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### On the Agenda

# 30th AU Summit: time to implement first AU reforms

The 30<sup>th</sup> summit of the African Union (AU) will take place on 29–30 January 2018 in Addis Ababa. One year after the election of a new commission chaired by former Chadian foreign minister Moussa Faki Mahamat, the stakes at this summit are high. Two critical issues will impact on the relevance of the AU as a regional mechanism: firstly, the continuation of the reforms proposed by Rwandan President Paul Kagame, who is set to chair the organisation in 2018; and secondly, the adoption of a protocol of free movement that will further the integration of the continent.

One year after the endorsement of the Kagame report by the AU Assembly, the reform plan is supposed to see the next level of implementation at the summit. So far, the AU Commission has set up the Reform Implementation Unit (RIU), chaired by former Cameroonian foreign minister Pierre Moukoko Mbonjo, in the office of the chairperson as the coordination body for the implementation of the reforms.

The challenge is to establish a body that will ensure that member states comply with their legal commitments

According to the implementation matrix shared by Kagame, four recommendations are supposed to be implemented in January 2018:

- The adoption of a mechanism to ensure the implementation of legally binding decisions: This measure touches on the very nature of the AU as an intergovernmental organisation where member states often use their own sovereignty as an excuse not to implement continental decisions. The challenge is to establish a body that will ensure that member states comply with their legal commitments while taking into account the historical opposition from African heads of state and government to any kind of supra-nationality at the pan-African level.
- The strengthening and enforcement of a sanctions mechanism: This will
  test the ability of AU member states to limit their sovereignty for the sake of
  the institutional impact of pan-African bodies.
- The completion of the audit identifying bureaucratic inefficiencies: This
  audit will likely launch an internal reflection on the responsibilities of the
  chairperson; the division of labour between the chairperson and his/her

#### **PSC Chairperson**

#### H.E. Lazare Makayat Safouesse

The ambassador of the Republic of Congo to Ethiopia and permanent representative to the AU and UNECA

### Current members of the PSC:

Algeria, Botswana, Burundi, Chad, Egypt, Kenya, Niger, Nigeria, Republic of Congo, Rwanda, South Africa, Sierra Leone, Togo, Uganda, Zambia deputy; the structure of the commission; and the status of AU agencies such as the New Partnership for Africa's Development (NEPAD).

 The adoption of quotas for women and youth among AU staff and measures to ensure the participation of the private sector: One important question here relates to the definition of 'youth', as age groups vary from one country to another.

There is likely to be a focus on the role of the Permanent Representatives Committee, which consists of ambassadors to Addis Ababa

Three recommendations on the implementation process are supposed to have an interim output in January 2018:

- The clarification of the division of labour between the AU, regional economic communities (RECs) and other institutions such as NEPAD.
- The review of mandates and strengthening of key organs: There is likely to be a focus on the role of the Permanent Representatives Committee (PRC), which consists of ambassadors to Addis Ababa. The role of the PRC has been the subject of divergence and incoherence among member states and regions. The Kagame report stressed that the PRC should not be an oversight body of the AU Commission but rather act as a channel between the capitals and Addis Ababa. Yet some regions have emphasised the role of the PRC as a critical body for engaging with the AU Commission on a day-to-day basis. The Constitutive Act is not precise on the matter, as it only describes the role of the PRC as 'the responsibility of preparing the work of the Executive Council and acting on [its] instructions'.
- The identification and provision of continent-wide public goods and services, in order to bring the AU closer to citizens: The panel has yet to clarify what is meant by 'public goods and services'. This recommendation implies a debate on the global positioning of the AU: should the organisation position itself as an implementation body or should it limit itself to policy drafting and coordination?

Three recommendations are set to be implemented in January 2018:

• The review of the partnership summit framework to have the AU represented by the Troika and the AUC Chairperson during summits with outside partners such as the European Union, China, Japan and the United States: The challenge is the ability of AU heads of state and government to overcome their internal divisions and accept such a delegation of power in a continent where recognition of supra-national powers is still limited at both the national and regional level. It is also not known what the operational consequences of a new framework would be in a context where bilateralism remains the norm in terms of development assistance and other issues.

