

Peace and Security Council Report

Issue 46,
May 2013



Current members of the Peace and Security Council: Algeria, Angola, Cameroon, Congo, Côte d'Ivoire, Djibouti, Egypt, Equatorial Guinea, the Gambia, Guinea, Lesotho, Mozambique, Nigeria, Tanzania and Uganda.

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 May 2013

During May, the second stage of Egypt's parliamentary elections will take place. In the wake of recent police protests in Egypt and the continuing deep political divisions that beset the country, ongoing developments bear close attention. In Libya, too, the potential for civil unrest

remains ever-present. Events in the CAR and Mali still require monitoring. Despite a reduced Indian Ocean profile, piracy remains a threat to West African shipping and needs to be dealt with effectively before becoming better organised and more entrenched.

► Current PSC Chair

Bio data: H.E. Arcanjo Maria do Nascimento

Current posts: Angola's Ambassador to Ethiopia
Permanent Representative to the AU and UNECA
and Chair of the PSC

IN THIS ISSUE

Early warning issues 1

Country analysis:
Zimbabwe 2

Mission analysis:
AMISOM 7

PSC retrospective: Panel
of the Wise and similar
mechanisms at regional
level 13

Important dates to diarise 16

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.

Country analysis

ZIMBABWE

Previous PSC and AU communiqués

In a media statement dated 9 March 2013, the Summit of the Troika of the Southern African Development Community (SADC) Organ on Politics, Defence and Security Cooperation 'commended the parties to the Global Political Agreement (GPA) for completing the constitutional making process which created conditions for holding a referendum scheduled for 16 March 2013'. It also 'urged the Zimbabwe citizens to participate in the referendum in order to pave the way for the holding of peaceful and credible elections in Zimbabwe'. The Summit noted that a SADC Election Observer Mission (SEOM) would be launched in Zimbabwe on 10 March 2013. It called on 'the parties to the GPA to continue to work together towards creating a conducive environment for the forthcoming elections in the country'. The Summit commended the SADC Facilitator of the Zimbabwe Political Dialogue, President Jacob Zuma of South Africa, for his efforts towards the full implementation of the GPA. The Troika of the Organ undertook to 'remain seized with the political developments in Zimbabwe'. In its final statement, the SEOM certified the referendum, observing 'that the polling process was conducted in a peaceful, transparent and smooth manner'.

Crisis escalation potential

Although Zimbabwe's main political parties supported the proposed constitution and the 16 March constitutional referendum was held in a relatively peaceful environment, there are concerns that the political stakes will be higher in the forthcoming elections and that this could result in violence. The new constitution will spur new battles to terminate the shaky coalition government, which both President Robert Mugabe of the Zimbabwe African National Union-Patriotic Front (ZANU-PF) and Prime Minister Morgan Tsvangirai of the Movement for Democratic Change (MDC-T) have conceded to be dysfunctional. Zimbabwe has a history of electoral violence and its political temperature could rise as the election battle lines are drawn.

While the voting in the constitutional referendum was largely peaceful and orderly and Zimbabwe's political leaders have called repeatedly for national reconciliation and peaceful political activities, there are already signs that targeted violence could rear its ugly head again. The run-up to the referendum was marred by acts of intimidation and the harassment of political activists and civil society representatives. A day after the referendum, police raided MDC-T offices and detained four party officials and a prominent human rights lawyer after she allegedly tried to stop the arrests. The violence of the 2000, 2002, 2005 and 2008 elections still lingers in the minds of many Zimbabweans, making them susceptible to psychological warfare premised

on manipulating the fear inculcated in communities over the years. With the security sector's partisan involvement in the country's politics and threats by the security chiefs to veto the forthcoming election, there is a danger that the police and other security agents may abuse the rule of law during the polls instead of securing the vote.

The constitution-drafting process was conducted in a deeply polarised political environment characterised by mistrust between ZANU-PF and the two MDC formations. The isolated incidents of violence and intimidation are signs that the conciliatory stance of the GPA principals and unanimity of the GPA parties over the new constitution was built on shaky ground. Deeply entrenched political interests, lack of political cohesion, biased institutional structures and elite groups keen to maintain the status quo are some of the challenges to the implementation of the new constitution and democratic and peaceful elections in Zimbabwe. The MDC formations therefore insisted that the government should develop and implement an election roadmap. Given the tortuous road to the new constitution, the development and implementation of a clear roadmap may be protracted, making the mooted June 2013 election timeframe too optimistic. There is a danger that the parties could still haggle over critical fundamentals such as the harmonisation of old laws like the Public Order and Security Act (POSA) and Access to Information and Protection of Privacy Act (AIPPA) with the new constitution, the creation and operationalisation of effective

and professional institutions to run the polls, and the implementation of mechanisms to prevent or handle electoral violence and intimidation. It is likely that after the peaceful referendum the elections may result in a repeat of the 2008 disputed poll outcome and fail to restore a political equilibrium to the Zimbabwe political system.

Key issues and internal dynamics

The adoption of a new democratic constitution, after consultation with the people, is a key requirement of the GPA signed in September 2008 by the three political parties represented in parliament – ZANU-PF and the two formations of the MDC, namely the MDC-T led by Prime Minister Tsvangirai and the MDC-N led by Minister of Industry and Commerce Professor Welshman Ncube. The GPA, brokered by SADC, ended the 2008 election dispute between Tsvangirai and Mugabe, and led to the formation of the transitional inclusive government that assumed office in February 2009.

On 6 February, Zimbabwe's parliament unanimously adopted the proposed constitution tabled before it by the Constitution Select Committee of Parliament (COPAC), comprising the country's three coalition government parties. This was predictable, coming after the leaders of the governing parties had ended over three years of acrimonious debate by ultimately striking a deal on the compromise constitution. This begged the question as to whether the constitution-

making process had become hostage to political leaders.

On 16 March, Zimbabweans voted overwhelmingly in favour of the new constitution. The three coalition government parties had approved the proposed constitution in February and had implemented a campaign blitz for endorsing a 'Yes' vote. Although COPAC insists the proposed constitution is based on people's views gathered during the outreach phase of the constitution-making process, there remains concern that the need to bargain in order to accommodate divergent party interests may have resulted in the production of a give-and-take constitution that does not embody the ideals and aspirations of the nation.

