

Panel of the Wise:

In January 2007, the ΑU Assembly of Heads of State and Government endorsed the Chairperson of the Commission's recommendation for appointment of five esteemed African personalities to serve as members of the Panel of the Wise. At its 100th meeting on 12 November 2007, the PSC adopted a set of detailed Modalities for the Functioning of the Panel of the Wise. These Modalities state that 'members of the Panel serve for a period of three years. They shall be eligible for reappointment for only one more term'. The three year period for the first term of the Panel concluded in January 2010. The PSC and the AU Commission have not issued a communiqué indicating whether the terms of the Panel members have been renewed, or whether new Panel members have been appointed.

COUNTRY ANALYSIS

Niger

Previous PSC Communiqués and Recommendations:

On 29 October 2009, the PSC issued a communiqué, PSC/AHG/COMM.3(CCVII), endorsing the decision on Niger adopted by the Extraordinary Summit of ECOWAS Heads of State and Government, held on 17 October 2009, in Abuja, Nigeria. It also requested the Chairperson of the AU Commission to intensify his efforts towards resolving the ongoing crisis and to continue working closely with ECOWAS. The Fourteenth AU Summit, held from 25 January to 2

February 2010, issued its Decision Document on the Report of the Peace and Security Council on its Activities and the Situation of Peace and Security in Africa in which it noted the ongoing mediation process being facilitated by former Nigerian President Abdulsalami Abubacar and urged the inter-Nigerien parties to fully cooperate with the mediator.

Crisis Escalation Potential:

Niger's political landscape was drastically altered when on 18 February 2010 a group of soldiers staged a military coup and detained President Mamadou Tandja well as several cabinet ministers. The leader of the group, Salou Djibo, declared that the Supreme Council for the Restoration of Democracy (CSRD) had suspended country's new constitution and dissolved all state institutions. Following the coup d'état, which reportedly unfolded without major interruptions to the country's daily life, several towns witnessed thousands of people taking to the streets to demonstrate what was widely regarded as support for the coup. It was reported that the CSRD committed itself to the involvement of political parties as well as civil society organisations in the drafting of a new constitution and in the design of a transitional process after the situation had been stabilised. It also stated Tandja and other senior government officials were being kept in comfortable conditions in the service quarters of the Presidency where the Red Cross was provided with access to them. Several days after the putsch, the CSRD appointed Mahamadou Danda as Prime Minister in a transitional government. Danda was previously Minister for Information in the transitional government that was set up after Niger's previous coup in 1999.

The situation, although it involved the illegitimate capture of power, appears to be relatively calm. The country's new military regime has demonstrated its willingness to

engage with regional, continental international and Furthermore, the promise of a speedy return to constitutional order has, at least for now, resulted in an optimistic atmosphere among key stakeholders in Niger as well as in the international community. However, the process that will indeed lead the country to reverse its previous trajectory will have to be closely monitored by both national and international actors. The situation will need to be transformed quickly in order to avoid the potential frustration and factionalisation in the country's relatively united opposition, especially now that the 'common enemy' has been removed from the scene. The crisis escalation potential in Niger remains high and the current transitional period will have to deliver tangible results relatively soon to assuage fears that this might be another military takeover which transforms itself into the entrenchment of power.

Key Issues and Internal Dynamics:

The coup came after a series of meetings facilitated by the ECOWAS appointed mediator in the Niger Crisis, former Nigerian President Abubakar. The meetings achieved little progress reportedly due to the intransigence of President Tandja, who rejected proposals which would compel him to hand over power in less than a year and who insisted on maintaining the country's new controversial constitution. This constitution was adopted following a referendum that was declared illegal by both the country's judiciary (which was subsequently dissolved by Tandja) as well as a spectrum international partners organisations. The new constitution would have enabled President Tandja to extend his reign for a further three years without elections after having governed for two fiveyear terms, which officially came to an end on 22 December 2009. The new constitution also rescinded the two-term limits enshrined in the preceding 1999 constitution.

President Tandja's actions sparked both nationally protest internationally. The military, which had thus far appeared united and relatively neutral, appears to have finally decided that Tandja's plan for extending his rule would adversely affect the country, notably given the prevalence of sanctions and the withholding of development aid.

In July 2009 the first volume of this Report suggested that one of the scenarios that could evolve in Niger would include: 'A section of the security forces disloyal to Tandja sides with his opponents, and the crisis situation degenerates'. To an extent this is what is now unravelling in Niger.

Geo-Political Dynamics:

Pan-African and RECs Dynamics:

Niger's coup occurred only two days after West African leaders expressed their concern over the 'region's slide into chaos' at the ECOWAS Summit which was convened on 16 February 2010 in Abuja, Nigeria. The organisation specifically expressed its regret over the 'little progress' achieved in the inter-party dialogue in Niger. In the statement that was subsequently released, ECOWAS requested the AU to complement the work of General Abdulsalami in the spirit of close cooperation existing between the two institutions by designating a Special Envoy for Niger. It also noted that Senegalese President Abdoulave Wade would himself to the mediation team for consultation on the situation in the country.

ECOWAS has played a prominent role in monitoring the situation in Niger, since Tandja decided, in mid-2009, to adopt a new constitution against the advice of Parliament as well as the country's Constitutional Court. ECOWAS' suspended Niger's membership when Tandja's constitutional term came to an end in late December 2009. The AU followed ECOWAS'

example by suspending Niger's membership of the continental demonstrating zerotolerance policy for unconstitutional changes of government, PSC/ PR/COMM.2(CCXVI). Both organisations called for a swift of restoration constitutional order. On 21 February 2010, Ambassador Ramtane Lamamra, the AU Commissioner for Peace and Security, and Mohammed Ibn Chambas, the President of the ECOWAS Commission, travelled to Niger to meet the new junta leaders and also reiterated the call for a timely restoration of constitutional order.

