Early Warning Issues for August

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

Madagascar:

The PSC issued communiqué PSC/PR/Comm.(CLXXI) on 20 March 2009 on the situation in Madagascar calling for a restoration of constitutional order in the country. The current Foreign Minister has suggested that elections might be convened at the end of 2009. However, the regime is still elusive on a precise timetable for this process and therefore the country remains on a precarious footing.

Mauritania:

The PSC issued communiqué PSC/PR/Comm.(CXCIV) of 24 November 2008 noted “with concern the delay in the implementation of crucial components of the Comprehensive Peace Agreement”. The recent claim by President Salva Kiir Mayardit that the South was ready for war is an ominous early warning of the failure to implement the CPA and to make North-South unity “attractive”. Conflict escalation in the south between southern groups has increased dramatically and could further undermine the agreement.

South Sudan:

The PSC communiqué PSC/PR/Comm.1(CLXX) of 24 November 2008 noted “with concern the delay in the implementation of crucial components of the Comprehensive Peace Agreement”. The recent claim by President Salva Kiir Mayardit that the South was ready for war is an ominous early warning of the failure to implement the CPA and to make North-South unity “attractive”. Conflict escalation in the south between southern groups has increased dramatically and could further undermine the agreement.

Somalia:

The PSC considered a report on Somalia and issued communiqué PSC/PR/Comm.2(CLXXII) of 15 June 2009 considered the Report of the Chairperson of the Commission PSC/PR/2(CXCI) on the situation in Somalia. Through this communiqué the Council decided to renew the mandate of AMISOM for a period of seven months beginning from 17 June 2009. The assassination of the Mogadishu Police Chief and the National Security Minister has illustrated that the Transitional Federal Government (TFG) is vulnerable and the situation remains exceptionally volatile requiring urgent and ongoing attention.

Guinea-Bissau:

The PSC communiqué PSC/PR/Comm.5(CXCII) issued on 10 June 2009, vehemently condemned the assassination, on 5 June 2009, of Mr. Baciro Dabó, candidate in the presidential election. Also...
Issues pending for the Council include:

**Guinea:**

The PSC issued communiqué PSC/PR/COMM.(CXCVII) on 10 July 2009 which debated the situation in the Republic of Guinea. The PSC called on the AU Commission, Member States, the Economic Community of West African States (ECOWAS) and the international community to provide the necessary technical and financial assistance to facilitate the holding of elections before the end of 2009. The PSC is yet to issue a communiqué on this request.

**Central African Republic (CAR):**

The PSC issued communiqué PSC/PR/COMM.3(CXCV) on 17 June 2009 which considered the situation in Central African Republic (CAR) and requested the Chairperson of the AU Commission to support the implementation of the recommendations of the Inclusive Political Dialogue (DPI). The PSC also requested that AU Member States and the international community support the preparation for elections scheduled for April 2010. The PSC is yet to issue a communiqué on this request.

**Guinea-Bissau:**

The PSC issued communiqué PSC/PR/COMM.5(CXCII) on 10 June 2009 which considered the report on the mission undertaken by the Council to West Africa, from 24 April to 1 May 2009. The PSC requested the AU Commission, in consultation with ECOWAS, to submit to it recommendations on immediate measures to be taken to ensure that optimal security conditions are created for the presidential elections in Guinea-Bissau. The PSC is yet to issue a communiqué on its consideration of these recommendations. The PSC also issued communiqué PSC/PR/Comm(CLXXIV) on 3 March 2009 calling on the national authorities of Guinea-Bissau, in cooperation with the AU, ECOWAS and other African institutions, to launch a full investigation into the assassination of the President and the Army Chief of Staff of Guinea-Bissau. The PSC is yet to issue a communiqué on this investigation.

**Somalia:**

The PSC issued communiqué PSC/PR/COMM.(CX) on 22 May 2009 which considered the situation in Somalia in which it requested the UN Security Council to impose a no-fly zone and a blockade of sea ports to prevent the entry of foreign elements into Somalia. The PSC also called for the UN Security Council to impose sanctions against all those foreign actors providing support to armed groups in the country, including Eritrea. The PSC also requested all AU Member States that have pledged troops to AMISOM to urgently deploy them. The PSC is yet to issue a communiqué on this request.

**Unconstitutional Change of Government:**

The PSC issued communiqué PSC/PR/COMM.4(CLXXI) on 20 March 2009 on the situation in Madagascar and requested the Chairperson of the AU Commission, in accordance with the decision of the Assembly AU/Dec.220(XII) adopted on 4 February 2009 to present at the next Ordinary Session of the Assembly concrete recommendations to more effectively prevent and punish unconstitutional changes of Government. The PSC is yet to issue a communiqué on this request.

**ICC:**

The PSC issued communiqué PSC/PR/Comm(CLXXV) on 5 March 2009 which considered the ruling of the Pre-Trial Chamber of the International Criminal Court (ICC) to issue an arrest warrant against the President of Sudan, Omar Al-Bashir. The PSC appealed to the UN Security Council to assume its responsibilities by deferring the process initiated by the ICC. The PSC also requested the Chairperson of the Commission to urgently take all the steps required to dispatch a high-level delegation to New York to directly engage the Security Council. The PSC is yet to issue a communiqué on this meeting.

**Committee on Sanctions:**

The PSC issued communiqué PSC/PR/COMM.3(CLXXVIII) on 13 March 2009 which requested the AU Commission to submit to the Council “within a duration of two months from the date of the adoption of this decision, a study on the modalities for the function of the Committee on Sanctions”. The PSC is yet to issue a communiqué on the consideration of this study.

**Early Warning Issues for August (continued)**

assassinated was Mr. Hélder Proença, former Minister of Defence. In addition other candidates in the presidential election were also threatened. The situation in the country remains unstable in the aftermath.

**Niger:**

On 30 June 2009 the Chairperson of the AU Commission stated that the continental body was “extremely concerned” about the escalating political crisis in Niger.
The prospect for escalation of the current situation is high. Some opposition groups have also stated that they will disrupt the referendum. In addition, at least one rebel movement active in the north of the country has indicated its willingness to resort to violence to disrupt the referendum. The situation therefore needs to be monitored closely.

**COUNTRY ANALYSIS**

**Madagascar**

**Previous PSC Communiqués and Recommendations:**

The AU PSC Communiqué on Madagascar, PSC/PR/COMM.(CLXXXI), of 20 March 2009 suspended the country from “participating in the activities of the AU until the restoration of constitutional order”. It also called on “All Member States of the AU and the international community at large to reject the unconstitutional change and to refrain from any action likely to comfort the illegal regime in Madagascar”.

**Crisis Escalation Potential:**

There is political instability due to the current government’s lack of legitimacy and the ongoing agitation by elements opposed to the new regime. Malagasy security forces have been periodically placed on high alert based on concerns of a potential mercenary strike to reinstate the deposed President.

**Key Issues and Internal Dynamics:**

On 17 March 2009, President Marc Ravalomanana “announced” his resignation and said that he would be handing over power to a military directorate. He now asserts that this announcement was made under duress by the military. Incidentally, soon after this announcement, the military officers who had seized one of the presidential palaces the previous day declared Andry Rajoelina, former mayor of Antananarivo, “president” of Madagascar. The High Constitutional Court later confirmed this decision and on 21 March 2009 he was inaugurated as Madagascar’s president and head of the Haute Autorité Transitoire or the “high transitional authority”. This was the culmination of a three-month long standoff between Ravalomanana and Rajoelina that started in December 2008.