The new constitution retains the executive presidency's dominant role in relation to the other branches of government. For example, it still allocates to the president the power to appoint and dismiss public figures, including cabinet ministers, ambassadors and security chiefs, as well as dissolve parliament. The president will have the final say in the appointment of all commissions, including the Zimbabwe Electoral Commission (ZEC). The president will also have the final say over the appointment of judges. Under the new constitution, the president approves salaries, allowances and benefits for all civil servants, across all salary scales. The president is entitled to absolute immunity based on his acts or omissions while in office and can plead that the act or omission was in 'good faith' after leaving office. Although the new constitution imposes a

two-term limit on the presidency, this does not apply retroactively, allowing the incumbent, Mugabe, to serve additional terms. Importantly, the constitution clarifies the terms of succession in case of the sudden death, resignation or incapacitation of the president by providing for the first vice president to assume the office of the president for the remainder of the term. Significantly, however, the leaders of the three parties agreed to shelve the clause on presidential running mates for ten years. Until then, if a presidential vacancy arises, the party of the departed will provide a successor within 90 days. The president and parliament will have fixed terms, with elections every five years.

The new constitution provides for the devolution of governmental powers and responsibilities to provincial and metropolitan councils and local authorities in order to improve government efficiency and effectiveness while enhancing people's participation in governance. The new arrangement does not entail a fully-fledged federal system.

The constitution significantly introduces a comprehensive set of fundamental human rights, including civil and political, economic, social, cultural and environmental rights, as well as specific protection for the rights of minorities and vulnerable populations. It protects property rights and clarifies land rights. There will be equal representation of women in all elected institutions and commissions. Zimbabweans will have no right to dual citizenship and diaspora Zimbabweans will

not be allowed to vote in the next election. The proposed constitution requires the security services to discharge their duties on neutral and non-partisan grounds. It also adds that security forces must not violate the fundamental rights or freedoms of any person, be active members or office bearers in any political party, or be employed or engaged in civilian institutions except at times of public emergencies. The proposed constitution also limits the terms of the chiefs of the security services.

The new constitution sets Zimbabwe on the road to building and strengthening its democratic institutions, including the Zimbabwe Electoral Commission (ZEC); the Zimbabwe Human Rights Commission (ZHRC); the Zimbabwe Gender Commission; the Zimbabwe Media Commission (ZMC); and the National Peace and Reconciliation Commission. It provides the ZEC with a broader role in which the Commission supervises the entire election process and environment in which elections take place. The constitution provides for an independent National Prosecuting Authority, while the attorney general currently handles both legal advice to the government and prosecutes on behalf of the state.

Although the new constitution is a significant precondition for free and fair elections and part of a broader democratic reform process, it is not self-implementing. Notably, the GPA parties' fixation on constitutional reform has resulted in the relegation of

essential parallel processes, such as voter registration and education and cleaning of the shambolic voters' roll, to the back burner.

The implementation of other key reforms outlined in the GPA critical to the conduct of peaceful elections, especially regarding the media and security sector, has also been neglected. The democratic structures provided in the new constitution, such as the ZEC, ZHRC and ZMC, will have to be strengthened and used correctly to ensure the credibility of the electoral process. The ZEC coped relatively well with the logistical challenges of conducting the referendum less than a month after the starting gun was fired. However, the harmonised elections will be considerably more complex than the referendum, which offered only two choices – yes or no – and a single ballot.

The cash-strapped Zimbabwean government has to ensure the timely availability of resources for the ZEC to prepare for and run the forthcoming elections. The constitutional provision on the nonpartisan conduct of security forces also needs to come into effect before the polls, with some service chiefs having vowed not to respect the electoral outcome if President Mugabe does not emerge as the winner. Implementing the new constitution and the election plan, which still needs to be drawn up by the three governing parties and endorsed by SADC, will be an uphill task, requiring political goodwill and commitment.

Geo-political dynamics

Africa and RECs

Applying the principle of subsidiarity, the African Union (AU) has largely delegated the resolution of the Zimbabwe political deadlock to SADC. The continental body's Peace and Security Council (PSC) has mostly been silent on the crisis in Zimbabwe since the inauguration of the interim government in February 2009. Mediation efforts by SADC have been instrumental in bringing the GPA implementation in Zimbabwe's polarised environment to where it is currently. The robust and consistent communiqués that have emerged from SADC summits since the March 2011 Troika Summit of the SADC Organ on Politics, Defence and Security Cooperation in Livingstone, Zambia, have effectively demonstrated a regional resolve to the relevant Zimbabwean parties. Sustained pressure from the SADC facilitation team was important in ending the Zimbabwean parties' prolonged haggling over the draft constitution, clearing the way for the referendum. The short-term 78-member SEOM deployed by SADC to observe voting on the draft constitution certified the plebiscite. At a post-referendum briefing with the mission, Prime Minister Tsvangirai urged SADC to convene a summit on Zimbabwe to help cement the roadmap to free, fair and credible elections. The SADC-EU Ministerial Political Dialogue held in Maputo, Mozambique on 20 March 2013 welcomed the holding of a peaceful and credible constitutional referendum in Zimbabwe and emphasised the

need to conduct elections in accordance with the agreed roadmap and in line with the SADC Principles and Guidelines Governing Democratic Elections and the AU African Charter on Democracy, Elections and Governance, which provide the framework for credible elections. The meeting further noted that SADC reiterated its call to the European Union (EU) and the international community for the lifting of all forms of sanctions imposed on Zimbabwe.

United Nations

On 6 February, the Zimbabwean government made an official request to the United Nations (UN) for assistance in mobilising resources for the 16 February constitutional referendum and subsequent harmonised elections. In accordance with standard policy, the UN Focal Point for Electoral Assistance at the UN Headquarters reviewed the request and advised the government that a UN Needs Assessment Mission (NAM) would have to be dispatched to the country. Given the little time that remained before the referendum, the NAM will confine itself to possible UN assistance to the harmonised elections. The level of support the UN may provide for an eventual electoral assistance project would be guided by the outcome of the needs assessment. Such a project would follow standard UN Development Programme (UNDP) procedures and serve as a tool to mobilise resources from donors. The management and disbursement of funding would be guided by the standard agreements signed between the Zimbabwe government and the

UNDP, as was the case earlier when the UN supported the constitution-making process under the Zimbabwe United Nations Development Assistance Framework (ZUNDAF 2012-2015). The UN Focal Point forwarded the regular Terms of Reference of the proposed NAM to the government for consideration on 15 February. As of 16 April, no agreement had been reached on the modalities of the NAM.