UN Dynamics:

In a statement issued on 18 February 2010, the UN Secretary-General repeated his appeal to stakeholders in the country to 'swiftly revert to constitutional order in the settlement of the political crisis that developed in that country last year'. A followup statement on 19 February 2010 reiterated the Secretary-General's of unconstitutional disapproval changes of government as well as attempts to remain in power through unconstitutional means. Said Djinnit, the Secretary-General's Special Representative for West Africa, joined the AU Commissioner for Peace and Security and Head of ECOWAS during their mission to Niger on 21 February 2010.

Scenario Planning:

Scenario One:

The military leadership could continue to be open to engagement with and assistance from, the international community and succeeds in putting a process in place that would lead towards the restoration of constitutional order in the country. Despite the inherent frustrations and delays in such a process, key actors could manage to peacefully negotiate a way out of the crisis of leadership and set a clear timetable for progress.

Scenario Two:

The military leadership could delay any transition out of the current crisis so as to extend the duration of its rule. This could lead to frustration among the country's political actors and its armed forces could experience serious internal rifts. The resulting tension could precipitate violent confrontation.

Early Response Options:

The **CSRD** has demonstrated an initial willingness the regional engage with and community. international The recent developments are situated within the AU's principles the unconstitutional change of government enshrined in its Constitutive Act and in the Lomé Declaration on Unconstitutional Changes of Government, of July 2000. Given the above scenarios the following options could be considered:

Option 1:

The PSC in tandem with ECOWAS could continue to monitor the situation and maintain pressure on the CSRD, but also continue to engage with it to ensure and to facilitate a timely return to constitutional order. In this regard, the PSC could recommend the appointment of a Special Envoy of the Chairperson of the AU Commission, as requested ECOWAS, to closely monitor the situation and work with regional and international partners.

Option 2:

In the absence of cooperation from the CSRD, the PSC could recommend the application of the measures articulated in the Lomé Declaration on Unconstitutional Changes of Government and reemphasised at the recent 2010 AU Summit, until constitutional order is restored in Niger.

Documentation:

Relevant AU Documents:

- PSC/PR/COMM.2(CCXVI) (19 February 2010) Communiqué on Niger
- AU Communiqué (19 February 2010) The Chairperson of the Commission Condemns the Seizure of Power by Force in Niger
- Assembly/AU/Draft/ Dec.1(XIV)Rev.2 (2 February 2010) Decision on the Report of the Peace and Security Council on its Activities and the Situation of Peace and Security in Africa
- EX.CL/566 (XVI) (2
 February 2010) Report
 of the Chairperson
 of the Commission
 on the Prevention of
 Unconstitutional Changes
 of Government and
 Strengthening the Capacities
 of the African Union to
 Manage Such Situations
- Assembly/AU/Draft/ Dec.2(XIV)Rev.2 (2 February 2010) Decision on the Prevention of Unconstitutional Changes of Government and Strengthening the Capacities of the African Union to Manage Such Situations

Assembly/AU/Dec.220(XII)
 (2 February 2010) Decision
 on the Resurgence of the
 Scourge of Coups d'État in
 Africa

RECs Documents:

 ECOWAS Statement N° 020/2010 (16 February 2010) ECOWAS Leaders Exhort Nigerien Parties to Demonstrate Flexibility in Resolving Political Crisis

PSC RETROSPECTIVE: Election of the PSC Members

On 1 February 2010, fifteen countries of the African Union were elected to the Peace and Security Council, during the Sixteenth Ordinary Session of the Executive Council of Ministers. in Addis Ababa. The election was subsequently endorsed at the Fourteenth Ordinary Session of the Assembly of Heads of State and Government. Earlier towards the end of 2009, the Commission had issued announcement regarding the fifteen PSC vacancies that arose as a result of the expiry of three-year terms of office of five members of the PSC elected in January 2007 as well as the conclusion of the two-vear terms of ten members of the PSC who were elected in January 2008. This meant that all the fifteen positions on the PSC were vacant prior to the 2010 election.

The elections were in accordance with Article 5 (1) of the Protocol Relating to the Establishment of the PSC that governs the polls for Council membership. Procedurally, in electing the members of the

Council, the Assembly applies the principle of equitable regional representation and national rotation. Article 5(2) stipulates that the criteria of the selection of each prospective member state including among others: the country's contribution to the promotion and maintenance of peace and security in Africa; its willingness and ability to take up responsibility for regional and continental conflict resolution initiatives: as well as respect constitutional governance, in accordance with the Lomé Declaration.

Accordingly, the five countries that were elected to serve for a period of three years as from March 2010 are:

- Republic of Equatorial Guinea

 Central Africa;
- Republic of Kenya Eastern Africa;
- Great Socialist People's Libyan Arab Jamahiriya – Northern Africa;
- 4. Republic of Zimbabwe Southern Africa;
- 5. Federal Republic of Nigeria Western Africa.

The other ten members of the PSC elected for a term of two years are:

Central Africa

- 1. Republic of Burundi;
- 2. Republic of Chad;

Eastern Africa

- 3. Republic of Djibouti;
- 4. Republic of Rwanda;

Northern Africa

5. Republic of Mauritania;

Southern Africa

- 6. Republic of Namibia;
- 7. Republic of South Africa;

Western Africa

- 8. Republic of Benin;
- 9. Republic of Cote d'Ivoire;
- 10. Republic of Mali.

PSC RETROSPECTIVE: Election of the PSC Members (continued)

Among these countries Benin, Burundi, Chad, Mali, Nigeria, and Rwanda were re-elected. Most regions had determined who the members from each region would be prior to the Summit, so the elections were essentially a formality. Most regions rotated new members into the Council, however, with the re-election of previous members the institutional memory of the PSC would be preserved which should enable to continue its functions without any undue disruption.

