Peace and Security Council Report

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Current members of the Peace and Security Council: Algeria, Angola, Cameroon, Congo, Côte d'Ivoire, Djibouti, 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 January 2014

During January, there are a number of potential peace and human security threats that require close monitoring by the Peace and Security Council.

The Tuareg rebellion in Mali, inter-religious violence in the Central African Republic, continuing instability in Tunisia and ongoing violence in Libya and Egypt, as well as rebellion and violence in South Sudan, are among the many peace and human security issues that require close monitoring in the context of early warning. In the Horn of Africa, added economic and social pressures may test Ethiopia's stability and future growth as a result of Saudi Arabia's forced repatriation of over 100 000 unemployed and impoverished Ethiopians. The continuing criminal attacks of Boko Haram and Al-Shabaab terrorists in Nigeria and Kenya are unlikely to end in the absence of a sustained effective international and pan-African effort to contain and eliminate these merchants of cruelty and terror. In addition, developments in the Great Lakes Region and in the aftermath of the Malagasy elections (see the two analyses in this edition of the Peace and Security Council Report) will require continued vigilance.

In the longer term, the year ahead will also present a number of challenges and perhaps fresh opportunities when elections take place in Algeria, Botswana, Egypt, Guinea-Bissau, Malawi, Mozambique, Namibia, Niger, Nigeria and South Africa.

Current PSC Chair

Bio data: H.E. Madame Sidibe Fatoumata Kaba

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

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Livingstone formula

'Civil Society Organizations may provide technical support to the African Union by undertaking early warning reporting, and situation analysis which feeds information into the decision-making process of the PSC' – PSC/PR/(CLX), 5 December 2008, Conclusions of a Retreat of the PSC on a mechanism of interaction between the Council and CSOs.

Post-election analysis

MADAGASCAR

Previous PSC and AU communiqués

During its 394th meeting on 5 September 2013, the African Union's (AU) Peace and Security Council (PSC) reiterated its appreciation to the Southern African Development Community (SADC) and its mediator in the Malagasy crisis, former President Joaquim Chissano of Mozambique, for their commitment as well as their co-operation and co-ordination with the AU. The PSC also welcomed the positive developments in the situation, notably the reform of the Special Electoral Court (CES), the withdrawal of the illegal candidates and the publication of the list of 33 candidates who met the legal requirements to participate in the 25 October 2013 presidential elections.

The Council expressed support for and commended the political actors for accepting the decisions taken by the reformed CES and urged Malagasy citizens and political actors to contribute positively to the ongoing process, in particular by maintaining peace and stability and upholding the spirit of tolerance and national reconciliation, in order to facilitate successful presidential and legislative elections that would mark the completion of the restoration of constitutional order. The PSC also warned all those who might have been tempted to hinder the ongoing process.

While lifting the sanctions imposed on 109 Malagasy political personalities, the PSC urged all AU member states as well as the country's international partners to extend all the necessary financial, logistical and technical support to the ongoing process, in order to facilitate the holding of free, transparent, fair and credible elections.

Crisis escalation potential

On 25 October 2013, Madagascar held the first round of its presidential elections. This was significant in the context of the country's attempts to return to constitutional order. The first round of the elections took place amid anxiety and uncertainties due to the numerous negative reports, postponements and controversies. However, it delivered an outcome that was more or less accepted by the major actors. As none of the candidates was able to win an outright majority, the country headed to the run-off, which pitted Dr Jean-Louis Robinson (61), former Minister of Health under President Marc Ravalomanana, against Hery Rajaonarimampianina (55), the former Finance Minister in the transitional government that was put in place after the 2009 coup. Many regarded the run-off, which took place on 20 December 2013, as a replay of the antagonism between Ravalomanana and Andry Rajoelina through their proxies and feared post-election violence in Madagascar.

Key issues and internal dynamics

The first round of the presidential elections was a test of the commitment of key actors to end Madagascar's political impasse. It was also a test for the road map adopted on 13 September 2012, which defines the modalities and institutions of the transition. The road to the elections was marred by uncertainties, but pressure from the international community, notably the AU, appeared to be a significant catalyst in the process.