International community

Members of the international community viewed the peaceful referendum as a significant step forward in the implementation of the GPA. On 25 March, the EU suspended restrictive measures against 81 individuals and eight companies. However, President Mugabe remained on the list of prominent Zimbabweans still targeted by the EU travel ban and assets freeze 'until peaceful, transparent and credible elections have been achieved'. The EU also maintained measures against the state-owned Zimbabwe Mining Development Corporation (ZMDC), which has operations in the controversial Marange diamond fields and which some claim has been channelling money to ZANU-PF. In February 2013, following the agreement reached between Zimbabwean political parties on the final draft constitution, the EU agreed to suspend the travel ban imposed on six government officials, and delist 21 people and one company subject to restrictive measures. These moves are in line with the EU Council Conclusions of July 2012, which stated that a peaceful and credible constitutional

referendum would represent an important milestone justifying the suspension of the majority of all remaining EU-targeted restrictive measures against individuals and companies. In a communiqué released at the end of the SADC-EU Ministerial Political Dialogue on 20 March 2013, the EU welcomed the commitment by SADC to deploy a robust observation mission in accordance with the Principles and Guidelines Governing Democratic Elections in the Region. The EU expressed its readiness to consider any request in support of democratic elections in Zimbabwe. The EU stressed the importance of further progress in implementing the reform agenda around the GPA and the SADC Roadmap, and called on the political parties to maintain their commitment to peace and non-violence. It has reiterated its commitment to political dialogue with the coalition government and to work with any government formed as the result of a peaceful, transparent and credible electoral process.

In March 2013, Australia announced it would lift measures against 55 prominent Zimbabweans in response to the announcement of the constitutional referendum. This left 98 individuals and four companies still facing travel and financial bans by Australia, as well as a general arms embargo and a prohibition on military links. Australia has promised to take additional steps once a credible election is held and a democratically elected government replaces the coalition government. Australia stated that the sanctions would be ramped back up in response

to any regressive developments, including derailing of the election process or a return to violence. ZANU-PF insists that Western observers, particularly from the EU and United States, will not be invited to monitor the polls as they have ostensibly imposed 'sanctions' against Zimbabwe.

Civil society

Zimbabwean civil society organisations (CSOs) have continued to play an instrumental role in the implementation of the GPA. CSOs have given their inputs on the GPA implementation to the SADC facilitation team, and monitored the political environment in Zimbabwe in the run-up to the referendum. For example, the Zimbabwe Election Support Network (ZESN), a network of 31 non-governmental organisations working on the promotion of democratic elections in Zimbabwe, listed pre-referendum concerns that could have impacted the voting processes. These included the untimely departure of the ZEC Chair, Justice Simpson Mutambanengwe, just over a month before the plebiscite; the extremely limited time provided to the ZEC to prepare for the referendum; the inadequacies in voter education on the contents of the draft constitution, the inadequate and subsequent delay in allocating funding to the ZEC; and the intimidation and harassment of civic organisations.

The National Constitutional Assembly (NCA), which was formed in 1997 to push for a new national charter and had boycotted the COPAC process to protest against what it perceived

to be a flawed parliament-led top-down constitution-making process, dismissed the proposed constitution as undemocratic in its creation and its content. The NCA's attempts to delay the referendum to enable thorough debate on the draft constitution were dismissed by the Supreme Court.

CSOs observed the voting in the constitutional referendum, which they agreed was generally peaceful and smooth. They commended the ZEC for putting together the logistical support within a short time. CSOs have continued to encourage the Zimbabwean political parties to ensure the full implementation of the GPA, including the electoral roadmap, in order to avoid a disputed election outcome that will take Zimbabwe and the region back to the conditions of 2008. CSOs have called upon SADC to ensure that all interested stakeholders observe Zimbabwe's electoral process.

Given the above analysis the following could take place:

Scenarios

Scenario 1

The GPA parties could agree on, and implement, a SADC-endorsed electoral roadmap. The roadmap would sequence key reforms to reflect the three main stages in the electoral process, namely the build-up to the elections, the elections themselves and the post-electoral period, in order to put democratisation on a sustainable footing.

Scenario 2

The GPA parties could haggle over the development and

implementation of an electoral roadmap. There are already signs that suggest that the upcoming vote could take place under conditions not dissimilar to 2008, when elections were characterised by intimidation and political violence.

Scenario 3

The cash-strapped Zimbabwe government may fail to timeously provide the ZEC with adequate resources for the preparation of the elections. This could affect the capacity of the electoral management body to organise credible elections.

Options

The early response options that SADC and the PSC could consider include the following:

Option 1

SADC could help the Zimbabwean parties implement the agreed roadmap to the letter in order to pave the way for peaceful and credible elections. The regional body could deploy the long-standing SADC Troika representatives to work with the Joint Monitoring and Implementation Committee (JOMIC), comprising members of the three coalition government partners, to ensure the parties' compliance with the roadmap. Civil society groups and the media could continue to monitor the political environment to demand accountability and transparency during the electoral process, and to compile early warning reports.

Option 2

SADC could remain engaged and help the Zimbabwean parties unlock a possible logjam in the finalisation and implementation

of the electoral roadmap. As guarantors of the GPA, SADC and the AU have a responsibility to support Zimbabweans by deploying a heavyweight team of long-term monitors – and not ‘tourist teams’ – to ensure peaceful and credible elections that conform to regional and continental expectations. SADC could consider giving SEAC a more comprehensive mandate to ensure that Zimbabwe’s elections conform to regional standards for democratic electoral processes. The Defence Sub Committee and the

Southern African Regional Police Chiefs Cooperation Organisation are forums that could be used by SADC defence and police chiefs to reach out to their Zimbabwean peers regarding the role of the security establishment in support of elections.