January
2018

THE DEADLINE TO STRENGTHEN

**AU SANCTIONS** 



- The establishment of an annual AU-REC coordination summit in July, replacing the second AU summit: This will depend on the clarification of the division of labour between the regional and continental levels. Issues such as trade and migration will become critical areas in such a summit after the adoption of the Common Free Trade Area and the Protocol of Free Movement of People, in order to ensure harmonisation and coordination between the continental and regional regimes.
- The establishment of a troika composed of the previous, current and future chairs of the AU Assembly: The current Troika composed of Idriss Déby, Alpha Condé and Kagame overseeing the reform has been criticised for its lack of representativeness, as the Northern and Southern regions are not represented. The establishment of this troika will require amendments to the Constitutive Act and the rules of procedure of the AU Assembly. The tradition of consensus within the AU on such matters means that a compromise has to be reached regarding the issue of representation. At the moment the AU chair is elected with a bureau composed of three vice-chairpersons (currently Yoweri Museveni, Abdelaziz Bouteflika and King Mswati III) and a rapporteur (currently Déby). The roles of both the bureau and the chairperson need to be clarified.

Many member states are concerned that the establishment of the troika will increase the role of the chairperson at the expense of the AU Assembly, despite the fact that his or her duties are mostly procedural.

The challenge is the ability of AU heads of state and government to overcome their internal divisions and accept such a delegation of power

While member states may be in agreement about choosing the AU chairperson for the following year in advance, this issue is likely to be another an opportunity for member states that have reservations regarding other aspects of the reforms, to express them.

#### Free movement in view

Seventeen years after the creation of the AU, the adoption of a protocol on the free movement of people, fostering the integration of the continent, is still outstanding. This issue has seen significant progress in 2017 as many rounds of negotiations took place in Accra, Kigali and Mauritius, leading up to a consensus around the phased implementation of the right of entry by 2023. At the January summit the AU Assembly is set to decide on the implementation of the rights to entry, residency and establishment using the model of the Economic Community of West African States (ECOWAS), which has followed a similar phased-in implementation.



Despite these significant advances, two critical issues will have to be resolved during the summit: firstly, the entry into force of the protocol, and secondly, the binding character of the implementation plan.

Regarding the first issue, some member states favour an adoption of the protocol once the minimum quota of ratifications (15) is reached. Other member states and some in the AU Commission favour an entry into force immediately after the protocol is adopted by the AU Assembly.

Apart from these legal challenges, another critical issue is to convince regional powers tratify the protocol. So far, small and middle-sized states (Ghana, Rwanda, Mauritius and Kenya) have been at the forefront of the efforts towards free movement. The modalities of adoption of the protocol will thus reveal the dynamics around the integration of the continent. Will small and middle-sized states be the engine of African integration while regional powers constitute the brakes?

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Secondly, there are questions around the binding character of the implementation plan that accompanies the protocol. This document was a prerequisite set by some regional powers in order to ensure certain steps are followed and criteria are met before guaranteeing full right to entry in 2023. These regional powers want the implementation plan to be included in the protocol, making it binding on all AU member states.

Other member states, however, would prefer the implementation plan to be an annex to the protocol, thus ensuring more flexibility. It is uncertain whether regional powers will settle for an option that cancels the binding nature of some requirements, for example those regarding the modernisation of civil registries or border controls.

From a political perspective, the adoption of the protocol of free movement will require the AU to reassure concerned states and citizens that this development does not mean the disappearance of border controls, but rather constitutes a critical step towards the enhanced and coordinated management of the movement of people.

2023

THE DEADLINE FOR FULL
RIGHT TO ENTRY



# On the Agenda

### New candidates vie for positions on the PSC

At the upcoming AU summit in January 2018, the AU will elect 10 new members of the 15-member PSC. Thirteen candidates will be vying for the 10 available seats. While some regions have already picked their candidates, in Northern and Eastern Africa it is still an open race.