The first round took place in a relatively peaceful environment, characterised by the existence of a more or less coherent legal framework as well as political actors' commitment to uphold the electoral rules and regulations. While there were reasons to be concerned, given the complex political dynamics in the country over the past four years, no major incidents were reported and the country saw a voter turn-out of close to 60 per cent of all registered voters.

Several political parties and political associations populate the Malagasy political arena. However, in the context of the 2013 elections, there appeared to be two main movements: *Tanora Gasy Vonona* (TGV), representing the transitional government, led by Rajoelina; and the Avana Movement, representing the pro-Ravalomanana *Mouvance*, led by Robinson.

The results of the first round of the elections provided some insight into the fragmented political landscape in Madagascar and also helped to redefine the balance of power four years after Rajoelina, the young mayor of Antananarivo, with the support of the army toppled Ravalomanana, the democratically elected president. There was a little doubt that the candidate supported by the transition leaders benefited from the advantages of the incumbency. However, the results released by the Independent National Electoral Commission of the Transition (CENI-T), subsequently confirmed by the CES, told a different story. Robinson, leader of the Avana Movement and supported by Ravalomanana, took and held the lead with 21,16 per cent, followed by Rajaonarimampianina with 15,85 per cent of the vote.

While it seemed that Ravalomanana's supporters were relatively united behind their candidate, the same could not be said for the Rajoelina camp. Indeed, the multiplicity of candidates from Rajoelina's camp ultimately led to the fragmentation of the votes. It is also interesting to note that the interim president had initially supported the candidacy of Albert Camille Vital (ex-Prime Minister of the High Transition Authority, or HTA), who had also been elected by the TGV congress with 70 per cent of the votes. Three candidates, namely Hajo Andrianainarivelo, Vital and Edgard Razafindravahy from Rajoelina's camp, respectively managed to win 10,51 per cent, 6,85 per cent and 4,5 per cent of the vote, which could have made a significant difference if they had been united behind one candidate. The run-off held the key to both providing a legitimate leader for Madagascar and ushering in a new political dispensation.

At stake as Madagascar went to the polls for the second round on 20 December 2013 was whether the country would be able to replicate the relative success of the first round. A number of challenges were identified and brought to the attention of the electoral monitoring bodies as needing improvement during the second round. These challenges included voters being omitted from the voter roll (10 per cent), logistical constraints that could delay the transmission of the results with the attendant risk of fraud, and financial difficulties due to delays in fulfilling donors' commitments to make resources available. There were also concerns about the role of the army, the neutrality of government officials and the sources of funding for candidates' political campaigns. As the second round of the presidential elections was combined with the legislative elections, the process became even more complex. In addition to electing a president who

would be recognised by the international community and could help Madagascar to regain political normalcy, Malagasy citizens also had to elect members of parliament at the same time.

Importantly, the legislative elections were as crucial as the presidential run-off, thereby compelling parties and leaders to forge alliances. For the presidential election, the balance seemed to favour Robinson, who received the support of Vital (almost 500 000 votes) and Sarah George, the only female candidate who appeared in the top ten with close to 200 000 votes, in addition to the support of other small parties. The support for Robinson seemed quite significant, particularly when Andrianainarivelo (10,51 per cent) and Razafindravahy (4,5 per cent) refused to endorse either of the two candidates competing in the run-off.

The mood in Madagascar during the first round was one of disappointment with the transitional government's performance over the past four years. Many scandals, massive unemployment and rampant poverty affecting nearly 90 per cent of the people were seen as evidence of the HTA's poor governance and had made some citizens, mainly in the capital city, sceptical about casting their votes for the TGV candidate. But when the CENI-T announced the provisional results on 3 January 2014, Rajaonarimampianina, supported by Rajoelina, was declared the winner of the run-off with 53,5 per cent. The voter turnout of 50,76 per cent was lower than during the first round. If the CES upholds these results, this will be an important step in Madagascar's normalisation. However, a number of petitions from both candidates are pending before the court.