Option 3

The UN could, if requested by the Zimbabwe government, prioritise funding activities that promote peaceful, transparent and credible elections, including those that deepen the capacity

of the ZEC and domestic observers to enable them to carry out their mandates more effectively. This should include technical assistance and training in electoral management, and support for information technology capacities. The ZEC should have adequate resources for running the election, including preparation, compilation of a clean, accurate and comprehensive voters’ roll and voter education.

Mission analysis

AMISOM

Previous AU /PSC communiqués and statements

On 11 October 2012, at its 337th meeting, the PSC issued a press statement (PSC/PR/COMM(CCCXXVII)) in which it expressed full support for the decision of the Commission to undertake, from October 2012 to January 2013, a strategic review of the AU Mission in Somalia’s (AMISOM) mandate. On 16 January 2013, while considering the Chairperson’s progress report on the situation in Somalia, the PSC at its 350th meeting received an update on the progress made so far in the review of AMISOM and its mandate. In the communiqué, PSC/PR/COMM.1(CCCL), it issued at that meeting, the PSC, noting the preliminary findings of the review team, stressed the need

for this exercise to lead to the enhancement of AMISOM’s effectiveness and strengthened coordination.

In a subsequent communiqué, PSC/PR/COMM(CCCLVI), issued at its 356th meeting held on 27 February 2013, at which the PSC considered the final Report of the Review Team, the PSC endorsed the recommendation to enhance AMISOM, which notably requires it to: ‘(a) maintain a robust posture, with the required multipliers and enablers, in order to facilitate the recovery of the areas that are still under the control of [the Islamist rebel group] Al Shabaab, (b) establish special training teams to enhance the capacity of Somalia’s National Defence and Public Safety Institutions, and (c) enhance its civilian capacity to support the FGS’s [Federal Government of Somalia] efforts to restore effective governance, promote reconciliation, human

rights and rule of law, and ensure service delivery in the recovered areas’. Accordingly, apart from strengthening the mandate of AMISOM, the PSC also called on the UN Security Council both ‘to authorize the enhancement of the support package to AMISOM, to enable it to discharge its mandate effectively’ and to ensure that the configuration of the envisaged UN Mission in Somalia, as foreseen in the context of the Strategic Review of the UN presence in Somalia, ‘does not, in any way, impede or constrain the capacity and flexibility of UNSOA [the United Nations Support Office for AMISOM] to provide unfettered support to AMISOM’.

Crisis escalation potential

Over the past months, Somalia has experienced an improved security and political situation. A number of strategic areas have been recovered from al-Shabaab, but the consolidation of

government control in these areas remains a challenge. The government of President Hassan Sheikh Mohamud is showing increasing firmness in terms of political leadership. The government also continues to receive increasing recognition and support from members of the international community.

Despite these encouraging developments in the operational environment of AMISOM, the security situation remains precarious. Al-Shabaab continues to control significant parts of south and central Somalia. While al-Shabaab has been weakened, it continues to pose a major threat to the country, retaining the ability to strike through improvised explosive devices (IEDs), targeted assassinations and suicide attacks. The group remains capable of undertaking attacks in newly liberated areas, including in the capital Mogadishu. AMISOM also faces the difficulty of striking a balance between reclaiming further territories and consolidating those under its and the regional forces' control. Al-Shabaab's recapture of the southern town of Hudur following the withdrawal of Ethiopian forces in March is a further manifestation of the challenges of consolidating security in the liberated areas. The implementation of the proposed enhancement of AMISOM also remains a major issue.

Key issues and mission dynamics

The continuing improvement in the security and political situation in Somalia has over the course of the past year changed

the operational environment of AMISOM. Following the shift in the balance of military power, AMISOM, Somali security forces and regional forces regained additional territories previously under al-Shabaab's control. This success demanded a surge in the force size of AMISOM, transforming the mission into the AU's largest operation to date. Accordingly, in 2012 AMISOM's mandated size increased from 12 000 to 17 731 uniformed personnel. AMISOM's area of operations was also expanded to include three sectors outside Mogadishu.

Currently, AMISOM has a force level of 17 731 uniformed personnel and 70 civilians. Although, for much of its existence, AMISOM's troops were composed of Ugandan and Burundian troops, currently the mission also includes troops from Kenya, Djibouti and Sierra Leone. The latest deployment of troops took place on 3 April 2012 with the arrival of a battalion-strong contingent from Sierra Leone. The AMISOM Police Component currently consists of two Formed Police Units with 140 personnel each and 76 individual police officers, as well as a senior leadership team of six officers. This means that much of the mandated force strength of 1 680 personnel has yet to be deployed.

The revised mandate, elaborated under the new Concept of Operations (CONOPOS) endorsed by the PSC (PSC/PR/COMM.(CCCVI) on 5 January 2012 and by the UN Security Council (S/2012/74) on 31 January 2012, expanded AMISOM's theatre of operations across four sectors located in

south-central Somalia and also envisaged the establishment of a maritime component. According to the CONOPOS, AMISOM's force posture is organised in sector 1, which is centred on Mogadishu and its environs, with troops from Uganda and Burundi. Sector 2 is centred on south-west Somalia, where a Kenyan contingent is operating together with the newly deployed battalion from Sierra Leone. Sector 3 covers Baidoa and its environs with Ugandan and Burundian troops, supported by Ethiopian forces, which operate under a different mandate. Sector 4 covers Belet Weyne, with troops from Djibouti, also supported by Ethiopian troops.

Additionally, provision was given for AMISOM's maritime component, which is supposed to conduct limited maritime security operations in close coordination with the on-going operations by international partners. However, the proposed maritime component has exhibited a number of disagreements among regional partners and the Somali government, which expressed its objection to AMISOM having such a capability.

As AMISOM expanded its areas of operation, it became increasingly necessary to diversify its various roles. Consolidating the security of areas reclaimed from al-Shabaab demanded not only securing the liberated areas, but also supporting the building of state institutions to extend the authority of the Somali state in those areas. The situation also created increasing expectations of and the need for undertaking

peace support and peace-building activities, including providing training and support for building security institutions, local governance and state administration capabilities, and dealing with the demobilisation of forces that had defected from al-Shabaab. As the new FGS began to assert its leadership based on its own priorities, AMISOM needed to align its support with the priorities and needs of the new government.