The PSC remains a vital platform for AU member states to project their foreign policy in the area of peace and security.

The 15-member PSC consists of 10 member states that are elected for a two-year term and five others that are elected for three-year terms, in line with the mechanism set out in the PSC Protocol to ensure the continuity of PSC activities.

# The PSC remains a vital platform for AU member states to project their foreign policy

On 31 March 2018 the membership of Algeria, Botswana, Burundi, Chad, Niger, Rwanda, Sierra Leone, South Africa, Togo and Uganda, which are all serving two-year terms on the PSC, will expire. They are, however, allowed to be re-elected.

The Republic of Congo, Egypt, Kenya, Nigeria and Zambia, which are serving three-year terms, will remain on the PSC until 31 March 2019.

The members of the PSC are elected on the basis of equitable regional representation, as indicated in the table, which shows the number of seats available and the new contenders in the various regions. The list of contenders may still change before the election, as some countries may choose to withdraw or be replaced with others.

MEMBER TO BE ELECTED		
ON THE PSC		

Regions	Allocated seats	Seats available	Provisional list of candidates
Northern Africa	2	1	Morocco, Tunisia and Algeria
Central Africa	3	2	Equatorial Guinea and Gabon
Western Africa	4	3	Togo, Liberia and Sierra Leone
Eastern Africa	3	2	Rwanda, Ethiopia and Djibouti
Southern Africa	3	2	Zimbabwe and Angola
Total	15	10 empty seats	13 candidates

### Regional arrangements on representation within the PSC

As indicated by the table, Central, Western and Southern Africa have provided the same number of candidates as the number of the seats available for their region. These candidates are therefore most likely to secure the seats, if there are no last-minute changes.

Over the years, Western and Southern Africa have consistently submitted an equal number of candidates for the number of seats available to their region. This is based on internal arrangements within the regional organisations, namely the Economic Community of West African States (ECOWAS) and the Southern African Development Community (SADC).

It is also owing to such agreements that Nigeria has maintained a seat on the PSC since 2004, when the PSC was launched, despite the fact that there are neither permanent seats nor veto rights in the PSC configuration.

#### **Competition in Northern and Eastern Africa**

The competition will arise when electing the candidates from Northern and Eastern Africa, where more candidates were submitted than the number of seats available.

Electing one candidate from the three candidates from North Africa will be particularly challenging.

Morocco, Tunisia and Algeria are vying for the Northern Africa seat, and it is expected that the election will be fiercely contested by historical rivals Algeria and Morocco.

Morocco only recently joined the AU and is keen on participating actively in AU structures

Morocco only recently joined the AU, during the 28th AU summit in January 2017, and is keen on participating actively in AU structures. The PSC seat is an important position for Morocco, which is working to impact on the long-held narratives within the AU on the issue of Western Sahara. Morocco is also keen on making an impact on wider peace and security issues, especially in the area of migration, a portfolio it has held since joining the AU.

Algeria has been a member of the PSC since 2004 (except for 2010–2012). Algeria continues to play a role in AU peace initiatives, especially regarding the issue of countering violent extremism. It has also held the position of commissioner for peace and security since the founding of the AU in 2002.

#### The election procedure

The candidates require a two-thirds majority vote from the AU Executive Council (consisting of foreign ministers). The elected candidates are then endorsed by the AU Assembly of heads of state and government.

PSC members are expected to meet the requirements set out in Article 5(2) of the PSC Protocol, including respect for constitutional governance, the rule of law and human rights. However, experience shows that these criteria are easily flaunted and do not count in the election process.

Nevertheless, after the votes are counted at the summit the new members of the PSC are expected to play a vital role in achieving the AU's goal of silencing the guns in Africa by 2020.