On 13 December 2008 VIVA – a television station owned by Rajoelina – aired an interview with former president Didier Ratsiraka. Ratsiraka has been exiled in France since 2002, when Ravalomanana came into power following a disputed election in which both claimed victory and the latter organised public protests against Ratsiraka. In the interview, Ratsiraka criticised Ravalomanana harshly, accusing him of eroding democracy in the country and governing the country like an extension of his business conglomerate. Following this interview, VIVA TV was temporarily shut down, prompting Rajoelina to start an uprising against the Ravalomanana regime. He based his action on allegations of corrupt governance against the then government, the abuse of the presidential office, the suppression of the freedom of expression and general public discontent. From 26 January 2009 until he came to power, supporters of Andry Rajoelina and those who were in opposition to Ravalomanana’s regime (including supporters of exiled Didier Ratsiraka and those of other former president Albert Zafy) took to the streets calling for the removal of Ravalomanana from office. Over 135 people died during the protests. Since then the economy and key domestic industries have suffered from the current crisis.

Supporters of Ravalomanana have since taken to the streets contesting the legitimacy of the new regime.

International efforts to engage in mediated negotiations involving representatives of all the key actors have thus far not been successful. The parties involved are accusing each other of bad-faith, and the mediators are being accused of lacking impartiality and neutrality. Recently, the Minister of Foreign Affairs Ny Hasina Andriamanjato announced that legislative and presidential elections could be feasibly held by the end of 2009 if the international community assisted with the process. However, he indicated that this was contingent on the constitutional referendum being carried out “successfully” in September 2009.

**Scenario Planning:**

**Scenario 1:**

The continuation of the stalemate and the continued suspension of Madagascar from the AU following PSC/PR/COMM.(CLXXXI) issued on 20 March 2009.

**Scenario 2:**

A constitutional amendment in September 2009, could see the repeal of the age restriction for the presidency, thus allowing Rajoelina to run for office with the risk of falling out with some of those that supported him. One view proposed by analysts is that Rajoelina was and is allegedly being utilised by other actors from behind the scenes, conclusive evidence in this regard is however, not yet available.

**Scenario 3:**

A return to political negotiations and the crafting of an agreement in keeping with the current constitution. This would require concessions from both parties allowing for the formation of a unity government as the first step towards the restoration of constitutional democracy.

**Scenario 4:**

Military intervention, sanctioned
by international law, to restore constitutional order, however this is highly undesirable and likely to generate more problems than it can proffer solutions.

**Early Response Options:**

A continuation of the stalemate is detrimental to the stability of the country. Two key options could be explored, including:

**Option 1:**

The PSC and the wider AU architecture and the rest of the international community could continue to push for a negotiated and inclusive solution to the crisis.

**Option 2:**

International actors with leverage could exert pressure on the Rajoelina regime to acquiesce to a return to constitutional order.

**Geo-Political Dynamics:**

**Pan-African and RECs Dynamics:**

In addition to the AU, Madagascar is also a member of the Indian Ocean Commission (IOC), and the Southern African Development Community (SADC). Following the suspension of the country from the AU on 20 March 2009, the SADC did likewise on 30 March 2009. This notwithstanding, all bodies have been engaged in efforts to mediate a negotiated solution to the crisis. Former President Joaquim Chissano of Mozambique was appointed to lead the all-party dialogue in Madagascar. The AU has set up an International Contact Group composed of all the key partners of the country, including the SADC, UN and the Organisation internationale de la Francophonie (OIF). However, the mediated talks were indefinitely suspended in mid-June 2009, due to disagreements between the protagonists over certain keys issues, including the matter of amnesty to be offered to all actors. But the SADC’s initial decision to consider Ravalomanana as the legitimate president of the country and its insistence on his reinstatement had made the organisation’s position awkward, and it is likely to review this policy.

**UN Dynamics:**

The UN has played a key role in attempting to resolve the crisis. Early in February 2009, it dispatched the UN Special Envoy Haile Menkerios to mediate talks. The UN Secretary General Ban Ki-Moon has made repeated calls for expediency in negotiation efforts.

**Wider International Community Dynamics:**

Madagascar maintains active diplomatic relationships with the European Union (EU), especially the United Kingdom, France, Germany and Italy. Major foreign companies have established a presence on the island to exploit its mineral and hydrocarbon reserves. However, since the ascendancy of Andry Rajoelina to power, the EU has condemned the new government as unconstitutional and has frozen 600 million Euros in development aid to the country. Madagascar has particularly strong ties with its past colonial power, France. Despite condemning the “military coup d’état”, Paris has maintained relations with the country. Ravalomanana has used this continued engagement as a premise for his accusation that France was instrumental in his ouster and that it continues to back Rajoelina. The United States, Norway and the International Monetary Fund have suspended non-emergency aid.

**Civil Society Dynamics:**

Some civil society organisations were instrumental in garnering support for the Rajoelina movement. The Malagasy Council of Churches (FFKM) is a key player in Malagasy politics. But there is no specific civil society organisations representation or perspective in the ongoing negotiations. A number of relief agencies, such as the Malagasy Red Cross and CARE, are involved in dispensing vital humanitarian and food assistance.

**Documentation:**

**Relevant AU Documents:**

- PSC/PR/COMM.(CLXXXI) (20 March 2009) Communiqué on the situation in Madagascar
- PSC/PR/BR(CLXXIX) (16 March 2009) Communiqué on the situation in Madagascar
- PSC/PR/Comm.(CLXXX) (5 March 2009) Statement on the situation in Madagascar
- PSC/PR/BR/2(CLXIX) (10 February 2009) Statement on the situation in Madagascar

**RECs Documents:**

The Pre-Trial Chamber of the International Criminal Court (ICC) filed an application for the indictment of President Omar Al-Bashir, on 14 July 2008, for war crimes, crimes against humanity and genocide in Darfur. Subsequently, the PSC meeting at the Ministerial level issued a communiqué PSC/MIN/ Comm(CXLII) Rev.1 on 21 July 2008 stating that “in view of the delicate nature of the processes underway in Sudan, approval by the Pre-Trial Chamber of this application could seriously undermine the ongoing efforts aimed at facilitating the early resolution of the conflict in Darfur and the promotion of long-lasting peace and reconciliation in Sudan as a whole and, as a result, may lead to further suffering for the people of Sudan and greater destabilisation with far-reaching consequences for the country and the region.” Accordingly, the PSC requested the United Nations Security Council, in accordance with the provisions of Article 16 of the Rome Statute, to defer the process initiated by ICC, and take into account the need to ensure that the ongoing peace efforts are not jeopardized. The Security Council acknowledged the request for deferral in its resolution S/RES/1828/2008 adopted on 31 July 2008. However, it did not act on the request. Consequently, on 4 March 2009 the ICC decided to issue an arrest warrant against the President Bashir for atrocities, war crimes and crimes against humanity committed in Darfur.

Meeting on 5 March 2009 the PSC issued communiqué PSC/PR/Comm.(CLXXV) Rev.1, immediately after that decision, and noted that the ICC arrest warrant came at a critical juncture in the process to promote lasting peace, reconciliation and democratic governance in the Sudan. The PSC expressed its regret over the Security Council’s failure to exercise its powers of deferral. The PSC also reiterated the AU’s call to the Government of Sudan to take concrete steps to investigate the human rights violations in Darfur and bring their perpetrators to justice. At its Twelfth Ordinary Summit Session, held from 1 to 3 February 2009, in Addis Ababa, the Assembly of the Union gave its full support to the PSC’s position through its decision Assembly/AU/Dec.221 (XII). In response to the conundrum created by ICC indictment, the PSC issued a communiqué PSC/MIN/ Comm(CXLII) on 21 July 2008 requesting that the AU Commission establish an independent High-Level Panel, made up of distinguished African personalities, with the mandate to examine the situation in Darfur in depth. The Panel’s mandate would be to submit recommendations on how best to address the issues of accountability and combat impunity as well as advance the cause of peace and reconciliation, with specific reference to the Darfur situation. The Panel was inaugurated on 19 March 2009 under the leadership of former President of South Africa, Thabo Mbeki. The Panel undertook missions to the Sudan, as well as to the neighbouring countries, for consultations on issues relevant to its mandate. At the Thirteenth Summit Session on 3 July 2009, in Sirte, Libya, the AU Assembly issued a decision, Assembly/AU/ Dec.245(XIII), not to cooperate with the ICC in facilitating the arrest of Bashir. However, subsequently after the Summit a number of countries including Botswana dissented from this decision, illustrating that there is perhaps no unanimity on the position that the AU has adopted with regards to the ICC indictment of Bashir.