All these considerations demanded that the AU Commission undertook a strategic review of AMISOM. This review sought to determine the kind of changes required, the nature of AMISOM's presence and the composition of the mission, as well as the preferred form and kind of collaboration anticipated with the UN.

Having noted the progress made in Somalia in both the political and security spheres, the review stated that the situation provided Somalia, the AU and international actors with 'a strategic opportunity to consolidate the political and security gains made thus far, by investing in the restoration and extension of state authority through effective governance, rule of law and the delivery of peace dividends'. The report accordingly made a strong case for reconfiguring and strengthening AMISOM. This would entail the transformation of the mission into a fully-fledged multi-dimensional operation and a further increase in the force strength of the mission. Such a reconfiguration would require significant expansion of the civilian component 'to enable it [to]

support the mission's consolidation and stabilization efforts ... including in the areas of governance, reconciliation, human rights, gender and early recovery at local community level'. With respect to the military component, the new context demands beefing up its capability to undertake peace enforcement and counter-insurgency operations, increasing its size to reclaim further territories under al-Shabaab's control, and equipping it with force multipliers and enablers, including dedicated air and maritime assets. The police component plays a key role in the consolidation of the security of areas liberated from al-Shabaab and in building the Somali police force. Among other requirements, there is a demand for a training capability and for the structure and facilities to deliver such training.

Clearly, these new demands require substantive increases in the supply of adequate logistical and mission support to AMISOM. The review concluded that AMISOM should remain a large multi-dimensional force, dedicated to peace enforcement operations, but with an enlarged political and peace-building mandate to focus on supporting the federal government.

In the light of these changes and resultant demands, the review identified three options for redefining AMISOM's presence in Somalia. The first, which is considered to be an option whose time has not arrived yet, is handing over the mission to the UN. The second option involves the enhancement of AMISOM's mandate, force

strength and capacity along the lines discussed above. The review recommended this as an interim measure. As a means for effectively addressing the longstanding concerns over predictable funding, the preferred option recommended by the review is option 3, which envisages a joint AU-UN mission.

During the course of the past eight months, AMISOM has extended its area of operations and occupied some territories formerly under al-Shabaab's control, including the strategically important port town of Kismayo. During the course of 2013, AMISOM secured additional areas, albeit on a smaller scale. On 27 February 2013, Somali government forces, supported by AMISOM troops, secured the town of Buur-Hakba on the Afgooye-Baidoa corridor in the Bay region. This was significant particularly in terms of reconnecting Mogadishu with Baidoa. Similarly, on 1 April 2013, AMISOM announced that it had completed its advance to assume full control over the area stretching from Mogadishu to Baidoa.

Liberating further territories from al-Shabaab will not be easy. In its current form and before the full implementation of its proposed enhancement, AMISOM lacks the requisite force strength and capability for undertaking an operation to occupy territories that currently remain outside government control.

While the overall security situation has improved, the nature of al-Shabaab's attacks has also changed. The insurgent group has shifted from

conventional battles to asymmetric warfare. This involves the use of suicide and roadside bombings, grenade attacks, IEDs, mortar fire, sniper fire and targeted assassinations.

Despite declining territorial control due to the advance of AMISOM and Somali forces, al-Shabaab continues to hold a vast area of south and central Somalia. Additionally, al-Shabaab has continued its terrorist attacks in Mogadishu, including targeted killings, bombings and hand grenade attacks. In a major incident that took place on 14 April 2013, a bomb attack on a courthouse in Mogadishu killed 35 people and wounded 60. As attacks on journalists continue, another journalist was assassinated on 23 April, the fifth to be killed this year.

Geopolitical dynamics

Africa and RECs

Apart from the finalisation of the AMISOM strategic review highlighted above, a notable development relates to Ethiopia's withdrawal from certain locations and its announcement of the impending withdrawal of all its troops from Somalia. It is well known that in 2011 Ethiopian forces opened one of three fronts alongside Kenyan and AMISOM forces in the critical offensive that dislodged al-Shabaab from many key locations in Somalia. At the time, Ethiopia indicated that it would like to hand over to AMISOM the areas it had liberated from al-Shabaab and withdraw its forces. In March 2013, Ethiopian forces withdrew from Hudur, the capital of Bakool province, and

the ensuing security vacuum allowed al-Shabaab's forces to take control of the town. Subsequently, the Ethiopian government announced that it planned to accelerate the complete withdrawal of its troops to the Ethiopian-Somali border.

It emerged from the reported announcement that Ethiopia is frustrated by the fact that AMISOM has been unable to take over speedily and that the country is consequently suffering financially. This is a further indication that the implementation of the enhancement of AMISOM has to be speeded up if the progress made during the past 12 months is to be consolidated and expanded.

United Nations

In Resolution 2093, adopted on 6 March 2013, the UN Security Council extended AMISOM's mandate to 28 February 2014. One of the major decisions made in the resolution was the partial lifting of the arms embargo imposed on Somalia, following a request by IGAD and the new Somali government, for a period of 12 months for weapons and training solely intended for the Somali National Security Forces.

With respect to AMISOM, the resolution endorsed the mandate of AMISOM as revised by the 27 February 2013 PSC communiqué to include the provision of assistance to the government in extending state authority in areas recovered from al-Shabaab. Despite this, the resolution did not address the request that the PSC made in its 27 February 2013 communiqué for enhancement

of the support package to AMISOM to enable the mission to implement the recommendations of the AMISOM Review Report for the enhancement of the mission.

Another decision of significance for AMISOM is the endorsement of the Secretary-General's recommendations in his report of 31 January that the UN Political Office for Somalia should be replaced by a new and expanded UN special political mission that would incorporate the UN Support Office for AMISOM (UNSOA). In this context, a major issue is the implication of the restructuring of the UN's presence in Somalia for the UN's support to AMISOM and articulating clearer divisions of labour between the AU, UN and the government of Somalia.

At the request of the UN Security Council, the UN Secretariat undertook a technical assessment mission (TAM) to the region to determine the deployment of a special UN mission to Somalia. The TAM was conducted from 18–19 March 2013 and its report was submitted to the UN Security Council on 19 April 2013. The report proposed the establishment of a new UN mission known as the United Assistance Mission in Somalia (UNAMSOM). It was proposed that UNAMSOM would be responsible for i) political affairs and facilitation/mediation, ii) rule of law and security institutions, iii) human rights and protection. The report envisaged the launching of the mission with the deployment of a core team with effect from 3 June 2013 as envisaged in Resolution 2093 (2013).