Article 8(6) of the PSC Protocol states that new members of the Council take up office on the first day of April after their election by the AU Summit. The new list of Council members and the inaugural Chairperson for the month of April has to be formally communicated to PSC members and other AU Member States before the end of February 2010.

At the Retreat of the PSC convened from 5 to 6 July 2007 in Dakar, Senegal, the Council resolved to adopt the practice of a monthly Rotating Chairmanship, PSC/PR/2(LXXXIII). According to Article 8(6) of the PSC Protocol, the Chair of the Council shall be held in turn by the members of the Council in the alphabetical order of the names of individual countries for a period of one calendar month. In other words, following each election PSC members will assume the Rotating Chairmanship according to the alphabetical order of the names of their countries. The Chair of the PSC is occupied by the Permanent Representative of the country that is designated to chair the Council for a particular month. The Permanent Representative has to be duly accredited to the AU Commission and he or she is therefore expected to remain Addis Ababa, where the AU headquarters are located, during his or her chairmanship. He or she also has the mandate to request briefings from the different committees of the PSC and other organs and institutions of the AU. In addition, through the Livingstone Formula, the Chair of the PSC can engage directly with civil society organisations on a range of early warning, peacemaking, peacekeeping and peacebuilding issues.

The election of Nigeria, South Africa and Kenya, among others, means that key pivotal states in Africa's various regions will now be able to bring their extensive experience and resources peacemaking and peacekeeping to the activities of the PSC. Nigeria is already a non-permanent member of the UN Security Council. South Africa has secured the prospective support of the AU as the candidate from the Southern Africa region for the 2011-2012 term as a nonpermanent member of the UNSC. The potential election of other new members of the AU PSC to the UN Security Council may bridge the communication gap that exists between the two institutions. However, the extent to which African countries that are elected to the UN Security Council will be able to forge a common voice and articulate the perspective of the PSC remains to be seen.

The AU has declared 2010 as the Year of Peace and Security, but there are a number of violent conflicts on the continent, amongst others in the Darfur region of Sudan and Somalia which will continue to occupy the attention of the PSC. In addition, there are countries that have a high crisis escalation potential including South Sudan, Guinea, Madagascar and Niger which will also require the Council's attention. The PSC will therefore be confronted by significant challenges, but based on its prior initiatives the Council has established a precedent for increasing the extent and degree of its intervention to promote peace on the African continent. Within the framework of the Year of Peace and Security, the AU Summit has already requested the Council to undertake proactive initiatives to continue preventing conflict as well as promoting post-conflict reconstruction. A cursory assessment of its five-year existence reveals that the PSC has convened almost 220 meetings and issued as many communiqués statements relating crisis and conflict situations in Burundi, CAR, Chad, Comoros, Côte d'Ivoire, DRC, Guinea, Guinea-Bissau, Kenya, Liberia, Madagascar, Mauritania, Niger, Rwanda, Somalia, Sudan, Togo, and Zimbabwe, among others. The Council has also authorised sanctions against several member states, most notably against the military junta in Guinea following the September 2009 massacre of innocent civilians, and against Mauritania prior to the July 2009. elections The Council has authorised the deployment of four peace operations namely in Burundi (2003 to 2004), Sudan (2004 to present, now being jointly undertaken with the UN), the Comoros (2006 to present) and Somalia (2007 to present). Undoubtedly, the Council has demonstrated its ability engage with crisis situations in Africa and will continue to function as one of the most important and powerful organs of Africa's evolving peace and security architecture.

COUNTRY ANALYSIS

Comoros

Previous PSC Communiqués and Recommendations:

On 9 May 2007, the PSC issued PSC/MIN/ communiqué, Comm.1 (LXXVII), authorising the deployment of the African Union Electoral and Security Assistance Mission (MAES) to the Comoros. Subsequently, on 10 October 2007, it issued communiqué PSC/PR/COMM(XCV), which imposed targeted sanctions on the authorities of Anjouan which had unilaterally declared independence from Comoros. On 30 April 2008, PSC communiqué PSC/PR/COMM(CXXIV) extended the mandate of the MAES to assist the central government undertake post-conflict reconstruction and oversee the forthcoming legislative elections. The Council also urged the island State authorities to create an environment conducive to free, fair and democratic elections. In December 2009, after a series of postponements, these polls were convened.

Crisis Escalation Potential:

At the end of January 2010, students in Comoros staged against the extended protests school closures following a strike by teachers demanding payment of their salaries. Public sector teachers have been on strike for almost a month in response to payment arrears of up to six months. In effect, schools have been closed since the beginning of this year. Hundreds of school students and university undergraduates marched with their teachers through the capital Moroni protesting against the government. Tensions escalated after a section of the protesters begun to throw projectiles at business installations. In response, the security forces blocked access to an avenue leading to President Ahmed Abdallah Sambi's palace. Some of the teachers alleged that Sambi's ruling coalition which won a parliamentary election in December has not delivered on its commitment to manage the economy effectively.

On 7 February 2010, Comorian security forces arrested and briefly detained the leader of the opposition movement Said Larifou. Earlier in 2009, Larifou had been designated as the National Secretary of a coalition of parties opposed to President Sambi. Though no official reason was given, observers note that he was accused of allegedly initiating and politicising the student riot as he had vocally supported the protests that were held in lanuary 2010. Larifou, who heads the Ridja Party, was arraigned in court and subsequently released the following day with a summons to reappear at the prosecutor's office. On 9 February 2010, Larifou announced that he would go on hunger strike. He stated that his cyclical arrests are undermining his freedom to function as a citizen and politician. The tensions relating to the referendum and the rotating presidency of the island state could escalate the crisis situation in the country.