The outcome of the legislative elections will also have a deep impact on the political landscape and the functioning of state institutions. The majority party or coalition can appoint the executive prime minister, which has become an important political prize. Both camps have vowed to fight for control of parliament, as it is a vital political resource for the elected president. Rumour has it that the current interim president, having been excluded from the presidential race, would like to remain in the game by assuming the position of prime minister under the new political dispensation.

Rumours of future constitutional reforms for that purpose are being floated. Many see in this scheme as an attempt to replicate the Russian scenario with the political relationship between Vladimir Putin and Dmitry Medvedev. The challenge here becomes increasingly difficult if none of the parties wins majority representation in the national assembly. Further difficulties could arise if the elected president and the prime minister are poles apart in terms of political ideology. This may significantly hamper the functioning of the post-crisis state. An added difficulty is that the majority of parliamentary candidates (60 to 70 per cent) are independent.

There are 151 seats in the new legislative assembly and the electoral system combines the first-past-the-post formula with the proportional representation formula. Madagascar has 119 electoral districts. According to the existing electoral laws, districts with 250 000 citizens vote for two MPs while districts with fewer than 250 000 vote for one MP. As many as 2 036 candidates had entered the race, of whom between 60 and 70 per cent were independent.

Geopolitical dynamics

Africa and RECs

The four-year political crisis in Madagascar has become a challenge for both regional and subregional organisations. By the time the new president is inaugurated, the leader of the HTA, Rajoelina, will have been in power as an unelected leader for five years. It has therefore become imperative for external partners to end the transition, ensure the election of a legitimate leader with a legitimate government, and assist the country in addressing the socio-economic ills that have undermined peace and national cohesion in Madagascar for decades. If the electoral process is successfully and peacefully completed, the AU, SADC and other external partners will have been successful in preventing the coup leaders from assuming power through a subsequent tailor-made electoral process. This success could also enhance the authority of African institutions.

The AU has weighed in heavily in unlocking the impasse created by the controversial candidacies of Rajoelina, Lalao Ravalomanana (Ravalomanana's wife) and Didier Ratsiraka. It has also been relatively successful in ensuring the implementation of the road map. As Madagascar waits for the CES to confirm the results of the run-off and the legislative elections, the AU's political leadership is essential to ensure the credibility of the polls, anticipate contentious issues and engage preventively in a mediation process to smooth the path of Madagascar's exit from instability. There are concerns over the outcomes of the 'neither Ravalomanana nor Rajoelina' strategy, as it has not rid the country of Ravalomanana-Rajoelina antagonism. Many observers fear a Côte d'Ivoire-like scenario where the outgoing president refuses to leave in spite of losing the election.

SADC is also expected to play a stabilising role in terms of the election process and its aftermath. Madagascar is now at a crossroads and the AU and SADC have the opportunity to accompany the transition toward a successful conclusion. The recognition of the newly elected president and the reintegration of Madagascar into international institutions are future developments that depend on the acceptance of the electoral process by both the AU and SADC. The legitimacy of the elections could also determine whether the AU and SADC remove the sanctions that have been imposed on the country since 2009.

United Nations

The United Nations (UN) remains one of the key players in the transition process in Madagascar. The UN Development Programme (UNDP) has provided both financial and technical support to the CENI-T. It also served as the co-ordinator of external funding for the election process. On 25 October 2013, following the first round of the presidential election, UN Secretary-General Ban-Ki Moon released a statement in which he expressed his appreciation for the efforts of the Malagasy government and other important stakeholders to restore constitutional order. The Secretary-General also called on the people and leaders of Madagascar to continue to maintain a peaceful environment and for all to accept the election results and address any complaints through established channels. He said that the UN recognised and appreciated the support provided by Madagascar's partners both within the region and in the wider international community.