Part of what this mission aims to fulfil is the request of the Somali government for a single 'door to knock on' UN presence. On the relationship of the new mission to AMISOM, the report stipulated that UNAMSOM would not be responsible for delivering support to national security, which remains the role of AMISOM, supported logistically by UNSOA. Supporting the request of the PSC in its 27 February 2013 communiqué, the report underscored the 'critical need for an enhanced support to both AMISOM and the Somali National Security Forces (SNSF) in order to sustain the security gains'.

International community

Although the effects of the financial crisis and demands from other competing engagements in Africa such as Mali tend to strain the European Union's (EU) role, the EU remains AMISOM's main financial support. On 19 March, the EU announced it would provide additional funding of €33 million to AMISOM. This additional support, which brings the EU's overall contribution to AMISOM to €444 million, will enable AMISOM to achieve its mandated size of 17 731 troops. The support covers the payment of troop allowances, costs relating to the police and civilian component of the mission, and the operational costs of the mission headquarters in Nairobi, Kenya. Apart from its support for AMISOM, whose timely release of pledged funds is sometimes an issue, the EU reportedly plans to host a 'New Deal' Global Conference on Somalia in the second half of 2013.

During the discussion on international support for Somali security forces, which is critical for consolidating security and reclaiming further territories, some countries have expressed concern over the agreement that Turkey signed with Somalia for building a strong military force. In this context, emphasis was put on the need for aligning support for Somalia within existing frameworks. The meeting also concluded that the international support 'must ensure Somalia's ownership and leadership while ensuring that the necessary support is delivered in an appropriate and timely manner'.

There are a number of individual countries that, apart from their role in multilateral forums, have shown particular interest in supporting Somalia. One such country is the UK. On 7 May 2013, the UK and Somalia will co-host an international conference on Somalia. The conference aims to 'help Somalia to reverse the underlying state failure ... help to improve the security of the country, reduce the levels of piracy and terrorism, enable refugees to return home, and improve the lives of millions of Somalis'. This would also serve as a platform for securing further support for fully implementing the decision on the enhancement of AMISOM.

Turkey, although a relatively new player, is another country with huge and expanding involvement in Somalia. On the occasion of the 22nd AU summit in January 2013, Turkey's Minister of Development Cevdet Yilmaz presented a cheque for \$1 million to the AU Commissioner for Peace and Security, Ramtane Lamamra, to

support AMISOM. Turkey's support to Somalia has focused on reconstruction and state building efforts as well as offering to provide aid to the civilian population. Turkey's major initiative in 2013 was supporting reconciliation efforts in Somalia and opening political dialogue between the new Somali government and Somaliland. On 13 April 2012, Turkey hosted a meeting between President Sheikh Mohamud of Somalia and President Ahmed Mohamed Silanyo of Somaliland, in which they agreed to the Ankara communiqué, which provides for dialogue between Somalia and Somaliland.

With respect to the role of the international community, the lack of coordination and coherence remains a major challenge for both the Somalia government and AMISOM. Despite improvements over the past year, regional and international engagement in Somalia continues to display competing interests and approaches.

Scenarios

The following are the possible scenarios with respect to AMISOM's operation in Somalia:

Scenario 1

The prevailing status quo in terms of the force structure, size and capabilities of AMISOM will persist. This may entail continuation of the current security situation, which remains fragile.

Scenario 2

Ethiopian troops will act on their plan to withdraw from the parts of Somalia that they had

liberated from al-Shabaab. As the withdrawal from Hudur attested, further withdrawal from other areas without an effective takeover by the SNSF and AMISOM forces would reverse the gains made.

Scenario 3

The AU, with the support of the UN, EU and others in the international community, mobilises the required resources for implementing its decision to enhance AMISOM's capabilities. This is accompanied by a UN Security Council resolution endorsing the provision of the required enablers and force multipliers. This will provide AMISOM with the much-needed multidimensional capability for both consolidating areas under its control and reclaiming other territories that remain under al-Shabaab's control, and provide effective training support for expanding the SNSF.

Scenario 4

The AU manages to secure only part of the required resources for the full enhancement of AMISOM. Where such additional support comes in the form of additional enablers and force multipliers, AMISOM may rely on its existing force structure and size to meet the expectations of consolidating and expanding Somalia's security.

Policy response options

The following are possible policy response options that could be considered by the PSC:

Option 1

The PSC could request the AUC to develop a specific plan for restructuring the force structure of AMISOM and submit demands to the UN Security Council for supporting such restructuring. In this regard, particular focus may be placed on increasing the personnel complement of the police and civilian components, including extending training capability beyond the ceiling of the existing mandate. Such an expansion, involving additional Formed Police Units in particular, would spare the military component the use of some of its resources for undertaking operations to recover additional territories from al-Shabaab.

Option 2

The PSC could encourage the AUC to determine the amount of additional resources needed for expanding AMISOM and, in consultation with IGAD and the Somali government, explore the feasibility of convening a pledging conference for securing such additional support for AMISOM, particularly in terms of its decision in the 27 February 2013 communiqué for the mission's required enhancement.

Option 3

The PSC may consider mandating the AUC to explore options on the judicious utilisation of AMISOM's existing resources and capabilities, which may enable AMISOM to expand its role without endangering its personnel or the gains made thus far.

Option 4

The PSC could request the AUC to give particular attention to the speedy establishment of a strong police and security training capability within AMISOM. This would be critical to both consolidate and increase the size of SNSF for undertaking operations alongside AMISOM and stabilising liberated areas.

PSC Retrospective

The Panel of the Wise and similar mechanisms at regional level

The Peace and Security Council (PSC) at its 355th meeting, held on 13 February 2013, was briefed by the AU Panel of the Wise and the Committee of Elders of the Common Market for Eastern and Southern Africa (COMESA). The briefing focused on the outcome of a joint pre-election assessment mission to Kenya by the two bodies from 16–23 January 2013 prior to the presidential elections that took place on 4 April, 2013. In a subsequent communiqué, PSC/PR/BR.1(CCCLV), the PSC commended the initiative and encouraged the Panel of the Wise and similar mechanisms in the different regional economic communities to systematically pursue ongoing preventive actions linked to election-related disputes.