Key Issues and Internal Dynamics:

At the heart of the Comorian crisis is a guest to control the country's limited resources in conditions of pronounced poverty, which has generated a highly competitive and often violent political environment. Comoros has had a troubled political history and has experienced more than 20 coups since its independence from France in 1975. The recent legislative elections which were originally due to take place in July 2009 were subsequently held between 6 and 20 December 2009. These polls were designed to stabilise the country. The Comoros has parliamentary constituencies. Nine of the seats in the legislature are filled by appointees from the assemblies of the autonomous islands of the Comoros: Grande Comore, Mohéli and Anjouan. The Assembly of each island selects members. On 6 December 2009, the first round of elections took place without any significant incidents. However, only constituencies achieved results in which there was an outright majority in the first round. In both instances President Sambi's party won the poll. Therefore a second round became a necessity and was duly convened on 20 December 2009. The official results subsequently announced that President Sambi's Baobab (named after the tree) Coalition won a majority of seats in the Assembly. The opposition won five constituencies and three of these were on the island of Mohéli.

The Presidential term of office in the Comoros is four years and an office holder is entitled to just one mandate. This system was effectively devised after Anjouan, one of the three islands that make up the Union of Comoros, decided in 1997 to pursue independence from the Union. In essence. Anjouan wanted to revert to French rule citing economic and political marginalisation by the other islands. France rejected the request and this precipitated bloody confrontations between the federal troops and rebels. The AU deployed a special mission to depose the irridentionist leader Mohammed Bacar, who had declared himself as the de facto president of Anjouan. Ultimately, through negotiations brokered in part by the AU an agreement was reached to ensure that a framework of a rotating presidency among the three islands was established. A union government of the three islands was also established with a new system of political autonomy. In keeping with the principle of a rotating presidency, Mwali island, with a population of 38,000 people, is due to provide a President in 2011.

On 17 May 2009, a referendum was convened in Comoros, which effectively amended the 2001

AU Post-Summit Analysis

From 25 January to 2 February 2010, the African Union convened its Fourteenth Assembly of Heads of State and Government, in Addis Ababa, Ethiopia. Even though the official theme of the summit was 'Information and Communication **Technologies** (ICTs) in Africa: Challenges and Prospects for Development', there were a number of peace and security-related issues that featured in the deliberations and final decisions of the Assembly.

Launch of the Year of Peace and Security in Africa:

In August 2009, AU Heads of State and Government of the AU, met in Tripoli, Libya, and declared 2010 as the Year of Security. Peace and During the February 2010 Summit, a flame of peace was symbolically handed over to the newly elected Chairperson of the Assembly, Malawian President Dr. Bingu wa Mutharika. This flame of peace will be transported to all AU member states. The idea behind this declaration is to bring a degree of focus on addressing the challenge of promoting peace and security in Africa. Activities will include events geared towards raising the profile of the AU in its efforts in promoting peace as well as in engaging with academic institutions and civil society to generate awareness of strategies for making peace.

Unconstitutional Change of Government:

The summit considered the growing phenomenon of unconstitutional changes government following a Report that was presented on issue by the AU Commission. Earlier in December 2009, the PSC had discussed the need to implement sanctions in the event of an unconstitutional change of government. This AU commitment was immediately tested when a coup d'état took place in Niger on 18 February 2010, overthrowing former President Tandja. The AU duly issued sanctions on the coup leaders and suspended Niger's membership of the continental body and urged a precipitous return to constitutional order in the country.

Justice and Accountability:

The AU Summit also discussed the forthcoming Review Conference of the Rome Statute on the International Criminal Court (ICC) and the incidental issue of the pending indictment of President Omar Al Bashir of Sudan for alleged war crimes committed in Darfur. The AU Summit endorsed the recommendations of the Ministerial Preparatory Meeting on the Rome Statute held in November 2009 in Addis Ababa. Specifically, the Summit noted the Ministerial recommendations for:

- the proposal for amendment of article 16 of the Rome Statute;
- addressing procedural issues including guidelines for the exercise of prosecutorial discretion by the ICC prosecutor;
- the immunity of officials whose states are not parties to the ICC treaty; and
- proposals regarding the crime of aggression.

There are 30 AU Member States that parties to the Rome Statute and the majority will attend the ICC Review Conference in Kampala from 31 May to 11 June 2010.

Climate Change and the Post-Copenhagen Conference:

The Summit considered a Report of the AU Commission on the climate change negotiations which were convened in Copenhagen in December 2009. Analysis already pointed to the impact of global climate change on armed conflict in Africa, particularly with regards to increasing drought and competition over land. In this regard, the Summit encouraged member states to endorse the provisions of the Copenhagen Accords by submitting their individual positions on this matter to the Secretariat of United Nations Framework Convention on Climate Change (UNFCC). The Fourteenth ΑU Summit also endorsed the leadership of Meles Zenawi, Prime Minister of Ethiopia, as Coordinator of the Conference of African Heads of State and Government on Climate Change (CAHOSCC). Zenawi will also coordinate the African position through CAHOSCC in the next two climate conferences in Mexico in 2010 and in South Africa in 2011.

Additional Summit Decisions:

In addition to the decisions adopted above, the Summit:

- approved for the integration of the New Partnership for Africa's Development (NEPAD) into the AU structures. This will be achieved by the establishment of a NEPAD Planning and Coordinating Agency (NPCA). The NPCA will serve as a technical specialised agency of the AU and will replace the existing NEPAD Secretariat;
- requested the AU Commission to coordinate the organisation of joint election observation missions with the Pan-African Parliament and other relevant institutions of the Union;

AU Post-Summit Analysis (continued)

- endorsed report of the feasibility study on the establishment of Trust Fund for African Women and issues related to their empowerment;
- decided that the theme of the Summit for January 2011 would be dedicated to the 'Shared Values of the African Union' including identifying obstacles and measures to be adopted to facilitate continental integration based on common principles; and
- approved a budget of approximately USD 250 million for the financial year 2010.