# On the Agenda

AU reforms: the challenge of clarifying the roles of the AU and RECs

Ensuring an effective division of labour between the AU and regional economic communities (RECs) is at the centre of the institutional reform of the organisation led by Rwandan President Paul Kagame. In this regard, two critical recommendations are supposed to be implemented in 2018: AU heads of state should clarify the relationship between the AU and RECs; and an AU–REC coordination summit should replace the second annual AU summit in July. Various options can be considered, but, importantly, the decision should be impact-based and the AU should be allowed to take over where RECs are not showing results in terms of peace and security.

The relationship between the AU and RECs raises several crucial questions regarding the relevance of regionalism in Africa and the sovereignty of member states. It impacts directly on the work of the AU, determining where it should or should not intervene. It is also often a sticking point in trying to solve conflicts on the continent. In many instances, regions invoke the principle of subsidiarity and the AU then has to step back, as has consistently been the case in Zimbabwe. In others, such as in the Central African Republic (CAR), regional peace-support operations have been taken over by the AU.

In many instances, regions invoke the principle of subsidiarity and the AU then has to step back

The Kagame report recognises this ambiguity – in practice and in the texts – and emphasises the importance of a clear division of labour in this regard.

#### Overlapping regional organisations recognised by the AU

The AU is officially divided into five regions: North, West, Central, East and South. The organisation recognises eight RECs and regional mechanisms, which overlap this division: the Arab Maghreb Union (AMU); the Common Market for Eastern and Southern Africa (COMESA); the Community of Sahel-Saharan States (CEN-SAD); the East African Community (EAC); the Economic Community of Central African States (ECCAS); the Economic Community of West African States (ECOWAS); the Intergovernmental Authority on Development (IGAD); and the Southern African Development Community (SADC).



RECS ARE RECOGNISED BY THE AU

However, it does not recognise any monetary unions, such as the Central African Economic and Monetary Community (CEMAC) and the West African Economic and Monetary Union (UEMOA), or the Southern African Customs Union, which is the oldest customs union in the world, as RECs. This is despite the fact that they represent a state of integration that is the goal of both the Lagos Action Plan and Agenda 2063.

#### An ambivalent legal framework

Relationships between the AU and RECs are characterised by an ambivalence that is reflected in their respective legal frameworks. The continental framework (the AU's Constitutive Act and the Peace and Security [PSC] Protocol) gives a leading role to AU stakeholders in coordinating and harmonising policies with the RECs to ensure consistency with the union.

Relationships between the AU and RECs are characterised by an ambivalence that is reflected in their legal frameworks

The protocol also calls on the AU Commission chairperson to convene an annual meeting with the chief executives of RECs or the officials in charge of peace and security, in order to ensure close harmonisation and coordination and facilitate the regular exchange of information. (In this regard, the Kagame report does not innovate but rather extends to all departments a framework that has up to now been limited to peace and security.)

The 2009 memorandum of understanding between the AU and RECs on cooperation in the area of peace and security stressed 'adherence to the principles of subsidiarity, complementarity and comparative advantage'. The inclusion of the term 'subsidiarity' – absent from the PSC Protocol – tempers the primary responsibility of the union as it implies that the lower echelon is the most appropriate level of intervention.

Interestingly, none of the core documents of the RECs recognises the primacy of the AU, or of its predecessor, the Organization of African Unity, in the areas of peace and security.

This creates a legal and political void where the primacy of the AU is recognised at the continental level but not at the regional level, where adherence to the subsidiarity principle has become the norm.

Consequently, circumstances rather than policy guidelines tend to define the relationship between the AU and RECs. More importantly, the lack of consistency among heads of state – who agree on the primacy of the AU in Addis Ababa while pushing for subsidiarity in their respective RECs – has shaped the dynamics between the two levels of intervention.



THE SIGNING OF A MOU BETWEEN THE AU AND RECS

#### Implications for peace and security

In 2018 the focus is on the need to clarify the relationship between the AU and RECs in the areas of peace and security. As it is, the AU is not leading any attempts to resolve a current crisis on the continent. While ensuring harmonisation, consistency and coherence requires a clear legal and policy framework, the division of labour between the AU and RECs is being defined by circumstances.