International community

The role of the International Contact Group on Madagascar (ICG-M) was crucial in creating the conditions for peaceful elections. It is a framework for exchange and consultation

between the main stakeholders involved in the mediation process. Under the leadership of the AU, the ICG-M has been able to motivate the withdrawal of the three controversial candidates, the reform of the Special Electoral Court and the lifting of sanctions imposed on 109 political actors in Madagascar. As Madagascar waits for the confirmation of the second round results, the intervention of the ICG-M appears crucial to maintain an environment conducive to a peaceful post-electoral dispensation.

Civil society

Civil society organisations (CSOs) have been active throughout the electoral process. CSOs took responsibility in the electoral campaign to call upon political actors to respect the code of conduct as well as existing electoral laws. They were also at the forefront of the process to inform the public about the use of the single ballot, newly introduced in Madagascar to limit the possibility of electoral fraud. In terms of election-related conflict prevention, CSOs benefited from the support of the UNDP in setting up early warning units across the country to promptly report any incident that might jeopardise the electoral process.

It is also important to note that the CSOs were able to deploy around 2 000 local observers across the country to supervise the polls. Their impact becomes apparent in the improvements set in place by the CENI-T during the run-off. However, CSOs in Madagascar continue to face enormous challenges in terms of funding, logistical support and political manipulation, which sometimes stymie their efforts to make an impact on the transition process. Their role in the legislative elections as well as the second round of the presidential elections remains vital for the credibility of the polls.

On 7 November 2013, KMF-CNOE, a platform of national CSOs, went to court to challenge the presidential decree to allow for the participation of state institutions in the electoral process. This decree clearly violated the electoral code that banned the participation of state authorities in the election process in order to guarantee the neutrality of the transitional government. However, the court dismissed the application on procedural grounds. According to the judges, while the request was valid, it was submitted outside of the legal timeframe allocated to such initiatives. Very few citizens were aware of this decree, including members of the Transitional Congress. Some CSO members have argued that the government decree and other dubious initiatives were indications of the HTA's strategy to remain in power, raising fresh fears of electoral violence in Madagascar. All now hinges on the commitment of political actors to accept the decisions of the court on any electoral irregularities.

Scenarios

Given the above, three scenarios can be envisaged:

Scenario 1

Madagascar succeeds in replicating the peaceful and generally acceptable electoral process that occurred during the first round. All parties resort to the courts regarding any irregularities and accept the election results. The newly elected president is recognised by the international community. This is an important step in the return of the country to democracy. Remaining sanctions can be lifted and the new leadership can focus on institution-building and the socio-economic recovery of the country.

Scenario 2

One party refuses to accept the results and resorts to violent protests. This could lead to a Côte d'Ivoire-like scenario such as occurred in 2010. Already, losing candidates have threatened to stage protests if the results do not reflect the will of the people. Moreover, divisions within the army, fear of prosecution over the scandals that marred the transition, and revenge on the part of political actors are among the factors that raise concerns over the post-election dispensation.

Scenario 3

One of the political movements wins the presidential elections, but fails to win the legislative elections. This could lead to a political coalition with a high risk of polarisation if the elections reproduce the antagonism between the two key players in the political crisis, namely Ravalomanana (Robinson) and Rajoelina (Rajaonarimampianina). Although this scenario may have significant repercussions in terms of laying the foundations of democracy, there is also the possibility of political paralysis within the top echelon of the state, mainly if the elected president does not have the majority in the parliament and has to appoint a prime minister from the opposition.

Options

The following options could be considered:

Option 1

It is vital for Madagascar's partners, including the AU, SADC, EU and the UN, to remind the national actors about their responsibilities in maintaining a peaceful post-electoral transition by resorting to the CES to seek redress for any contentious issues related to the run-off.

Option 2

There is a need for early warning initiatives in Madagascar, given the stakes of the run-off and the legislative elections. The ICG-Madagascar could engage in discussions with main actors to find ways to iron out differences, ease tensions and fears, or reach a political agreement on how to manage the post-election dispensation, particularly if the parliament and the executive are led by the two opposing political movements.