Despite the various efforts being made, however, the current controversy surrounding the ICC’s arrest warrant poses significant challenges to the PSC. While the Council has the obligation to make sure that it does not condone impunity, it is also concerned that the implications of the ICC’s decision could set precedents which undermine political stability on the continent, and also marginalise continental and national judicial institutions. Some AU member states have also accused the ICC of applying “selective justice”, given its virtual exclusive focus on cases in Africa. The Prosecutor of ICC, Luis Moreno-Ocampo, has indicated that some of the cases that the Court is considering were submitted by African countries voluntarily so he does not consider the ICC to be biased.

The ICC-AU stand-off could further complicate peace efforts in Darfur and the wider Sudan. After the issuing of the ICC arrest warrant, and the ensuing expulsion of the NGOs working in Darfur, the Justice and Equality Movement (JEM) an armed faction in the Darfur conflict, suspended its participation in the Doha peace talks. The movement resumed its participation in May 2009 only due to pressure from regional and international partners. In order to advance the cause of peace with justice in Africa the PSC needs to engage and address the issues raised by the ICC indictment. Potentially, the Mbeki Panel might provide some recommendations that could begin to address the issue of impunity in Darfur and elsewhere in Africa.
Mauritania

Previous PSC Communiqués and Recommendations:

The PSC issued communiqué (PSC/MIN/COMM.(CXXV) on 29 June 2009 in Sirte, Libya, at the ministerial level, and called for efforts to be deployed to ensure transparent elections. The elections were held on 18 July 2009 and in a joint communiqué the AU, the Community of Sahel-Saharan States (CEN-SAD), and the Organisation internationale de la Francophonie (OIF) declared that the elections had been held in a free and fair manner. However, the opposition have described the election as a “massive fraud” and an electoral coup d’etat.

Crisis Escalation Potential:

The potential for crisis in the aftermath of the elections will be defined by the extent to which the wider Mauritanian society considers them to have been transparent. Given the opposition’s pronouncements further crisis can be averted through efforts to establish an inclusive and sustainable government.

Key Issues and Internal Dynamics:

A “transitional” government of national unity was formed in 26 June 2009 following the military coup that ousted the first democratically elected government of Mauritania, headed by President Sidi Ould Cheikh Abdallah. President Abdallah won the run-off elections in March 2007. Elections took place on 18 July 2009. Major political parties that took part in the poll included: the Alliance for Justice and Democracy/Movement for Renewal (AJD/MR), Rally of Democratic Forces (RFD), led by Ahmed Ould Daddah, People’s Progressive Alliance (APP), led by Messaoud Ould Boulkheir, the former ruling Republican Party for Democracy and Renewal (PRDR) and several other smaller parties.

The elections confirmed General Mohamed Ould Abdel Aziz, the recent coup leader, as the winner with 52 percent of the total votes cast. Boulkheir and Daddah his closest rivals received 16.3 and 13.7 percent of the vote respectively. On 6 August 2008, Abdel Aziz declared himself President of the Higher State Council. It would therefore appear that Aziz and his supporters have succeeded in maintaining a role for themselves in Mauritanian politics. The opposition has challenged the result and labeled it a “fraud” and an electoral coup d’etat. AU legal provisions stipulate that coup leaders would not be permitted to contest subsequent elections. Yet Abdel Aziz conceded power as president in April 2009 so that he could participate as a ‘civilian’ candidate. It remains to be seen whether the transition to a new civilian regime will be credible and legitimate. There are also concerns over effective representation of minority groups. Previous elections demonstrated that the minorities remained under-represented and this contributed to their political alienation and frustration. Other challenges that need to be addressed in the aftermath of the elections include: deeply seated racial divisions between the Arab-Berber population in the north and African communities in the south, conflicting political agendas and the absence of a framework for consensus building among political parties.

Mauritania is a resource-rich country, but its people remain impoverished according to the World Bank, with a significant proportion of the population is living on less than $2 a day. Some of Mauritania’s most challenging problems include persistent lack of political stability with over 10 coups or attempted coups since independence in 1960, lack of social cohesion, inequitable representation and a lack of collective access to economic resources, particularly land tenure, and cultural marginalisation. The transformation of the political landscape will require more than convening elections, because the issue of political factionalism will have to be addressed.

Scenario Planning:

Scenario 1:

The elections are perceived by the opposition as a means to sustain and legitimise the unconstitutional change of power in Mauritania, and the military remains embedded in the political life of the country.

Scenario 2:

An inclusive government is formed which takes into account the representation of all minority groups within the country.

Early Response Options:

Option 1:

Political forces in Mauritania can play an active role in the transition towards democracy. If the elections are ultimately deemed to have been free and fair, the PSC and AU system could support and initiate a national political dialogue for all Mauritanian stakeholders in the post-election context to ensure that there is collective acceptance of the outcome as well as to promote reconciliation.

Option 2:

The international community could continue supporting the implementation of the Framework of Power-sharing Agreement. If the new political dispensation is accepted by all parties, the international community could follow up and ensure that there is a level playing field for inclusive participation of all stakeholders in the governance of the country.
The AU’s position on Unconstitutional Changes of Government is guided by Article 4(p) and Article 30 of the Constitutive Act; the Protocol relating to the establishment of the Peace and Security Council; the AU Charter on Democracy, Elections and Governance and the Lomé Declaration of July 2000 on Unconstitutional Changes of government. The AU convened its Twelfth Ordinary Session of the Assembly of Heads of State and Government, from 1 to 4 February 2009, in Addis Ababa and expressed its concerns of the resurgence of coups d’état in Africa in its outcome document Decision Assembly/ AU/Dec.220(XII). This decision was motivated by the litany of unconstitutional changes of government which have afflicted the continent, including the February 2005 coup in Togo and additional putsches in Mauritania and Guinea. Remarkably, in March 2009 following the AU’s Assembly meeting, Madagascar experienced an unconstitutional change of government and the Head of State of Guinea-Bissau was assassinated in the same month. These events have caught the attention of the PSC, which has made several pronouncements.

On 6 August 2008, for example, disgruntled military officers in Mauritania ousted the country’s first democratically elected government. A ministerial meeting of the PSC issued two communiqués PSC/MIN/Comm.2 (CLI) on 22 September 2008, and PSC/MIN/Comm.3(CLXIII) on 22 December 2008, condemning the coup and demanding the restoration of constitutional order. Subsequently, the PSC issued a communiqué and decision PSC/PR/Comm.(CLXXXII) on 24 March 2009, which imposed sanctions on the Mauritanian regime. The Foreign Minister of Senegal undertook the role of facilitator of the political talks between the Mauritanian parties, which led to the signing of the Dakar Framework Agreement on Mauritania. The coup plotters embraced this Agreement, which established a national transitional union Government as a first step towards the restoration of constitutional order (see the Mauritania Country Analysis in this Volume). The PSC convened a meeting during the AU Summit in Sirte, Libya, and issued a ministerial level communiqué PSC/MIN/Comm.(CXCVI) on 29 June 2009, which lifted the sanctions that had been imposed on Mauritania.