The Summit discussed a selection of crisis situations across the continent including Sudan, Somalia, Guinea and Madagascar. With reference to the Western Darfur region of Sudan, reports

indicate that fighting between the Sudanese army and armed militia continues, civilians remain at risk and peacekeepers are routinely being harassed. With reference to South Sudan, a number of analysts have also warned that the conflict escalation potential remains significantly high due to the forthcoming nationwide elections this year and the 2011 referendum on Southern secession. The AU Mission in Somalia (AMISOM) has deployed over 5,000 peacekeepers in to the country composed of contingents from Uganda Burundi. However, the situation in the country remains precarious for an embattled Transitional Federal Government (TFG) which continues to be targeted by armed militia. The now notorious Al-Shabaab insurgents continue to make military inroads and have recently captured a key town close to the border with Kenya. The ongoing crisis in Somalia continues to destabilise the region

and generate refugee flows. Lastly, there are challenges related to the restoration of constitutional order in Madagascar, Guinea and Niger which will continue to require the attention of the AU.

Overall the 2010 AU Summit was notable for its raft decisions on key issues such as the unconstitutional change of and international government justice. The declaration of a Year of Peace and Security will not translate into a continent at peace with itself in a twelve month period, as the recent events in Niger indicate. However, the declaration can serve as an important catalyst for creating more enabling political environment to achieve peace and security with the participation of African citizens.

constitution. The referendum also sought approval for an amendment to the political system through which each island had its own president and legislature. This older system was also broadly recognised as a drain on the country's limited resources. A majority of Comorian citizens voted for the referendum, even though there were some allegations of voting irregularities.

Geo-Political Dynamics:

Pan-African and RECs Dynamics:

Tanzania and South Africa have been prominent players in the Comorian crisis. Tanzania has cultural and economic ties with the island and is a major contributor to the AU MAES. Tanzania has also worked on harmonizing the AU positions and responses to the situation in the Comoros. South Africa was initially opposed to the deployment of the AU mission in

Comoros, arguing instead for a diplomatic solution to the internal problems. Relations between South Africa, which has questioned the validity of the referendum, and Comoros remain problematic. The opposition leader Larifou recently traveled to and held discussions with leaders in, Tanzania and South Africa in addition to trips to Ethiopia, Mauritius and Madagascar.

UN Dynamics:

The UN has been largely absent in the Comorian crisis. The AU has effectively taken the lead and sustained sole responsibility for the crisis. Within the UN General Assembly the dispute between Comoros and France over Mayotte, has generated a degree of sympathy for the Comorian position. The UN General Assembly, which is dominated by developing countries, has passed a number of resolutions calling for the recognition of

Mayotte as part of Comoros. The UN Security Council has not demonstrated an appetite for engaging with the Comorian crisis. Particularly among the Permanent Five countries there seems to be a tacit recongition that Comoros is in the French sphere of influence, and it is not necessary to deploy valuable diplomatic and political capital to engage with the issue.

Wider International Community Dynamics:

In addition to the African Union. France. the Indian Ocean Commission and the Arab League, among others, were involved in supporting negotiations that led to the brokering of the peace agreement in 2009. President Sambi has sought to maintain good relations with a broad spectrum of the international community. Since

the Iranian President Mohammed Ahmedineiad visited Moroni in February 2009, Sambi has maintained ties with Tehran which has become an issue of concern for western powers, namely France and the United States. On January 2009, the Chinese Vice Foreign Minister Zhai Jun visited Comoros to discuss relations between the two nations and Beijing pledged to deepen bilateral relations with the country. The US interest in the Comoros has increased due to its strategic position in the Indian Ocean and Sambi's growing relations with Iran. In 2008, the US trained troops in the Comoros armed forces and also granted Comoros the eligibility to partake in the African Growth and Opportunity Act (AGOA).

Scenario Planning:

Scenario 1:

The protests illustrate that there are economic challenges facing the country and if they are not effectively managed this could escalate the political tensions in the country. The limited presence of MAES and a national police force, that is facing a number of operational constraints means that there is only a limited capacity to manage a potentially explosive situation.

Scenario 2:

The principle of rotation of the Presidency between the islands could be ignored by key political actors undermining stability in the country.

Scenario 3:

The adherence to prior agreements, brokered by the AU, could lay the foundation for the consolidation and institutionalisation of the peace and stability of the Comorian union government.

Scenario 4:

The AU MAES could reinforce its capacity to support post-conflict reconstruction efforts in the country and lay the foundation for transparent elections and the restoration of constitutional order.

Early Response Options:

Given on the above scenarios the following options could be considered:

Option 1:

The PSC could recommend and pursue the establishment of an inclusive dialogue forum to evaluate the progress on the island and asses the effectiveness of the AU's mission to provide electoral assistance and promote stabilisation. This could be achieved by recommending that the AU convene a post-electoral convention to assess the state of peace and security in the country.

Option 2:

Recognising that the Comoros crisis requires ongoing monitoring the PSC could establish a panel that follows the implementation of agreements in the Comoros.

Option 3:

The PSC could recommend the reinforcing of the AU MAES force to effectively provide capacity for early intervention in the event of a crisis escalation.