Option 3

The AU should be firm in reiterating its readiness to sanction anyone who appears intent on disrupting the peaceful nature of the electoral process. It should be made clear to all that only the will of the citizens will be upheld and the continental body will not recognise any leader or party that comes to power fraudulently. The AU could also insist that the ICG-Madagascar be maintained to accompany the remaining aspects of the road map, as the crisis cannot be resolved by only holding presidential or legislative elections.

Open page

INTER-REGIONAL CO-OPERATION IN RESOLVING THE CRISIS IN THE KIVUS[1]

The Movement of March 23, better known as the M23 rebellion, broke out in the eastern Democratic Republic of Congo (DRC) in April 2012. Soon, it emerged from the June 2012 report by the United Nations (UN) Group of Experts (GoE) on the DRC that Rwanda was supporting this rebellion. The November 2012 GoE report also implicated Uganda, although to a lesser extent. The International Conference on the Great Lakes Region (ICGLR) was the first regional organisation to respond to the crisis and, owing to the make-up of its member states, arguably the most appropriate one to do so. The ICGLR member states are Angola, Burundi, Central African Republic, Republic of Congo, DRC, Kenya, Uganda, Rwanda, South Sudan, Sudan, Tanzania and Zambia. Thus, the ICGLR is the only regional organisation that counts among its member states all the countries alleged to be involved in the M23 rebellion, namely Rwanda, Uganda and the DRC.

Usually, in cases of regional conflicts, the Regional Economic Communities (RECs) respond first. There are currently eight RECs in Africa, including the Southern African Development Community (SADC). The ICGLR differs from SADC as it was established as an intergovernmental organisation of countries in the Great Lakes Region, with the purpose of promoting sustainable peace and development in the context of the ongoing cross-border conflicts that characterise the region.

The ICGLR was founded in 2000 following UN resolutions 1291 and 1304, which called for a regional organisation or 'an international conference' that would focus on peace, security, democracy and development. In 2004 the heads of state and government of the ICGLR adopted the Dar-es-Salaam Declaration intended to address the 'root causes' of conflict and the obstacles to development in the region. In 2006, the Pact on Peace, Security and Development in the Great Lakes Region was signed. It was only in 2007 that the ICGLR Executive Secretariat was inaugurated.[2]

SADC on the other hand, as mentioned earlier, is an REC. The RECs are quite a bit older than the ICGLR, with SADC having been in existence since 1992 (it succeeded the Southern African Development Co-ordination Conference [SADCC], which existed from 1980 to 1992). SADC was established in order to facilitate co-operation on development projects in the region, with the aim of lessening dependence on South Africa (in order to boycott the apartheid government).

Even if SADC had taken the lead in addressing the M23 rebellion, there may have been a problem with regional legitimacy, since only four other ICGLR countries, namely the DRC, Angola, Tanzania and Zambia, are SADC members, thus excluding Uganda and Rwanda. In November 2013, Rwanda announced its intention to re-join the Economic Community of Central African States (ECCAS), an REC in existence since 1983. Rwanda is hoping to formally join ECCAS at the ECCAS Heads of State Summit that is set to take place in N'Djamena in early 2014.[3] This, may improve ECCAS's viability for future mediation between the Great Lakes countries where Rwanda is often involved, even though it is a member of the East African Community (EAC).

The so-called 'ICGLR process', a mediation effort between the M23 and Kinshasa, was initially led by Uganda, which held the rotating presidency of the ICGLR when the talks were launched in late 2012. Although Uganda has been accused of providing support to the M23, the DRC government and the M23 accepted its mediation role. The 12 November 2012 report by the UN Group of Experts on the DRC noted that 'networks within the government of Uganda have also supported the M23 by facilitating the political and military activities of the M23 while permanently present in Kampala and by providing technical assistance, military support and political advice'.[4] Perhaps unsurprisingly, the ICGLR process struggled to make progress, often not even getting to the point of having the conflicting parties meet for discussions. However, it should be noted that this particular case has been very difficult to mediate. In November 2012 the DRC's spokesperson, Lambert Mende, referred to the M23 as 'fictitious forces put in place by Rwanda to hide its criminal activities in the Democratic Republic of Congo'. Mende also stated that, instead of negotiating with the M23 in Kampala, the DRC would 'prefer to negotiate with Rwanda, the real aggressor'.[5] Thus, it is likely that Kinshasa was just waiting the situation out long enough for the Force Intervention Brigade (FIB), or perhaps other circumstances, to weaken the M23 sufficiently. As soon as this happened Kinshasa would be able to impose demands on the M23, instead of negotiating with a group that it did not see as a credible interlocutor, arguing that the DRC should instead be negotiating with Rwanda directly.[6]