The principle of subsidiarity has become a trend in the African Peace and Security Architecture. The role of the AU and the PSC tends to be reduced to a legality or a political move to access external funding. Far from constituting a clearing house for regional solutions, some PSC communiqués on crises tend to copy and paste regional communiqués on the matter. This configuration also sees duplication: in South Sudan there are both AU and IGAD special envoys. In the Great Lakes, SADC has called for the appointment of a special envoy despite the presence of an AU special envoy on the ground.

The rise of violent extremism in the Horn of Africa, the Sahel and the Lake Chad Basin has fuelled this subsidiarity trend. Far from representing a new doctrine in peacekeeping, the launch of the Multinational Joint Task Force and the G5 Sahel Joint Force is the result of AU member states' adapting to a new threat. The risks posed by the fight against violent extremism in the far reaches of Sahelian countries have diminished the consensual nature of traditional peacekeeping, meaning interposition and monitoring of peace agreements' implementation.

The rise of violent extremism in the Horn of Africa, the Sahel and the Lake Chad Basin has fuelled this subsidiarity trend

The complex requirements (knowledge of the region, experience in fighting in desert areas, among others) of these kinds of missions have opened the door to subregional coalitions of the willing that transcend the regional divides of the AU. The dangers and sacrifices associated with such counter-insurgency operations mean that, often, only countries that are directly

threatened are willing to participate. In a way, the regionbased security architecture reflects the diminution of the continental sense of collective security in favour of a parochial and fragmented vision of security that excludes non-regional stakeholders.

Nonetheless, various regional efforts at mediation have seen uneven success, as national interests tend to interfere. Proximity, far from being an asset, has instead become an issue, as many mediators/facilitators are accused of partiality in favour of sitting governments, thus limiting their overall impact in the quest for crisis resolution. While the AU cannot neglect the insights of regional actors who have critical knowledge of the area, its involvement could limit the accusations of partiality that have tainted regional peacemaking efforts.

Finding a balance in the current dynamics between the AU and RECs requires the establishment of a framework that allows the continental level to take over from RECs in the management of crises when they fail to get results. It is still to be seen if heads of state and government will allow the adoption of such a critical mechanism. In this regard, clarification of the relationship between the AU and RECs should be impact based, in order to assert the continental body as the ultimate collective security mechanism.

#### **Options for clarification**

The relevance of the AU–REC coordination summit suggested in the Kagame report depends on the optimal clarification of roles. Such a summit is based on the logic that the secretariat/commission of both RECs and the AU enjoy a similar level of competence. Only the even delegation of powers across the AU and RECs will make a coordination summit relevant, since they will have the same room for manoeuvre, both financially and policy-wise. If this is not the case, the impact of this new summit will be limited. One could argue that the establishment of this summit could constitute an incentive for the greater delegation of power from states to RECs and the AU. However, this requires a continental consensus.

Effective and coherent clarification requires heads of state to make a decision about the comparative advantage of every level and the configuration they deem optimal. It also requires member states to address the issue of overlapping memberships. While membership in an international organisation is a state prerogative, one could ask how it has impacted on the effectiveness of African integration efforts in a context of limited resources and dependence on outside donors. Having such a discussion in Addis Ababa requires a willingness from heads to state to limit a core sovereign prerogative.

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Many options can be considered: vertical coordination with the AU at the top of an architecture, playing a coordination and harmonisation role; or a more horizontal coordination that gives primacy to RECs in most areas while the AU plays a more strategic role (monitoring consistency and evaluation).

Another option would be to create greater institutional and bureaucratic dependency between the AU and RECs. Two instruments could be discussed:

- A common vision, in order to guarantee alignment and coherence: It is
  essential for such a vision to be both strategic and operational with clear
  priorities, while avoiding the excessive ambitions of the OAU/AU's previous
  plans. However, a common vision can only work as a dependency tool
  if a binding mechanism is established to ensure various stakeholders'
  compliance. Both Agenda 2063 and the Silencing the Guns Roadmap are
  adequate frameworks to ensure alignment and coherence.
- A common funding mechanism: Creating financial dependency could also enhance coordination, coherence and alignment. Many areas of competence could be funded by the same instrument, administrated by a board comprising representatives of the AU, RECs, member states and civil society, based on the model of the board of the Peace Fund.