Relevent Documentation

AU Documents:

PSC/PR/BR/PS/2(CVII) (21 January 2008) Communiqué on Comoros

PSC/PR/COMM(XCV) (10 October 2007) Communiqué on Comoros

PSC/PR/COMM(LXXXVII) (13 August 2007) Communiqué on Comoros

UN Documents:

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Useful Additional Resources:

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COUNTRY ANALYSIS

Nigeria's Niger Delta

Previous AU/REC Statements and Communiqués:

10 February 2010, On the Chairperson of the AU Commission, Jean Ping, commended the initiative to install Goodluck Jonathan as Nigeria's Acting Head of State in the absence of the Country's President, Umaru Yar'Adua, due to ill health, since November 2009. The Chairperson commended the authorities and people of Nigeria for demonstrating a 'respect for the constitution, good governance, democracy and the rule of law'. He also encouraged 'all the stakeholders in Nigeria, including the military, to continue in their firm support for and practice of constitutionality'. The Solemn Launching of the AU PSC/AHG/ PSC, communiqué **Comm.(IX)** of 25 May requested the Commission of the AU to monitor the conflicts on the continent 'and to keep the Council seized on future developments and how best we can effectively address each of them'. The situation in the Niger Delta however has not yet been considered by the Council.

At a regional level, on 23 June 2008, **ECOWAS** issued communiqué ECW/A/OIUN34 through its Abujabased Commission, applauding the Nigerian Government's Amnesty Programme which it extended to armed militia in the Niger Delta. The **ECOWAS** communiqué called for the reintegration of former militants into society and for renewed efforts to promote peacebuilding and reconstruction of the region. ECOWAS lamented the ongoing violence in the Delta and expressed its solidarity with the Nigerian Government and its citizens in searching for the peaceful resolution of the crisis. ECOWAS commended the policies initiated by President Yar'Adua aimed at the comprehensive development of the Niger Delta region and called upon the militants to desist from all acts of violence and embrace the path of dialogue in order to achieve sustainable peace in the region.

Crisis Escalation Potential:

In early February 2010, the main armed militia in the Niger Delta, the Movement for the Emancipation of the Niger Delta (MEND), indicated that it would target oil company installations as well as personnel. MEND has been calling for a greater degree of autonomy and a genuine partnership between the local people and government in the management of their natural resources and their utilisation for the promotion of development. In December 2009, a MEND faction attacked a pipeline in response to what it saw as a lack of progress with the peace talks.

The lengthy absence of the country's President Yar'Adua prompted concerns about a political vacuum to address pressing issues such as the situation in the Niger Delta. However, a National Assembly vote for the installation of Jonathan has to a certain extent assuaged tensions. Neverthelss, there are suggestions that this installation could be legally challenged. The lack of clarity on the national leadership question could further undermine efforts to address insecurity in the Niger Delta.

Key Issues and Internal Dynamics

The challenges in the Niger Delta date back to the late 1950's and successive Nigerian governments address have sought to the situation through Commissions of Inquiry. The region extends over approximately 70,000 km² constitutes approximately percent of Nigeria's land mass. It consists of the present day Bayelsa, Rivers and Delta States. However, in 2000, the Obansanjo administration expanded the parameters of the Niger Delta to include Abia, Akwa-Ibom, Edo, Imo, Ondo and Cross

River States. This now represents 30 million people from about 40 ethnic groups. Since 1975, the region has accounted for more than 75 percent of Nigeria's export earnings. However, the challenge has been in the implementation of these recommendations in a way that would assuage the tensions in the region. More recently, former President Olusegun Obasanjo convened the Ogomudia Committee in 2001 to assess the issues in the Niger Delta. However, the recommendations of the Committee were not made public.

inauguration of President Yar'Adua in May 2007 offered an opportunity for a renewed initiative to address the situation in the Niger Delta. The Yar'Adua administration attempted to convene a Delta summit but there was a lack of local support for the initiative. In May 2008, a proposal was put forward to incorporate the armed militia into security companies so that they could then be gainfully employed to guard pipelines and other oil installations. However, this proposal was met with public skepticism and duly rejected by the armed militia. In September 2008, the Ministry of Niger Delta Affairs was established to bring a greater degree of focus on promoting development in the region. However, due to a limited budget and uncertainty with regards to the division of labour between the Ministry and the Niger Delta Development Commission (NDDC) this has undermined its overall efficacy. On 8 September 2008, the Nigerian Government established a Technical Committee on the Niger Delta, as part of its renewed effort to develop a coherent long-term strategy to resolve the tensions in the sub-region. The Technical Committee's Report recommended issuing an amnesty to the leadership of the armed militia within the 'a context of comprehensive demobilisation, disarmament and rehabilitation (DDR) programme; increased allocation of oil revenue to the region; the urgent improvement of infrastructure and

human welfare services; and new institutions for the Delta's long-term development'.

The delays in the implementation of these progressive recommendations has contributed towards increasing the tension in the Niger Delta. Core to the issue has been oil revenue allocation. The environmental devastation associated with the industry has also become a key aggravating factor for numerous environmental movements inter-ethnic conflicts in the region. Nigeria is now one of Africa's largest oil producers. However, the persistence of tension in the Niger Delta has limited production to two million barrels of oil per day which analysts estimate as only two thirds of the country's potential production capacity - costing around USD \$1 billion a month in lost oil revenues.

Over the years local indigenous activity against commercial oil refineries and pipelines in the region has increased in frequency and militancy. MEND has effectively rescinded its three-month old ceasefire. On 7 February 2010, the Joint Revolutionary Council (JRC), a coalition of community leaders and ex-militia issued a statement in which it stated that it had disabled a crucial pipeline in the Obunoma area of Rivers State which connects several flow stations to a vital oil export terminal.

The 2009 Amnesty Programme led to thousands of militia giving their weapons. However, renewed militancy does not augur well for peace and security in the region. Yar'Adua's absence may have temporarily slowed down the implementation of the post-Amnesty Programme, including the payment of stipends and re-training of former militants. However, the new Acting President Jonathan has pledged to build on the amnesty for the militants begun by President Yar'Adua. Whether this will appease the militant groups remains to be seen.