In August 2013, at its 33rd summit, SADC commended the efforts of the ICGLR, but urged that it was vital that a reasonable deadline for concluding the talks be considered, since the process had become protracted. At the same summit, SADC emphasised the need to hold a joint summit with the ICGLR. Consequently, on 4 November 2013, this joint SADC-ICGLR summit was held in Pretoria, South Africa. The joint summit called for the implementation of the Peace, Security and Co-operation Framework Agreement for the DRC and the region (PSC Framework) that was signed in Addis Ababa on 24 February 2013. However, there was no resolution addressing the failing IGCLR process. The summit also urged the M23 and Kinshasa to return to the negotiating table.

On 5 November 2013, after suffering a military defeat by the combined forces of the Congolese army, the FIB and MONUSCO, and being pushed out of key strategic positions, the M23 announced the end of its rebellion. This development changed the nature of the ICGLR process, with the situation now obviously favouring

Kinshasa. Just a week later, Kinshasa refused to sign an agreement with the M23, demanding that the agreement be called a 'declaration' instead of an 'accord'. The delegation from Kinshasa also called for a revision of the terms of the agreement, and refused to enter the room where the signing was meant to take place. Kinshasa's behaviour was rather surprising considering that its delegation was on the verge of resolving one of the toughest problems affecting security in the DRC. It also led to a rift between Kampala and Kinshasa, as Kinshasa had effectively derailed all Kampala's efforts at the very last minute.

On 12 December, after a year of the ICGLR process, a deal between Kinshasa and the M23 was finally signed. The document, signed in Nairobi and now known as the Nairobi Declaration, resolved the previous disagreement over whether the deal should be called a declaration or an accord. The Nairobi Declaration was signed by Uganda's President Yoweri Museveni, as chair of the ICGLR, and by President Joyce Banda of Malawi, as chair of SADC. It was therefore through a joint ICGLR-SADC effort that an agreement was finally reached.

The ICGLR had a difficult time concluding the mediation between the M23 and Kinshasa, particularly as the Nairobi Declaration materialised as a joint ICGLR-SADC effort. However, the ICGLR did initiate the proposal that eventually brought an end to the M23 rebellion, namely the concept that materialised as the FIB. What ultimately became the FIB had been conceptualised as the Neutral International Force (NIF). The NIF was intended to total 4 000 troops that would neutralise the 'negative forces' in the eastern DRC. However, there were two problems. Firstly, establishing a force consisting of soldiers from ICGLR member states made neutrality difficult to achieve. Secondly, there was insufficient funding available to establish such a force. Eventually, in February 2013, the ICGLR and SADC agreed that the NIF would fall under SADC control, and that the troop-contributing countries would be South Africa, Malawi and Tanzania.

With SADC taking the lead, the proposed neutrality of this intervention force became more viable. It would have been difficult for either Rwanda or Uganda to be involved in the NIF, given their history in the region and the fact that they were accused of supporting the M23. Although the involvement of South Africa was in turn questioned by Rwanda and Uganda, at least some sense of neutrality was established through giving Tanzania command of this force.