# Situation Analysis

### Overcoming the deadlock in Guinea-Bissau

Guinea-Bissau is set to hold parliamentary elections in 2018, but if the current political stalemate is not resolved this is likely to further divide the political actors and create conditions in which the results could be contested. Instead, follow-up consultations within the Conakry process should be held to implement reforms and agreement should be reached on an electoral calendar.

In August 2015 President José Mário Vaz dismissed Prime Minister Domingos Simões Pereira, president of the African Party for the Independence of Guinea and Cape Verde (PAIGC). Guinea-Bissau was once again plunged into political instability. This came in the wake of the optimism that followed the April 2014 elections, which should serve as a reminder that a successful election alone is not a guarantee of post-election political stability.

Mediation by the Economic Community of West African States (ECOWAS) has led to the October 2016 Conakry Agreement, which was signed by the main political actors.

It is imperative that those responsible for the current political crisis be held accountable

Despite threats of individual sanctions against political actors and the withdrawal of the ECOWAS military force (ECOMIB) agreed upon at the Monrovia summit in June 2017, the provisions of the Conakry Agreement have not been implemented. As the deadlock persists and the deadline for the 2018 legislative elections looms, it is imperative that those responsible for the current political crisis be held accountable, to continue with consultations (initially held in Bissau, then in Conakry), and to find a consensual way out of the crisis that will allow much-needed priority reforms to be implemented. The organisation of elections cannot be considered a lasting solution to this crisis, which should be analysed in the context of the country's recurrent political instability.

# 2016 THE SIGNING OF THE

CONAKRY AGREEMENT

#### Persistent deadlock

The failure to implement the Conakry Agreement is the result of a major disagreement about the nomination of the prime minister following the Conakry talks led by the ECOWAS mediator, Guinean President Alpha Condé. In an interview with Radio France International in November 2017, President Condé said that a decision on a consensual Prime Minister had been reached, out of the three possible candidates – João Mamado Aladje Fadiá, Umaro Sissoco Embaló and Augusto Olivais – submitted by President Vaz.

The appointment of Umaro Sissoco Embaló-instead of the agreed Augusto Olivais-by the president, supported by the Social Renewal Party (PRS) and the group of 15 dissident MPs of the PAIGC, in November 2016 was not in line with the Conakry Agreement.

The PAIGC, the Democratic Convergence Party and the Union for Change, as well as representatives of civil society, have since contested this appointment, and have refused to participate in his government. Like former prime ministers Carlos Correia and Baçiro Djà, Sissoco has been unable to get the National Assembly to vote on his government agenda and budget, because of the blockage by the PAIGC.

The failure to implement the Conakry Agreement is the result of a major disagreement about the nomination of the prime minister

The continuation of the Sissoco government, despite the constitutional deadline for the adoption of its programme by MPs having expired and international pleas for the implementation of the Conakry Agreement, has aggravated political tensions.

#### Legislative elections: cure or poison?

The mandate of the National Assembly ends in May 2018, and legislative elections are to be organised in the same year. In theory, these legislative elections could clarify the political game by leading to the emergence of a parliamentary majority and the formation of a legitimate government. This would also prevent the National People's Assembly's mandate from expiring and Vaz from standing as the only actor with democratic legitimacy. His mandate ends in 2019. In reality, holding an election without the current political crisis having been resolved is likely to further divide an already polarised political class and create conditions conducive to the contestations of its results.

The Collective of Democratic Opposition Parties, which has been demonstrating for months, demanding the implementation of the Conakry Agreement, has specified that no election should be organised by the Sissoco government, which it considers illegitimate. This position is also determined by the role played by the Ministry of Territorial Administration in the electoral process, through the Technical Support Office for the Electoral Process (GTAPE). This entity is responsible for voter registration and the establishment of the electoral register, hence the mistrust by the opposition.