The unconstitutional change of government in Madagascar on 17 March 2009 also generated a strong response from the PSC (see the Madagascar Country Analysis in this Volume). The PSC issued a communiqué PSC/PR/BR/2(CLXIX) on 10 February 2009, which requested the Chairperson of the AU Commission to dispatch an emissary to Antananarivo. Subsequently, the Council issued a communiqué PSC/PR/BR(CLXXXIX) on 16 March 2009, which rejected the legitimacy of the new regime in Madagascar and called upon all international partners, including the Special Envoys of the AU Commission, the UN, OIF and RECs to coordinate efforts. Currently, Madagascar remains suspended from the AU and the PSC is forging ahead with efforts to restore constitutional order to the country.

In the final analysis, it is evident that the PSC has demonstrated a commitment, and has sought to maintain consistency, in its response to unconstitutional changes of government in Africa. However, the PSC and the wider AU system can still be confronted with a dilemma when the majority of a country’s population supports the coup staged in a Member State. In addition, the PSC is yet to further elaborate its sanctions regime in the event that a Member State fails to comply with its decisions. Ultimately, the best antidote to having to deal with unconstitutional changes of government is for the PSC to continue monitoring country situations to ensure the consolidation of principles and practices of democratic governance in Africa, as stipulated in the AU Constitutive Act.

Option 3:

Immediate efforts could be undertaken to address the inequalities and grievances of the various groups within the country. This would include enhancing and supporting the role of the legislative body and civil society within the country.

Geo-Political Dynamics:

Pan-African and RECs Dynamics:

Following the coup, the ECOWAS suspended Mauritania and explored mediation initiatives to solve the crisis. The African Union suspended Mauritania and imposed targeted sanctions. In July 2009 the AU lifted the sanctions following the establishment of an interim government to govern the country up to the elections. The PSC also established an International Consultative Group on Mauritania composed of all major partners in order to support the restoration of constitutional order.

UN Dynamics:

play a more prominent role in the affairs of the country.

**Documentation:**

**Relevant AU Documents:**

- PSC/PR/Comm.(CLXXXVI) (6 May 2009) Communiqué on the situation in Mauritania
- PSC/PR/Comm.(CLXXXII) (24 March 2009) Communiqué on the situation in Mauritania
- PSC/PR/Comm.(CLVIII) (5 February 2009) Communiqué on the situation in Mauritania
- PSC/MIN/Comm.3(CLXIII) (22 December 2008) Communiqué on the situation in Mauritania
- PSC/MIN/Comm.2(CLI) (22 September 2008) Interim Report on the situation in Mauritania

**UN Documents:**

- SC/9428 (19 August 2008) Press release on the overthrow of the Mauritanian government

**COUNTRY ANALYSIS**

**South Sudan**

**Previous PSC Communiqués and Recommendations:**

The AU PSC communiqué PSC/PR/Comm.1(CLIX) of 24 November 2008, noted “with concern the delay in the implementation of crucial components of the Comprehensive Peace Agreement (CPA)”.

**Crisis Escalation Potential:**

The recent claim by President Salva Kiir Mayardit that the South was ready for war is an ominous early warning of the failure to implement the CPA and to make North-South unity “attractive”. Conflict escalation in the south between southern groups has increased dramatically and could further undermine the Agreement.

**Key Issues and Internal Dynamics:**

The CPA, which was signed on 9 January 2005, is now on the verge of unravelling, with detrimental effects to the country and the Horn of Africa region. The referendum on independence for the South is due to take place in 2011, but key essential provisions of the CPA are still to be implemented. The national elections are due to take place between 5 and 12 April 2010, due to a delay in implementing what is still a disputed, country-wide census. The two parties to the CPA and partners in the Government of National Unity (GNU), the National Congress Party (NCP) and the Sudanese Peoples Liberation Movement/Army (SPLM/A) are strengthening their respective constituencies ahead of these national elections. The CPA signatories have not succeeded, thus far, in making national unity “attractive”. On 22 July 2009 the Permanent Court of Arbitration (PCA) issued a ruling on the delimiting of the Abyei Area. The PCA reduced the size of the region and placed the Heglig oilfield outside of Abyei. The northern politicians have declared the ruling a victory and the south indicated that it was satisfied. However, the resolution of the Abyei dispute is symptomatic of a unity government that is still deeply divided. A significant section of the South is looking forward to secession, but
it is still unclear the proportion of Northerners who will accept such a separation. The tensions in the North-South unity government are increasingly being matched by discord between groups in the South. According to the United Nations Secretary-General’s Special Representative to Sudan, Ashraf Qazi, the death rate in South Sudan, in recent months, has been higher than the rate in western Darfur during the worst stages of the crisis there. There are increasing clashes between rival ethnic groups in South Sudan due to competition over resources, land and livestock. There are over 50 ethnic groups and over 400 dialects in the South’s ten states. On 12 June 2009, a river convoy escorted by the SPLA, carrying World Food Programme (WFP) food aid to 19,000 displaced people of the Lou group of the Nuer people, near the town of Akobo was attacked and approximately 30 civilians and 89 SPLA soldiers were killed. The convoy passed through Nasser, home of the Jikany group of the Nuer people, who allegedly formed a militia to ambush the boats. In May 2009, it is alleged that Lou fighters attacked and killed approximately 70 people in the Jikany village of Torkech. Some southern politicians, including President Kiir, have stated that the northern government is fomenting southern divisions and supplying arms to ethnic groups in the South to destabilise the region, and undermine a potential southern vote for independence in 2011. In reply, northern politicians claim that the southern government has not distributed the resources from its share of the oil wealth and is unable to establish peace in the region. The true source of the small arms and violence has not yet been independently verified and the situation, as far as the continued viability of the CPA, is critical. The country’s President Omar Al-Bashir and his loyalists within the NCP and the Southern leadership can simply withdraw from the CPA. A breakdown in the Agreement would have devastating effects for Sudan and the region.

**Scenario Planning:**

**Scenario 1:**

The ongoing failure to implement the CPA leads to a continuation of violent clashes in the South and an escalation of conflict between the South and the North. The conditions for convening the 2010 elections can in this scenario be further undermined.

**Scenario 2:**

Pressures from other crises in the country, notably the western Darfur situation, and the ICC indictment of President Bashir, lead to the negation and withdrawal of the signatories from the CPA.

**Scenario 3:**

The Government of National Unity and the Government of South Sudan establish a modus operandi to address the outstanding issues in the implementation of the CPA. Gradual confidence-building leads to genuine power sharing, wealth-sharing and a resolution of outstanding issues in line with the agreement.

**Scenario 4:**

The persistence of tension leads to the convening of the 2011 referendum in less than optimal circumstances. A majority of votes in the South for secession legitimates the withdrawal of the South from Sudan, but meets with resistance from the North and the escalation of violent conflict.

**Early Response Options:**

**Option 1:**

The AU PSC, through the Special Envoy of the AU Commission and the AU Liaison Office working with United Nations Mission to Sudan (UNMIS) and the Ceasefire Joint Monitoring Committee (CJMC) could undertake an independent review to investigate and ascertain the sources of in-flow of small arms into the South.

**Option 2:**

The AU, working in tandem with the Government of South Sudan and UNMIS could mandate its Special Envoy to convene South-South dialogue talks to reduce the conflict between groups, such as the Lou and Jikany of the Nuer people. This would minimise the level of misunderstanding and create non-violent avenues to resolve emerging disputes and grievances.

**Option 3:**

The PSC could facilitate efforts to ensure that the NCP and the SPLM urgently renew their commitment towards the implementation of the provisions of the CPA, notably the Abyei Roadmap and to respect the PCA ruling. Specifically, the PSC, through the AU Envoy, could monitor the implementation of the provisions relating to the convening of elections, fair transfer of revenue to South, the application of National Security Act, the establishment of a National Human Rights Commission, and the adoption of the Press and Publications Act.