In the same meeting, the PSC commended the effective implementation of the report of the Panel of the Wise called 'Election-Related Disputes and Political Violence: Strengthening the Role of the AU in Preventing, Managing and Resolving Conflict', which was adopted at the Assembly in Sirte, Libya in July 2009. The PSC further encouraged close cooperation and working relations between the AU Panel of the Wise and similar regional mechanisms (RMs) in pursuance of the provisions of the memorandum of understanding (MoU) in the area of peace and security signed in 2008 between the AU and the Regional Economic

Communities (RECs), particularly through the establishment of the Pan African Network of the Wise (PanWise).

The working relationship between the PSC and the RECs/RMs is stipulated in Article 16 of the Protocol Establishing the African Union Peace and Security Council. The Article states that RECs/RMs are part of the overall African Peace and Security Architecture (APSA). It also notes that while the AU has the primary responsibility for promoting peace, security and stability in Africa, it should harmonise and coordinate its activities with the RECs/RMs on peace and security initiatives in order to ensure consistency with the objectives and principles of the AU. Moreover, its Sub-Article 16(9) has authorised the drafting of an MoU between the parties to guide their relations in this particular aspect of peace and security.

The relationship between the PSC and the RECs/RMs is also defined by the Memorandum of Understanding on Cooperation in the Area of Peace and Security between the African Union, the Regional Economic Communities and the Coordinating Mechanisms of the Regional Standby Brigades of Eastern Africa and Northern Africa, signed in Algiers on June 2008. The AU recognises eight RECs, including the Arab Maghreb Union (UMA), the Community of Sahel-Saharan States (CEN-SAD), the Common Market for Eastern and Southern Africa (COMESA), the East African Community (EAC), the Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS),

the Inter-governmental Authority on Development (IGAD) and the Southern African Development Community (SADC). The AU also recognises the Eastern Africa Standby Brigade Coordination Mechanism (EASBRICOM) and the North Africa Regional Capability (NARC) as RMs that represent the regional configurations of the African Standby Force (ASF) in East and North Africa respectively.

Article VI of the Memorandum calls for the RECs to establish structures similar to mechanisms in the APSA like the Panel of the Wise, for better coordination and harmonisation of strategies and activities.

The Report of the Chairperson of the AU, SP/ASSEMBLY/PS/RPT(I), tabled at the Tripoli Summit held from 30–31 August 2009, identified the MoU between the AU and RECs/RMs as one of the five main pillars of APSA. This MoU requires the PSC and the RECs/RMs to ensure regular exchanges of information, foster a closer partnership and enhance coordination between their activities. The MoU further acknowledges the role and responsibilities of the RECs/RMs in their areas of jurisdiction and outlines the contributions they can make towards the promotion and maintenance of peace, security and stability in other regions on the continent, including through the deployment of peace support missions.

The AU Panel of the Wise was created in 2002. In January 2007, the AU Assembly of Heads of State and Government [Assembly/AU/Dec.152/(VIII)]

endorsed the recommendation of the Chairperson of the Commission to appoint five esteemed African personalities to serve as members of the Panel of the Wise for a three-year mandate, which would be renewable once for a second three-year term. At its 100th meeting on 12 November 2007, the PSC adopted a set of detailed procedures for the functioning of the Panel.

The legal basis of the Panel is stipulated in Article 11 of the Protocol Establishing the PSC. The Panel is an integral component of the African Peace and Security Architecture (APSA). It complements the work of the PSC, the Chairperson of the Commission, the African Standby Force (ASF) and the Continental Early Warning System (CEWS). Specifically, the Panel is mandated to: a) advise the PSC and the Chairperson of the Commission on all issues pertaining to the promotion and maintenance of peace, security and stability in Africa; b) undertake all such actions deemed appropriate to support the efforts of the PSC and those of the Chairperson of the Commission for the prevention of conflict; and c) pronounce itself, as and when necessary, on any issue relating to the promotion and maintenance of peace, security and stability in Africa. Article 11 of the PSC Protocol further notes that the Panel may take action at its own initiative or at the request of the Council or the Chairperson of the Commission.

In addition to the Panel at the continental level, similar mechanisms are also functioning at the REC level. RECs like

ECOWAS created similar mechanisms long before the AU. The West African body established a Council of the Wise under the 1999 Protocol for Conflict Prevention, Management, Resolution, Peacekeeping and Security. The ECOWAS Council of the Wise has played a significant role in preventive interventions in West Africa. Members of the Council deployed by the Mediation and Security Council, the ECOWAS' version of the PSC, took part in conflict prevention initiatives in Niger, Guinea, Liberia, Sierra Leone, Togo and Guinea-Bissau to deal with varying degrees of conflicts in these countries.

COMESA also has a Committee of Elders, consisting of nine standing members supported by a unit in the Secretariat. CEN-SAD established a structural component in 2000 called the CEN-SAD Permanent High Level Mediator for Peace and Security. This body has since undertaken mediation efforts in Chad, Mali, Niger and the Central African Republic. SADC's Mediation Reference Group and Panel of Elders was established in August 2010 and IGAD is in the process of putting in place a Mediation Contact Group, whose responsibilities will be similar to those of the AU Panel of the Wise.

The work of these institutions is complementary and steps have been taken to strengthen their working relations and capacity to collectively address the challenges of conflict and instability in Africa. With the objective of creating harmony and avoiding the duplication of efforts, the AU Panel of the Wise convened a retreat from 4–5 June 2012, in Ouagadougou,

Burkina Faso, where the RECs and the Panel of the Wise agreed to establish a Pan-African Network of the Wise (PanWise).

According to the Panel the new network, PanWise, is envisioned as 'an umbrella network bringing together these various mechanisms, the AU Special Representatives and Envoys, the Friends of the Panel of the Wise and individual mediators, as well as institutions engaged in mediation activities at various levels, with the aim of enabling them to undertake joint activities and cement their partnership'. The meeting agreed on the need to improve mediation and conflict prevention exercises, taking into account the division of labour and principle of subsidiarity between the AU and the RECs to avoid duplication of efforts; and working together not only with RECs, but also with a wider group of personalities and senior experts already involved in mediation and conflict prevention at various levels. The meeting also considered a preliminary version of a Framework for the operationalisation of PanWise.