The NIF, originally intended to consist of only ICGLR countries, became the FIB, which comprises SADC countries. The FIB turned out to be a workable solution to the problem of operationalising the intervention force initially proposed by the ICGLR. However, this does not mean that there are no political tensions between the ICGLR and SADC or, more specifically, between the FIB troop-contributing countries and Rwanda and Uganda. In particular, relations between Rwanda and Tanzania have been extremely tense, following a comment made at an AU Summit in May 2013 by the Tanzanian President, Jakaya Kikwete, in which he stated that Rwanda should negotiate with the *Forces démocratiques de libération du Rwanda* (FDLR), a rebel group operating in the eastern DRC. The members of the FDLR are led by militias responsible for the 1994 genocide in Rwanda who had fled into the eastern DRC upon the victory of the Rwandan Patriotic Front (RPF). In addition to this, relations between South Africa and Rwanda have been tense for a number of years, owing to South Africa's critique of Rwanda's electoral processes and the fact that South Africa is harbouring the exiled Rwandan general Faustin Kaymba Nyamwasa.

Responding to sudden regional crises is not an easy task for the RECs, the AU or any other organisation, including the ICGLR. Most of the RECs were established with economic co-operation and integration as an aim, and mediation or intervention activities are not something for which they are adequately prepared, although there have been substantial developments in that regard. The ICGLR, on the other hand, was established with the purpose of 'transforming the Great Lakes into a space of sustainable peace and security for states and peoples', as stated in the Dar-es-Salaam Declaration.[7] Article 5 of the ICGLR Pact on Security, Stability and Development in the Great Lakes Region is the 'Protocol on Non-Aggression and Mutual Defence in the Great Lakes Region'. According to this protocol the ICGLR member states agree to renounce the use of force as an option to settle disputes and abstain from supporting armed groups or insurgents in any of the member states. The member states are also obliged to work towards disarming existing rebel groups and establishing human security along their common borders.[8]

The last sub point in Article 5 of the ICGLR Pact states that if any member state fails to comply with the provisions of the article 'an extraordinary Summit shall be convened to consider appropriate action'. Considering the development of the M23 rebellion and the implications for Rwanda and Uganda, it is clear that the ICGLR failed in this regard. The ICGLR mediation process between Kinshasa and the M23 was also fraught with difficulties and comprised a string of unsuccessful attempts at reaching an agreement before the Nairobi Declaration was finally signed. Even so, it cannot be said that the ICGLR involvement in the M23 crisis did not have some positive outcomes. Eventually, the ICGLR did co-operate quite effectively with SADC, bringing to life an ICGLR suggestion concerning the formation of the FIB, and also the signing of the Nairobi Declaration. In the end it was this co-operation that brought the M23 to its knees. As noted earlier, the ICGLR, although technically more suited to responding to this type of crisis, is a lot younger than SADC, and this was the first time it was placed in the position of having to deal with a renewed conflict on the scale of the M23 rebellion. Ultimately, the FIB managed to make a positive difference and bring an end to a rebellion that had continued for over a year.

The way in which the AU, the RECs and the UN Security Council co-operate in matters of peace and

security is still evolving. However, if the African continent wishes to take more initiative and exercise more control over these processes, there is little reason why organisations such as the ICGLR cannot continue to grow and play a more prominent role in future. The co-operation between the ICGLR and SADC could be a useful model for regional organisations and RECs to complement one another. As mentioned earlier, the ICGLR has only been operational since 2007, yet the Dar-es-Salaam Declaration and the ICGLR Pact mandates the organisation to engage in activities that are absolutely vital for the stabilisation and development of the Great Lakes Region. The fact that the ICGLR process has been controversial, mainly due to the excessive influence in the process of those countries implicated in the M23 rebellion, only means that there is room for improvement, not that the organisation cannot achieve anything useful.

Perhaps the real test for the ICGLR-SADC combined role will come now that the rebellion has officially ended. The Nairobi Declaration, like any agreement intended to bring peace to the volatile region of the Kivus, will face numerous challenges. At this point there has been a considerable decrease in trust, not only between the M23 and Kinshasa but also between Kinshasa, Kigali and Kampala. Signing an agreement based on such a lack of trust increases the risk that one or more of the individual parties may not honour its obligations in terms of the agreement.