Geo-Political Dynamics:

Pan-African and RECs Dynamics

Given Nigeria's prominence in Pan-African affairs, neither the AU Assembly nor PSC members have raised the Niger Delta crisis as an agenda item. Nigeria considers the Delta situation an internal issue that does not warrant any external commentary or intervention. Yet the majority of crisis in African states are fomented by 'internal issues' and the PSC Protocol calls upon the PSC to comment on situations that could potentially threaten regional peace and security. Nigeria has been reelected to the PSC as of April 2010 for the next three years.

In contrast, ECOWAS has adopted a consistent position in repeatedly for the peaceful appealing resolution to Niger Delta crisis and has expressed its support the Nigerian Government recent efforts notably its 'Amnesty Programme'. ECOWAS has also consistently called for dialogue and reconciliation to address the underlying grievances fuelling tension in the Delta.

UN Dynamics:

In October 2009, Nigeria was elected to a non-permanent seat on the UN Security Council, along with Gabon, for a two year term by the 192-member General Assembly. Nigeria began to play its role on the UNSC on 1 January 2010. The Nigerian Foreign Minister Ojo Maduekwe stated that the country would adopt preventive diplomacy as a key strategy to dealing with crisis situations. Whether this approach will be adopted domestically to address the Delta issues remains to be seen.

On 4 February 2010, the UN pledged its support for the Nigerian Government's Amnesty Programme through a mindset and technical education programme for ex-militia in the Niger Delta. The United Nations Office for Project Services

(UNOPS) will also support the reintegration programme for the ex-militia and unemployed youth in the Rivers, Delta and Bayelsa States. UNOPS will provide project and professional management capacity building support for this reintegration programme. Currently, is implementing UNOPS outreach strategy to national and international institutions to acquire accreditation for the technical and vocational education training programmes.

Wider International Community Dynamics:

The international community has a stake in the resolution of the Delta crisis mainly due to Nigeria's significant influence in ensuring global energy security. The crisis in the Niger Delta has had an impact on oil production in the country. In this respect, the country's partners include the US, China, UK and other leading members of the G20 and European Union (EU). For example, Nigeria produces 10 percent of total US oil imports. Analysts suggest that the Obama administration could consider providing military support to the Nigerian government if the current Amnesty Programme collapses.

Civil Society Dynamics:

The Niger Delta Civil Society Coalition has called on the Rivers State Government and others State governments in the region to reassess their strategy in dealing with the crisis in the Region. The Coalition argues that the persistent reliance on military force to respond to militia and criminal violence are unlikely to address the underlying issues. Given the current circumstances in the region the Civil Society Coalition has appealed to the Federal government and the Niger Delta state governments to support a new strategic direction that would create a conducive environment for civil society to play a role in peacebuilding and reconstruction in the Region.

Nigerian non-governmental organization, the Socio-Economic Rights and Accountability Project (SERAP), has initiated legal proceedings in the **ECOWAS** Community Court, in Abuja, against the Nigerian Government, the staterun Nigerian National Petroleum Corporation (NNPC) and six major oil firms operating in the country, for what it alleges are instances of pollution and associated human rights violations in the Niger Delta. SERAP issued a statement in which it identified the corporate plaintiffs as: Shell Petroleum Development Company (SPDC); Elf Petroleum Nigeria Ltd; Agip Nigeria PLC; Chevron Oil Nigeria PLC; Total Nigeria **PLC** and Exxonmobil Corporation.

Scenario Planning:

Scenario 1:

The ongoing Amnesty Programme could fail to address the underlying grievances fuelling the crisis in the Niger Delta, which could escalate tension. In this scenario, the situation could continue to adversely disrupt oil production and socio-economic development in the region. This could make it significantly more difficult to engage all stakeholders in an effective peace process in the region.

Scenario 2:

The Acting President Jonathan's administration could take immediate steps to reinforce the peace deal with militants in the Niger Delta. This could lay the foundation for a more comprehensive Niger Delta Peace Agreement.

Early Response Options:

Urgent and inclusive dialogue and action is critically necessary to effectively resolve the crisis in the Niger Delta. Given the above scenarios, the following options could be considered:

Option 1:

Building upon the statement of the Chairperson of the AU Commission on the political situation in Nigeria, the PSC could urge the national government, regional leaders and the militia to eschew armed violence and create an environment for peacemaking to proceed.

Option 2:

The PSC could liaise directly with the administration of Acting President Jonathan to assess how it can bring its resources and those of the AU to bare on preventing the prevailing peace accord between the Federal Government and the Niger Delta militia from collapsing.

Option 3:

The PSC could also invoke the Livingstone Formula to directly engage with the local Niger Delta community and militia leaders to encourage them to reciprocate the potential goodwill that may be demonstrated by the Federal Government by cooperating on DDR and in ceasing their hostage-taking and attacks on oil installations.

Option 4:

The PSC and the AU could act in tandem with Nigeria's international partners to assess whether the Federal Government would accept an external third-party, perhaps in the form of a Special Envoy of the Chairperson of the AU Commission, to coordinate mediation efforts and revitalise the peace process based on the inclusion of the participation of civil society actors.

Option 5:

The PSC could refer to the AU Post-conflict Reconstruction and Development (PCRD) Policy Framework to also highlight the importance of the corporate social responsibility of oil companies

in the Niger Delta, notably their obligations to be active members of peacebuilding and community development as well as eliminating environmental destruction through their profit-oriented activities.