**Option 4:**

The PSC could work with its international partners including the Inter-Governmental Authority on Development (IGAD) and the UN to increase the leverage on the components of the Government of National Unity, to build peace and promote post-conflict reconstruction and development in the South.

**Geo-Political Dynamics:**

**Pan-African and RECs Dynamics:**

The AU Member States have maintained a steadfast support for the CPA and its implementation. Egypt has historically been actively engaged in the situation in Sudan, due to its concerns regarding access...
to the water resources of the Nile. During the IGAD-led mediation process, Egypt and Libya sought to establish a parallel initiative to secure their own national interests. Historically, tensions within IGAD have witnessed the ebb and flow of support for the cause of South Sudan, notably within Uganda and Kenya. Recently, President Kiir claimed that he had received support from the Libyan leader, Muammar Ghadafi, for the independence of the South. It is clear that Southern politicians have sought support of as many countries as possible ahead of the 2011 referendum.

**UN Dynamics:**

The UN has remained actively engaged in promoting peace in South Sudan through the UN Mission in Sudan and the Special Representative for Sudan. The Security Council actively monitors the in-country situation and regularly issues resolutions, statement and reports. The UN Secretary-General has reiterated his concern over the critical lack of time for undertaking the necessary preparations for the referendum in 2011. Specifically, he has highlighted the need for the National Assembly to enact the referendum act and the need for the National Assembly to rally renewed international support for its full implementation. The international pressure on Bashir and some of his loyal supporters has been increased by the lack of progress on the Darfur issue. In addition, Bashir’s indictment by the Prosecutor of the ICC for atrocities committed in Darfur, has further tightened the noose around him personally and his co-accused in the government. Chinese, Indian, Malaysian and corporations from a number of other countries are actively engaged in resource extraction in the Sudan, including in the disputed areas of the South.

**Civil Society Dynamics:**

There is a vibrant civil society actively engaged in promoting peace efforts in South Sudan. However, the Government of Sudan and the Government of South Sudan need to improve their outreach and partnership with civil society in the implementation of the CPA. A multitude of international aid agencies are active in the South. Key organisations like Medicins Sans Frontières (MSF) are active in treating victims of the intra-south clashes and have noted a prevalence of violence towards women and children.

**Wider International Community Dynamics:**

On 23 June 2009 a Forum for Supporters of the CPA was convened by the US government in Washington. This initiative sought to re-focus international attention on the urgent outstanding provisions of the Agreement and to rally renewed international support for its full implementation. The international pressure on Bashir and some of his loyal supporters has been increased by the lack of progress on the Darfur issue. In addition, Bashir’s indictment by the Prosecutor of the ICC for atrocities committed in Darfur, has further tightened the noose around him personally and his co-accused in the government. Chinese, Indian, Malaysian and corporations from a number of other countries are actively engaged in resource extraction in the Sudan, including in the disputed areas of the South.

**Documentation:**

**Relevant AU Documents:**

- PSC/PR/Comm.(CLXXV) (5 March 2009) Statement on the ICC arrest warrant against the President of the Republic of Sudan, Omar Al Bashir
- PSC/MIN/Comm.(CXLII) (21 July 2008) Statement on the attack on Khartoum, Sudan
- PSC/PR/BR(CXXVII) (14 May 2008) Communiqué on the review of developments linked to the request of the Prosecutor of the International Criminal Court
- PSC/MIN/Comm.(CXLII) (21 July 2008) Communiqué on the status of the implementation of the Comprehensive Peace Agreement
- PSC/PR/BR(CXXVII) (14 May 2008) Statement on the attack on Khartoum, Sudan
- PSC/PR/Stat.(XXXVI)-i (4 August 2005) Statement on the situation in the Sudan
Rules of Engagement with a view to enhancing its response mechanism so that the mission can better protect its personnel, equipment, key installations, as well as provide more effective support to the Transitional Federal Government (TFG).

The AU PSC communiqué PSC/PR/Comm.(CXC) of 22 May 2009 condemned “the aggression perpetrated against the Transitional Federal Government of Somalia and the civilian population in Mogadishu and other parts of Somalia by armed groups, including foreign elements, bent on undermining the peace and reconciliation process, as well as regional stability”. The Council requested the UN Security Council to impose “a no fly zone and blockade of seaports, to prevent entry of foreign elements into Somalia” and to “impose sanctions against all those foreign actors, both within and outside the region, especially Eritrea, providing support to the armed groups”. The PSC also called on “all the Somali parties who have not yet done so, to join the peace process without any further delay”.

Crisis Escalation Potential:

Following the execution of the Mogadishu Police Chief and the National Security Minister the situation remains exceptionally volatile and requires urgent and ongoing attention. The chronic insecurity in Somalia threatens to create a perfect storm of insecurity in the country which would have negative repercussions in the Horn of Africa and in the Gulf of Aden.

Key Issues and Internal Dynamics:

January 2009 marked another decisive moment in Somalia. Ethiopia withdrew its forces and a new government, which enjoyed support from major international organisations, was established under President Sheikh Sharif Ahmad. The expectation was that Sheikh Sharif would establish broad-based governmental institutions, rebuild the security forces and restore a semblance of stability, at least in Mogadishu.

The Hizbul Islam faction was formed in January 2009, after four Islamist groups joined forces, including the Alliance for the Re-Liberation of Somalia led by Sheikh Hassan Dahir Aweys. It also includes Jabhatul Islamiya (the Islamic Front), Hassan Abdullah Hersi al-Turki’s Muaskar Ras Kamboni (the Ras Kamboni Brigade) and Muaskar Anole. The government’s security forces, estimated to be 3,000 troops, have not succeeded in exercising effective control, even in Mogadishu. There are reports that government forces are low in morale and that personnel are defecting as the TFG looses territory. The establishment of the new government only ushered in a renewed phase of warfare, during which the Al Shabab and Hizbul Islam gained control of separate towns and regions.

The Al Shabab and Hizbul Islam have the common objective of overthrowing President Sharif’s government, which they accuse of being beholden to the West. They have taken control of substantial territory in central and southern Somalia, including the key towns of Kismayo, Marka and Baidoa. In May 2009, they mounted a series of attacks including assassinations, bombings and ambush attacks on the TFG.

On June 17 2009, Mogadishu Police Chief Colonel Ali Said Hassan was killed. On June 18, a suicide bomber drove a truck loaded with explosives into the Medina Hotel in Beledweyne, killing around forty people, including the National Security Minister Colonel Omar Hashi Aden. By the end of June, the intense fighting in Mogadishu had killed more than 300 people, injured more than 1,700, and approximately 170,000 of the city’s inhabitants were displaced.
Scenario Planning:

Scenario 1:
Failure by President Sharif’s government to bring about effective security in the short-term, leading to the collapse of the internationally-backed TFG and its relocation to a neighbouring country.

Scenario 2:
An unexpected weakening of the Islamist groups, which lack a coherent common platform, common interests and an integrated leadership structure.

Scenario 3:
Incremental progress is made on confronting the deep clan-based fragmentation through the convening of dispute resolution processes involving traditional clan elders and shifting alliances, which define the persistent struggle for the control of Somali politics.

Early Response Options:

Option 1:
The PSC could periodically review the mandate of AMISOM and assess what force-levels would be necessary to secure the country and examine strategies for ensuring the mission’s financial sustainability.

Option 2:
The PSC and the UN Security Council could impose sanctions on countries that are supporting the Islamist-led Somali insurgency, which might moderately disrupt the volume of weapons reaching the Al Shabab and Hizbul Islam throughout the course of the current escalation of conflict.