The Ouagadougou retreat further called on the Panel of the Wise and its regional counterparts to:

- Engage African governments more systematically on the importance of addressing the underlying causes of conflicts
- Develop a specific Institutional Development Policy to strengthen member state institutions in terms of both leadership and structures, as well as their

relations, in order to put countries on a proper course of conflict prevention and development

- Systematically follow up on their conflict prevention missions, to ensure better results

Partnerships between the AU Panel of the Wise and similar RMs have subsequently grown and they are continuing to undertake joint activities with their counterparts at REC level in order to improve their respective individual and collective performance in peace-making activities.

The Ouagadougou decision was later endorsed at the 7th Meeting of Senior Officials of the AU and RECs/RMs for Conflict Prevention, Management and Resolution, which took place from 9–10 December 2012 in Djibouti. The meeting also gave support to the organisation of a subsequent retreat to institutionalise PanWise by examining the Draft Framework for its Operationalisation, as well as a related Plan of Action. In this context the Ouagadougou meeting called on the Panel to come up with a clear and well-articulated document that would require PanWise to utilise a bottom-up developmental framework. The envisaged new structure was also expected to be able to mobilise greater resources.

Subsequently, the Second Retreat of the Panel of the Wise and similar organs within the Regional Mechanisms for Conflict Prevention, Management and Resolution took place from 11–12 April

2013, under the theme 'Institutionalization of the Pan African Network of the Wise (PanWise): contribution to Pan-Africanism and African Renaissance' as a follow-up to the Ouagadougou retreat.

According to Ambassador Ramtane Lamamra, Commissioner for Peace and Security at the AU, the objectives of this retreat were to:

- Examine current challenges to peace and security in Africa and assess emerging threats to peace and security
- Reflect on lessons learned and best practice in preventive responses to emerging threats at local, regional and continental levels
- Promote experience-sharing and reflection on recent practical collaboration between the AU Panel of the Wise and similar mechanisms within the RECs, and personalities and institutions engaged in mediation activities at local and community level
- Agree on the modalities for the functioning of the PanWise in line with the conclusions and recommendations of the June 2012 Ouagadougou Retreat for institutionalization within the African Union framework and consideration of and endorsement by the Peace and Security Council
- Contribute to the definition and adoption of a PanWise Work Programme/Plan of Action

The latest retreat brought together institutions and actors involved in mediation and conflict prevention at all levels in Africa and reviewed and adopted the Framework for the Functioning of PanWise. A Plan of Action 2013–2014 with clear and well-articulated points and areas of collaboration was also produced.

The Panel of the Wise also held its 13th meeting on 13 April 2013. The meeting, which was chaired by Dr Salim Ahmed Salim, former Secretary-General of the Organisation of African Unity (OAU) and a member of the Panel of the Wise, agreed to promptly submit the Framework to the PSC and through it to the Assembly of Heads of State and Governments at the Summit in May 2013. The Panel updated its programme of activities for the remainder of 2013, based on the report of the Commissioner for Peace and Security on the current conflict situation in Africa.

Important dates to diarise

3	May	World Press Freedom Day
19-27	May	21 st African Union Summit, Addis Ababa, Ethiopia (theme: Pan-Africanism and African Renaissance)
29	May	International Day of UN Peacekeepers
4	June	International Day of Innocent Children Victims of Aggression
17	June	World Day to Combat Desertification and Drought
20	June	World Refugee Day

Country	Election	Date *
Egypt	Parliamentary	(the elections will take place in four stages) 27-28 April 2013 15-16 May 2013 2-3 June 2013 19-20 June 2013
Somaliland	House of Representatives	May 2013
Equatorial Guinea	House of People's Representatives and Local	26 May 2013
Guinea	National Assembly	30 June 2013
Mali	Presidential, National Assembly and Local	7 July 2013
Madagascar	Presidential 1 st Round Presidential 2 nd Round National Assembly	Postponed to 24 July 2013 25 September 2013 25 September 2013
Mauritius	Presidential (indirect)	September 2013

**could change, dependent on circumstances*

Contributors to this Volume

Conflict Prevention and Risk Analysis Division, ISS Addis Ababa

Dr Duke Kent-Brown
Dr Solomon Ayele Dersso
Mr Hallelujah Luli
Ms Neus Ramis Segui

Conflict Prevention and Risk Analysis Division, ISS Pretoria

Dr Gwinyayi Dzinesa

Acknowledgements

Ms Antoinette Louw
Ms Iolandi Pool
Mr Jean-Guilhem Bargues

Contact

Amb. Olusegun Akinsanya
Regional Director
Institute for Security Studies
P.O. Box 2329
Addis Ababa, Ethiopia
Tel: +251-11-515 6320/24/67/98
Fax: +251-11-515 6449
Emails: addisababa@issafrica.org
oakinsanya@issafrica.org
website: www.issafrica.org

Subscribe electronically to
the *PSC Report* at
[www.issafrica.org/
subscribe.php](http://www.issafrica.org/subscribe.php)

Donors

This report is published through the support of the Humanity United Foundation and the Government of New Zealand. In addition, the Institute for Security Studies (ISS) receives core support from the governments of the Netherlands, Norway, Sweden and Denmark.

The Institute for Security Studies is a leading African policy research and training organisation. The vision of the ISS is a peaceful and prosperous Africa for all its people. The mission and overall goal of the ISS is to advance human security in Africa through evidence-based policy advice, technical support and capacity building.



About this report

This report is an independent publication of the ISS. It is available on the ISS website and can be viewed together with thematic reports on the work of the PSC at www.issafrica.org. All documents referred to in this report can be found on the ISS website in English and French. The PSC Report can also be accessed in French and English at the ROP website, www.operationspaix.net

© 2013, Institute for Security Studies

Copyright in the volume as a whole is vested in the Institute for Security Studies, and no part may be reproduced in whole or in part without the express permission, in writing, of the Institute. The opinions expressed do not necessarily reflect those of the Institute, its trustees, members of the Advisory Council or donors.