Documentation:

Relevant AU Documents:

AU Commission Statement (10 February 2010) The Chairperson of the African Union Commission comment on the Vice-President Goodluck Jonathan, as the Acting President of the Federal Republic of Nigeria

RECs Documents:

ECW/A/OJUN34, (23 June 2008) ECOWAS Communiqué issued at the Thirty-Fourth Ordinary Session of The Authority of Heads of State and Government

Useful Additional Resources:

Government of the Federal Republic of Nigeria, Report of the Technical committee on the Niger Delta, November 200

Peace, Security and the US Africa Command

Following the Fourteenth AU Summit, in early February 2010, the Commander of the United States (US) Africa Command, also known as AFRICOM, General William Ward visited the AU. General Ward met with the AU Commissioner for Peace and Security, Ambassador Ramtane Lamamra, and announced that AFRICOM was willing to assist the AU in its peace and security efforts within the framework of the African Peace and Security Architecture (APSA). The visit was aimed at strengthening ties between AFRICOM and the AU as well as improving the Command's image on the continent - which is still viewed as a foreign combat force in Africa. General Ward also discussed the security situations in Sudan and Somalia and sought to re-emphasise that AFRICOM's military role was limited on the continent.

On 12 February 2010, three days after General Ward's official visit, Jean Ping, the Chairperson of the AU Commission, delivered his monthly press conference at the AU headquarters and noted that the issue of AFRICOM had never featured on the agenda of the AU Summit. Ping further noted that individual member states would adopt their own specific responses to AFRICOM and that the AU had not yet sought to have an institutional engagement with the Command. However, Ping acknowledged that the issue was currently the subject of discussion and debate in the diplomatic, public and academic spheres of the continent.

AFRICOM's evolution has followed an interesting trajectory. In 1995, the US Defense Department released a memorandum which boldly stated that 'America's security interests in Africa are very limited'

and that 'ultimately we see very little traditional strategic interest in Africa'. Nevertheless, the past decade has witnessed a dramatic increase in the strategic importance of Africa, particularly due to the need to access oil and other natural resources, the increased incidents of terrorism and climate change challenges. These developments have compelled the US to revise its strategic involvement in Africa. The terrorist attacks on 11 September 2001 altered the US' strategic foreign policy interests, which led to increased security, military and intelligence dimensions of US in Africa. The Horn of Africa and the Sahel region are in particular viewed as a potential safe havens for Al-Qaeda and other religious extremist groups.

It was within this strategic context that AFRICOM was launched in 2007. Initial criticisms noted that the launch of the Command initiated militarisation of American diplomacy in Africa'. A number of pivotal AU member states, including key regional actors like Nigeria and South Africa, openly stated their skepticism about the Command's missions. AFRICOM, which currently based in Stuttgart, Germany, with a staff complement of about 600 military personnel and 600 civilians hand indicated that it had no plans to relocate to Africa in a near and medium future. However, this has not decreased the suspicion around the ultimate objectives of the Command.

AFRICOM has repeatedly stated that its only objective is to work to promote the peace and security of the continent. In its mission statement, AFRICOM also stipulates that it wants to build the capacity African national security institutions. One of the areas that the Command focuses on is security sector governance. This specific programme aims to improve

Civil Military Relations (CMR) and Civil Military Cooperation (CMC) initiatives in Africa by assisting in the development of a professional, legitimate, effective and democratically accountable African security institutions which support democratisation processes. The capacity building programme is also geared towards avoiding unconstitutional changes of government, confront terrorism, drug and weapons trafficking and enhancing humanitarian and development assistance. However, this commitment was questioned following AFRICOM's military exercise the armed forces of Gabon. in September 2009, after the country had a disputed election which witnessed a crackdown against protesters. This particular intervention was broadly criticised because it seemed to have been driven by a desire to preserve US geo-strategic interests rather than lay a foundation for democratic consolidation. There is also the perception that the projection of US power in Somalia in pursuit of Al-Qaeda-linked extremists may have exposed AMISOM to further targeting.

However, AFRICOM's has also made a positive contribution. In 2008, the Command helped deploy 1,600 Ugandan peacekeepers to Somalia and it has also participated in an airlift support of AU personnel to Darfur in the context of AU and NATO collaboration. There are clearly components of APSA that could collaborate and partner with AFRICOM on the basis of genuine partnership. More specifically, the PSC can interface with AFRICOM on a range of postconflict reconstruction issues.

Peace, Security and the US Africa Command (continued)

Article 17 of the PSC Protocol provides the basis for the partnership and working relationship of the PSC with entities like AFRICOM. Article 17(4) stipulates that the Council shall cooperate and work closely with relevant international partners on issues of peace,

security and stability in Africa. The AU can also decide and determine how and whether it would want to engage with the Command. The advantage of this would be the harmonisation and coordination of all AU interactions with the Command. However, AFRICOM has a significant image problem, which

relates to how it was conceived and operationalised. Clearly, going forward, AFRICOM would need to engage in a more detailed process of consultation with its African partners to address this image problem.

Important Forthcoming Dates

1 April 2010 – inaugural meeting of the newly elected members of the PSC who were formally endorsed by the AU Assembly of Heads of State and Government during the 14th AU Summit held between 31 Jan - 2 Feb 2010

31 May to 11 June 2010 - International Criminal Court Review Conference, Kampala, Uganda

African Election Calendar for Next Six Months in 2010

Country	Election	Date
Burundi	Communal President National Assembly Senate (indirect) Colline	20 May 2010 28 June 2010 23 July2010 28 July 2010 7 September 2010
Central African Republic	Presidential & National Assembly	March 2010
Côte d'Ivoire	President	Late February or early March 2010 (postponed from 29 November 2009)
Ethiopia	House of People's Representatives Regional State Councils	23 May 2010
Guinea-Bissau	President (1st round)	Postponed from 28 June 2009 to June 2010, due to the assassination of president
Kenya	Constitutional referendum	April 2010
Lesotho	Local Government	April 2010
Somaliland (autonomous region)	President House of Representatives Local Government	April 2010 September 2010 Late 2010
Sudan	President (1st round) National Assembly, Council of States Southern Sudan President (1st round) Southern Sudan Assembly, State Legislatures, State Governors, Local Government	11-19 April 2010 (postponed from July 2009)
Togo	President	28 February 2010
Tunisia	Local Government	May 2010

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