Option 3:
External actors should avoid implementing misguided strategies that could compound the existing security situation. One strategy could involve making sure that both the Al Shabab and Hizbul Islam, which are likely to remain a key force in Somali politics for the short-term, are engaged.

Option 4:
The PSC working in tandem with the IGAD, the UN Security Council and the UN Office for Somalia could re-think and explore how to establish inter-clan dialogue, based on the Somali model of utilising grassroots indigenous leadership structures to build peace from the bottom-up, rather than the strategy of convening top-down approaches, which have failed to sustain peace.

Geo-Political Dynamics:

Pan-African and RECs Dynamics:
Uganda and Burundi, both members of the PSC, have committed substantial troop levels to sustain AMISOM, currently around 4,300 troops from both countries. AMISOM is tasked to protect key officials and the institutions of the TFG. Its tasks include to support the training of Somali security forces, and create security conditions conducive to the delivery of humanitarian assistance. In practice, AMISOM only guards key installations, including the presidential palace, airport and ports, as well as the roads connecting them. AMISOM’s narrow mandate allows its forces to protect and retaliate only if under attack and does not include a mandate to protect civilians.

In the polarised political situation of Somalia, AMISOM is not perceived as being neutral and is a direct target for the insurgency’s attacks. On 22 February 2009, the Al Shabab coordinated a deadly attack on AMISOM, which killed 11 Burundian peacekeepers. Al Shabab has repeatedly called for the withdrawal of AMISOM. Hence, the protracted insurgency in Mogadishu and a lack of funding have kept African countries from contributing troops to AMISOM, which urgently requires additional military units and equipment.

The IGAD Council of Ministers convened its 33rd Extraordinary Session on the political and security situation in Somalia, and reiterated the need to impose sanctions on “ spoilers” who are arming the militia in the country, in this case with specific reference to Eritrea.

UN Dynamics:
The UN is concerned that if the Somali government collapses the country will become a safe haven for militant groups whose intentions are to destabilise the region. Key members of the UN Security Council, including the US, UK and France, have expressed their concerns with the current situation and are keen to see the stabilisation of the country.

The UN High Commissioner for Human Rights, Navi Pillay, has indicated that her office will compile information on the human rights violations by militia and Islamist insurgents. In particular, she indicated that the special tribunals that have been established to hand down death sentences by stoning and decapitation, as well as the amputations that have been ordered, could fall under the category of war crimes according to reports from UN human rights staff.

Wider International Community Dynamics:
A number of countries are facilitating the transfer of weapons and munitions to the TFG. On 25 June 2009, the US State Department confirmed that at the request of the Somali government it would provide weapons and ammunition on an urgent basis. The objective was apparently to halt Islamist groups’ advances. Yet there are already indications that such an intervention would probably weaken, rather than strengthen the TFG, and would, thus, play into the hands of the insurgent groups. Eritrea is allegedly
financing a number of armed militias in Somalia, and the PSC and IGAD Council of Ministers have called for targeted sanctions against Asmara.

Civil Society Dynamics:

The civil society activities in Somalia have been substantially curtailed by the ongoing violence and lack of security. Somali civil society associations are active outside of the country, agitating for a comprehensive peace process. International humanitarian organisations are finding the situation increasingly difficult to operate in, and for the first time in 17 years, Médecins San Frontiers (MSF) has had to close its medical centres in northern Mogadishu due to the chronic insecurity.

Documentation:

Relevant AU Documents:

- PSC/PR/Comm.(CXCI) (22 May 2009) Communiqué of the PSC on the outcome of the 33rd Extra-Ordinary Session of the IGAD Council of Ministers on Somalia

Recs Documents:

Inter-governmental Authority on Development (IGAD) Communiqué of the 33rd 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/2009/210 (16 April 2009) Secretary-General's Report requested by resolution 1863 on a possible UN peacekeeping deployment in Somalia
- S/RES/1851 (16 December 2009) Expanded the anti-piracy authorisation to include action on land in Somalia

Useful Additional Resources:


Guinea-Bissau

Previous PSC Communiqués and Recommendations:

The PSC communiqué PSC/PR/Comm.5(CXII) issued on 10 June 2009, vehemently condemned the assassination, on 5 June 2009, of Mr. Baciro Dabó, candidate in the presidential election scheduled for 28 June 2009, and Mr. Hélder Proença, former Minister of Defense, as well as the acts of violence and threats against other candidates in the presidential election. The Council then called for an independent and credible investigation to shed light on the series of political assassinations in the country since March 2009 and for the establishment of a commission to establish the truth behind these attacks. It also stressed the need for the security and armed forces to refrain from any interference in political issues and to ensure the security of state institutions and leaders.

Crisis Escalation Potential

The killing of Baciro Dabo highlights the fragile political environment in Guinea Bissau since the legislative elections of 2008. This is reinforced by the fact that it followed the double assassination of President Nino Viera and the Army chief of staff, Tagme Na Waie, in March 2009. Tensions continue to escalate among key political actors, particularly supporters of the two main political parties, the Party for Social Renovation (PRS) of former President Kumba Yala and the African Party for the Independence of Guinea and Cape Verde (PAIGC). But the calm and civil order that characterised the first round of the June 2009 presidential elections point to a positive direction, and it will be particularly encouraging if the second round, scheduled for 28 July 2009, is organised in a similar environment and does not lead to a violent contestation. The
outcome of the second round was not conclusive at the time of going to press.

Key Issues and Internal Dynamics

It has now become clear that the army - fractured around political factions - remains the major problem for peace and stability in Guinea Bissau. It has been implicated in almost all the aforementioned political assassinations. There is also the role of mainly Latin American drug cartels that use the country and other countries in the region as a transit point for their essentially Europe-bound narcotics business. Given the need of these drug traffickers to have a conducive political environment for their business, issues of corruption and violent crimes have been recurring in the country. Corruption is used to buy the support of key government officials to ensure that the work of organised crime networks goes undeterred. Criminal violence and coercion is directed at those that are seen as a threat to this arrangement.

This highlights, first, the need for proper security sector reform (SSR) in the country and a more coherent and coordinated national, regional and international engagement to create effective state institutions in the country. Secondly, it calls for proper measures to be put in place in a bid to break narco-political networks in the country.

The ECOWAS is trying to assist in some of these issues, evidenced by the recent decision to allocate US$ 3.5 million to pay the salary of the armed forces and US$350,000 to plug the funding gap for the elections. Obviously, ECOWAS alone will clearly not be able to do all that is required to restore stability in Guinea Bissau.

Scenario Planning

Scenario 1:

Given the resistance of both political and military elites in undertaking proper investigations into the various assassinations that took place in the country in recent months, there are fears that powerful figures in the country have interests in maintaining the status quo. If this continues, the current electoral process might not consolidate democratic transition, regardless of who wins this election, unless genuine efforts are undertaken to bring about structural reform.

Scenario 2:

The success of the electoral process is translated into real commitment by the winner to speed up the reform process, including implementing SSR, promotion of rule of law and a socio-economic development project that responds to the needs of the citizens. Given this scenario conditions could be created to ensure that effective strategies are devised to deal with drug cartels, thereby contributing to the stabilisation of the country.

Early Response Options

Option 1:

The post-election environment is likely to be volatile, particularly if one of the two candidates in the second round of elections challenges the outcome. For this reason the PSC could support the ECOWAS decision to send a small force to the country to ensure the security of the elections and protect key state institutions. Army chiefs of staff from five countries (Benin, Nigeria, Ghana, Gambia and Senegal) have already begun preparations for the deployment of a small peacekeeping force to that effect.

Option 2:

The PSC could maintain the pressure on key actors to accept the electoral results and resort to dialogue regarding any subsequent disagreement.