The Nairobi Declaration sets out the following commitments:

- The M23 should be transformed into a political party.
- Amnesty should be given to M23 members who are guilty of acts of war and insurgency.
- The M23 should be disarmed.
- Members of the M23 currently detained by the government of the DRC should be released.
- M23 combatants should be demobilised.
- Refugees and internally displaced persons should be returned to their homes.
- A commission that will deal with matters of stolen, destroyed, extorted and looted property, including land, must be established.
- There must be a process for national reconciliation and justice that includes social security and economic reforms.
- The conclusions of the review of the 23 March 2009 Agreement must be implemented.
- An implementation, monitoring and evaluation mechanism must be established to ensure that the agreement is fully adhered to by all parties.

In addition to the Nairobi Declaration's implementation, there is also the matter of the PSC Framework, which specifically states that countries in the region may not provide any assistance to armed groups or harbour or protect any person accused of war crimes, crimes against humanity or any person under the UN sanctions regime. In this regard, it is important that both ICGLR and SADC members assist in ensuring that the M23 rebels who fled into neighbouring countries are ultimately returned to the DRC for prosecution.

Now, more than ever, it is critical that both the PSC Framework and the Nairobi Declaration are implemented, and that all the key players, from both the ICGLR and SADC, honour the relevant agreements. Failure to implement the PSC Framework and the Nairobi Declaration should not become an excuse for any future rebellion that might nullify all the progress thus far achieved by the FIB, the ICGLR and SADC.

Notes

1. The Kivus refer to a region in the eastern DRC and Rwanda surrounding Lake Kivu. The provincial capital of Goma, which was captured by the M23 for a brief period in November 2012, is in the province of North Kivu. The capital of South Kivu is Bukavu. The Rwandan border town of Gisenyi, which neighbours Goma, is also considered a part of this region.

2. International Conference on the Great Lakes Region, http://icglr.org/index.php/en/background (accessed 10 December 2012).
3. Felly Kimenyi, Rwanda seeks to rejoin Central African bloc, The New Times, 9 November, 2013, http://www.newtimes.co.rw/news/index.php?i=15536&a=71965 (accessed 6 December 2013)
4. United Nations, letter dated 12 November 2012 from the Group of Experts on the Democratic Republic of Congo addressed to the Chair of the Security Council Committee established pursuant to Resolution 1533 (2004) concerning the Democratic Republic of Congo, http://www.un.org/sc/committees/1533/egroup.shtml (accessed 6 December 2013).
5. DR Congo rejects rebels' ultimatum on talks, Al Jazeera, 19 November, 2012, http://www.aljazeera.com/news.africa/2012/11/20121119111653232703.html (accessed 6 December 2013)
6. Ibid.
7. International Conference on the Great Lakes Region, http://icglr.org/index.php/en/background (accessed 10 December 2012).
8. International Conference on the Great Lakes region, http://icglr.org/index.php/en/the-pact (accessed 10 December 2013).

Important dates to diarise

24–31	January	African Union Summit, Addis Ababa, Ethiopia (theme: Agriculture and Food Security in Africa)
24–25	January	27th Ordinary Session of the Permanent Representative Committee of Ambassadors (PRC)
27–28	January	24th Ordinary Session of the Executive Council
30–31	January	22nd Ordinary Session of the Assembly of Heads of State and Government
6	February	International Day of Zero Tolerance to Female Genital Mutilation (WHO)
20	February	World Day of Social Justice
8	March	International Women's Day
21	March	International Day for the Elimination of Racial Discrimination
22	March	World Water Day
25	March	International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade
7–9	May	World Economic Forum on Africa 2014, Abuja, Nigeria

Country	Election	Date *
Somalia (Puntland)	Presidential	January 2014
Guinea-Bissau	Presidential, National Assembly and Senate	15 March 2014
Algeria	Presidential	April 2014
South Africa	Presidential, National Assembly, Provincial	April 2014
Malawi	General	20 May 2014

**could change, dependent on circumstances*

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