Geo-Political Dynamics

Pan-African and RECs Dynamics:

The crisis in Guinea Bissau is a threat to peace and stability in the West African region. Hence, the proactive role ECOWAS has been playing in the country. For example, at a roundtable in the Cape-Verdian capital, Praia, in April this year, ECOWAS and its Member States made significant pledges for the restructuring and modernisation of the country’s security sector. The Commission pledged $13.5 million, $5 million each for economic stabilisation and SSR, while $1 million dollars will help support the operations of the international investigation into the recent political assassinations in the country.

UN Dynamics:

The UN is also monitoring the situation in the country, evidenced by the recent transformation of the United Nations Peacebuilding Support Office in Guinea-Bissau into the United Nations Integrated Peacebuilding Support Office in the country. It is therefore important that the PSC provides the necessary support for ECOWAS as well as liaise with the UN Office.

Documentation:

Relevant AU Documents:

- PSC/PR/COMM(CXCVII) (10 July 2009) Communiqué on the situation in Guinea-Bissau
- PSC/PR/Comm.5(CXCII) (10 June 2009) Communiqué on preparations for the forthcoming elections in Guinea-Bissau
- PSC/MIN/Comm.3(CLXIII) (22 December 2008) Communiqué on the situation in Guinea-Bissau

RECs Documents:

The Peace and Security Council issued a communiqué PSC/PR/COMM.3 (CLXXVIII) on 13 March 2009 and decided in conformity with article 8(5) of its Protocol to establish a Committee on Sanctions. As the body responsible for peace and security, it is likely that the PSC will need to deploy coercive measures like sanctions in combination with other more diplomatic approaches. However, getting sanctions right is as important as getting sanctions adopted.

While the PSC is increasingly ready to impose sanctions, more analysis needs to be undertaken on the pre-sanction assessment process and monitoring of the socio-political consequences of sanctions. The PSC has issued a series of sanctions against Togo through communiqué PSC/PR/COMM.(XXV) of 25 February 2005, against the Comoros through communiqué PSC/PR/COMM (XCV) of 10 October 2007, and against Mauritania through its statement PSC/PR/Stat.(XXXVI)-(ii) of 4 August 2005. So far sanctions by the AU have had mixed results with regard to the efficacy in ensuring monitoring, oversight and verification of compliance. Sanctions always need to take into account the economic, political and social dynamics in the target country.

For the PSC to establish a sub-committee on sanctions, can only improve their implementation, monitoring and evaluation. The Sanctions Sub-committee will enable the PSC to carry out the necessary pre-assessment of the impact of proposed sanctions. The Committee will also be able to conduct periodic reviews, submit reports and hold briefings with the PSC plenary on issues raised by AU Member States, international partners and African civil society organisations. The Committee will have five members, representing Africa’s five regions, and will strive to take its decisions by consensus. In the absence of a consensual decision, the matter will be settled by a two third majority vote or be referred to the PSC plenary. In an effort to improve the effectiveness of the sub-committee and ensure adequate oversight of the sanctions regime, the PSC could, as needed, establish a Sanctions Monitoring Group of Experts to assist with the generation of the required information. Both the Sanctions Committee and the monitoring group would inevitably rely on the PSC Secretariat for logistical and administrative support.

The PSC retains the legal authority to pronounce on the termination of a sanction after reviewing whether its original intended purpose has been fulfilled. However, the issue of whether to lift sanctions in the event that they fail to achieve their objectives also has to be addressed. Sanction regimes should ideally have an element of flexibility, including built-in reviews that can provide partial reprieve for partial compliance as well as enforceable time limits. The Sanctions Committee may adopt a ‘bargaining model’ of sanctions which crucially acknowledges that sanctions should not function simply as a form of punishment, but also as a tool to achieve a desired political outcome.

The need for a Sanctions Committee cannot be understated. The PSC may choose to initiate robust discussions on the rationale, mandate, size and membership of the sub-committee. As a matter of urgency, the PSC could even consider assigning the Sanctions Committee the task of ensuring effective monitoring and verification of sanctions imposed on AU Member States that have flouted the organisation’s norms and laws. Such a proactive approach would not only strengthen the AU sanctions regime, but it will also send an unambiguous signal of the willingness of the PSC to ensure the implementation of its decisions, and thereby further enhance the efficacy of the African Peace and Security Architecture.

Take Measures To Address The Security Environment in Guinea-Bissau”, 23 June 2009.


UN Documents:


• S/2009/302 (10 June 2009) Report of the Secretary-General on developments in Guinea-Bissau and on the activities of the United Nations Peacebuilding Support Office in that country,

Useful Additional Resources:

David Zounmenou, “Guinea-Bissau’s Legislative Elections:
Niger

Previous PSC Communiqué and Recommendation:

At the Solemn Launching of the AU PSC communiqué PSC/AHG/Comm.(IX) of 25 May 2004, the Council 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”. On 30 June 2009, the Chairperson of the AU Commission stated that the continental body was “extremely concerned” about the escalating political crisis in Niger.

Crisis Escalation Potential:

Prospects for escalation of the current situation are high. The recent developments regarding the extension of the presidential term limit take place in a context of ongoing opposition by various armed movements in the north of the country towards the central government (although one movement has recently entered into negotiations with the government). Several recent developments have escalated an already tense situation. Firstly, at least one rebel movement active in the north of the country has indicated its intention to resort to violence as a means to disrupt the referendum. Second, opposition groups have also stated that they will disrupt the referendum, thereby creating problems of law and order. Third, groups such as the National Bar Association have commenced national strike action in protest against the referendum. It is a noteworthy fact that there have not been any reports of violent clashes between protesters and security forces. In this context, the declaration of the army’s neutrality by the military spokesperson may embolden the opposition, as this implies that the security forces will not necessarily take the side of the President. It is unlikely, however, that the army will continue to remain united once developments further unfold. All this must be viewed against the background of the intransigence that President Tandja has demonstrated to proceed with the referendum.

Key Issues and Internal Dynamics:

Despite having stated publicly that he would step down after his second term concluded on 22 December 2009, President Tandja commenced rallying Parliament for extending the presidential term limit in December 2008 (the current constitution limits the term of office to two). In the face of opposition in Parliament, Tandja dissolved the institution on 26 May 2009, a situation that constitutionally requires the convening of elections within 90 days. Currently these elections are scheduled to be held on 20 August 2009. In June 2009, the Council of Ministers set 4 August 2009 as the date for a referendum that would decide on the extension of the President’s term of office. The Constitutional Court subsequently ruled that holding the proposed referendum would not conform to the constitution. After the Court reaffirmed its ruling on 26 June, Tandja declared a state of emergency in response to “a threat to the country’s independence” and decided to rule by decree. Three days later he dissolved the Constitutional Court. On 9 July 2009, the Front of Forces for Recovery (a coalition of armed Tuareg rebel movements) vowed to disrupt the constitutional referendum, violently if necessary.

A day earlier, 15 members of the country’s electoral commission resigned. The army declared its neutrality on 30 June 2009 and the situation remains precarious.

Scenario Planning:

Scenario 1:

President Tandja succeeds in organising a referendum under the state of emergency, declares a “yes” vote a victory for his proposal to stay in office for three more years, and also to have the constitution changed to allow the unlimited presidential terms. The army remains neutral and a fragmented opposition is cowed into submission through coercion, threats or intimidation. International organisations fail to act effectively and President Tandja succeeds in playing one bilateral partner against the other.

Scenario 2:

Opposition tries to prevent the 4 August 2009 referendum through citizen protests and boycotts. The army splits and security forces loyal to President Tandja begin to suppress suspected organisers and start arrests for national sabotage and treason. A section of the security forces disloyal to Tandja sides with his opponents, and the crisis situation degenerates.

Early Response Options:

Option 1:

Despite the limited time available, coordinated pressure could be put on President Tandja to cancel his plans to hold the referendum. In case the referendum is held, the army can be coaxed into submission through coercion, threats or intimidation. International organisations fail to ensure the presence of international observers to ensure a transparent process.

Option 2:

The PSC could recommend the appointment of a Special Envoy to mediate and undertake shuttle
diplomacy to negotiate with relevant actors to resolve the conflict non-violently.

**Geo-Political Dynamics:**

**Pan-African and RECs Dynamics:**

The AU has undertaken a fact-finding mission to Niger, which followed up on the deployment of a delegation to consult with President Tandja on the crisis and explore options for resolving it. On 17 May 2009, ECOWAS threatened to employ sanctions if the referendum takes place. The statement was followed up with a visit to Niger by an ECOWAS delegation, headed by retired General Abdulsalami Abubakar, former Nigerian Head of State, at the beginning of June 2009.

**UN Dynamics:**

UN Secretary-General has stated that the proposed referendum threatens stability in the country and has the potential to reverse the economic and political gains made in recent years. He urged parties to show restraint and offered to collaborate with regional partners such as the AU and ECOWAS in resolving the crisis.

**Wider International Community Dynamics:**

The EU has indicated that holding the referendum will have consequences for its provision of aid to Niger. France, the OIF, and the US have voiced their objection to President Tandja’s recent actions.

**Civil Society Dynamics:**

About 20 political parties and civil society organisations have formed an anti-referendum coalition entitled the Front for the Defence of Democracy (FDD). On 10 July 2009, the FDD declared its intention to disrupt the 4 August 2009 referendum, accusing the President of “high treason”. That same day, the FDD demanded the resignation of the President.

**Spotlight on the PSC - Formal and Informal Meetings**

Article 8 of the PSC Protocol sets out the rules and procedures on the conduct of the Council’s formal business. In July 2007, the Council adopted a series of work procedures based on decisions adopted during the Dakar Brainstorming Retreat in the same year. The PSC, under normal circumstances, is required to meet a minimum of two times a month at the ambassador level, once a year at the ministerial and Head of State levels. Most meetings are conducted at the AU headquarters in Addis Ababa, however, the Council can choose to meet at other venues. The Council’s meeting agenda is determined based on its assessment of ongoing conflict and crisis situations. A PSC member or the Commissioner for Peace and Security can initiate an assessment in consultation with the monthly Rotating Chair of the PSC.

To date the Council convenes three different types of meetings:

- **a) Formal meetings:**

  The primary purpose of such meetings is to examine a report from the AU Commission. In this process, the PSC can invite relevant and concerned parties for the open part of the meeting. Through the Livingstone Formula, the PSC can interact with and receive briefings from civil society organisations and policy research institutions.

- **b) Briefing sessions:**

  These are meetings in which AU Commission staff present talking points to update the PSC about specific issues. Full reports are not necessarily required, but on occasion the PSC can consider a specific report. After hearing the briefing, the PSC members may then decide to produce a statement or a communiqué at their own discretion.

- **c) Consultations:**

  These are closed discussions that help members to develop a clear understanding of an issue without taking a decision. Normally these may allow the participation of representatives of governments involved in conflict, representatives from the UN Security Council, and/or Regional Economic Communities (RECs).

A recent decree issued by Tandja empowers the country’s High Council of Communication to take restraining measures to further curb press freedom.

**Documentation:**

**Relevant AU Documents:**


**UN Documents:**

- SC/9702 (10 July 2009) Statement on the emerging threats in West Africa
- UNOWA/2008/10 (12 June 2008) Statement on consultations with President Mamadou Tandja of Niger
During the eve of the AU Summit held from 24 June to 3 July 2009 in Sirte, Libya, the organisation issued a document EX.CL/501 (XV) Rev. 2 as its four year Strategic Plan (2009-2012). This document defined the priorities for the AU and indicated the human and financial resources required to achieve them. The AU Strategic Plan seeks to map out an agenda for promoting integration and cooperation. The document consists of four parts including:

- The Strategic Direction
- The Strategic Pillars
- Implementation Strategy, Monitoring and Evaluation and
- The Estimated Budget and Implementation Matrix

Accordingly, the Commission has identified four broad intervention areas or strategic pillars namely: i) Peace and Security; ii) Integration, Development and Cooperation; iii) Shared Values; and iv) Institution and Capacity Building. The AU Commission is subsequently to develop and roll out interdepartmental and cross-sectoral programmes for each pillar to ensure an integrated approach to achieving the objectives stipulated. The Plan estimates that for the period 2009-2012, the Commission will require a total amount of US$784 million, or an average of US$196 million per year.

Programme on Peace and Security (Pillar 1)

The Strategic Plan recognises the persistence of armed conflict on the continent as an obstacle to development. The AU Commission has prioritized and placed an emphasis on the Peace and Security Pillar with the second highest budget of US$144 million, after the Second Pillar focusing on Development, Regional Integration and Cooperation which has a budget of US$430 million.

The Strategic Plan further takes note of the number of countries in conflict and post-conflict situations in Africa. The Plan prioritizes the elimination of the ongoing conflicts, prevention of resurgence of new ones, or of a relapse into crisis situations in areas recovering from conflict. The Strategic Plan envisages the operationalisation of the African Peace and Security Architecture (APSA), of which the Peace and Security Council is a pivotal component, as a key part of its overall strategy. In particular, the Plan’s strategic objectives are to:

Reduce conflicts to achieve continental security and stability by:

- Fully operationalising the APSA
- Facilitating the development of a programme on conflict prevention, management and resolution
- Promoting the Common African Defense and Security Policy (CADSP)
- Promoting and coordinating programmes on Post Conflict Reconstruction and Development (PCRD)

By implementing the strategies under the Peace and Security Pillar, the Commission expects to achieve the following results by 2012:

Outputs and Results

- A fully functional APSA
- Programmes on conflict prevention, management and resolution developed and implemented
- Significantly reduced conflicts on the Continent
- The PCRD policy operationalised
- Implementation of the Common African Defense and Security Policy by Member States facilitated
- Development and stabilisation of security, political and economic systems promoted
- Development of continental social and environmental management systems promoted

Way forward

The Strategic Plan recognises that its proposed outputs can only be achieved by working in tandem with the RECs, civil society organisations and international partners. Equally, however, success depends on the role of the AU Commission in the facilitation, coordination and monitoring of the effective and timely implementation of the objectives stipulated in the Strategic Plan.
### Important Forthcoming Dates

#### PSC Meetings

- **July 2009** – expected meeting with the Pan-African Parliament
- **October 2009** – scheduled meeting with the EU Political and Security Committee
- **November 2009** – expected meeting with the AU ECOSOCC

#### AU Meetings

- **October 2009** - AU Special Summit on Refugees, Returnees and Internally Displaced Persons, Kampala, Uganda

#### Renewal of Mandates

The PSC renewed the mandate of AMISOM on 17 June 2009 for seven months

UNAMID’s mandate expires on 31 July 2009 and the PSC extended it for 12 months and requested the UN to do the same

#### Expected Upcoming elections in Africa

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<td>Mozambique</td>
<td>28 October 2009</td>
<td>Presidential/Parliamentary</td>
</tr>
<tr>
<td>Niger</td>
<td>14 November 2009</td>
<td>President (1st round)</td>
</tr>
<tr>
<td>Cote d’Ivoire</td>
<td>November 2009</td>
<td>Presidential/Parliamentary</td>
</tr>
<tr>
<td>Guinea</td>
<td>13 December 2009</td>
<td>Presidential</td>
</tr>
<tr>
<td>Chad</td>
<td>December 2009</td>
<td>National Assembly</td>
</tr>
<tr>
<td>Sudan</td>
<td>April 2010</td>
<td>National elections</td>
</tr>
</tbody>
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