Moreover, the stalemate in the National Assembly risks undermining the normal functioning of the National Electoral Commission (CNE). A key institution in charge of organising and supervising electoral processes in Guinea-Bissau, the CNE depends on the National Assembly for the

THE END OF VAZ' MANDATE

management of it budget, as well as the appointment of its president and the members of its executive secretariat. Overcoming the parliamentary deadlock therefore seems decisive for holding elections.

Even in a best-case scenario, where parliamentary elections are held despite the institutional crisis and then lead to a clarification of the political game, the risk of a relapse into crisis remains high. This is because the major weaknesses and shortcomings of the institutional architecture are yet to be resolved.

If the current crisis has had such a devastating impact on state institutions, it is partly because of the inadequacy and vagueness of the constitutional provisions governing the semi-presidential system in Guinea-Bissau. This further highlights the need to implement reforms that have been scheduled for several years, including a revision of the constitution and the electoral framework.

There is broad consensus on the need to clarify important parts of the constitution, including the organisation and functioning of political power, as well as the relationship between the various powers. There are also many political and civil society actors who advocate revisions to the electoral laws as required by the CNE report drafted after the 2014 general elections.

There is broad consensus on the need to clarify important parts of the constitution.

#### The necessity of continuing consultations

To find a solution to the deadlock, an additional round of consultations is needed, following the inclusive talks of 2016. This must be done in the spirit that guided the Conakry process. It must thus be inclusive and consensual, placing emphasis on the importance of implementing the major reforms that the country needs.

In these consultations, ECOWAS, supported by the other international actors of the five groupings involved in the peace process in Guinea-Bissau (African Union, United Nations, European Union and Community of Portuguese Speaking Countries), should adopt a more directive and firm stance. The continuation of the crisis, in spite of the efforts of national and international actors, clearly

shows certain key players' lack of interest in stabilising the country.

The authorities have not been able to find a consensus solution, despite the three months granted by ECOWAS and threats of individual sanctions. As such there is little hope for goodwill, and for political actors' being able to go beyond their self-interests. ECOWAS' failure to respond after the deadline for the implementation of the agreement had expired is also unlikely to encourage the actors to honour their commitments.

ECOWAS, supported by the other international actors, should adopt a more directive and firm stance

The ECOWAS summit to be held on 16 December in Abuja is an opportunity for the regional organisation's leadership to consolidate its position. Its credibility is at stake.

Such a follow-up consultation – which should not elevate the president over other stakeholders, as he is a protagonist in the crisis – should lead to the establishment of a consensus mission government with the support of the main political forces of the country. This government should include a substantial number of competent technocrats and individuals who are as apolitical as possible within the current context.

Finally, this process should define, on a consensual basis, an electoral calendar that allows for the adoption of specific priority reforms before the legislative elections. The coupling of legislative and presidential elections in 2019, which would allow more time for the necessary reforms, should also be considered.

Ultimately, such a process should be guided not only by the urgent need to end the current political crisis but also by the desire to create the economic, social and political conditions that will provide lasting structural responses to the chronic instability that has characterised Guinea-Bissau since its independence.

### Addis Insight

### The PSC in 2017 – fewer discussions on African crises

In 2017 the PSC scheduled more meetings than in 2016. Based on its provisional programmes, the number of meetings increased from 111 in 2016 to 146 in 2017. Yet an analysis of the work of the PSC this year shows that this did not translate into more decisions. More meetings were devoted to thematic issues than to crisis situations.

The increase in the number of meetings by the PSC comes at the same time as a critical shift in the functioning of the Council. While crisis situations still constituted a substantial part of its meetings, their share decreased from 40% in 2016 to 27% in 2017.

In 2017 the PSC spent more time discussing field missions and preparing for meetings with partners than in 2016. If the field missions and preparatory discussions are added to the total, the percentage of sessions devoted to crises drops from 43% to 35%, owing to the greater number of preparatory meetings in 2017.

#### East Africa and the Horn still dominate

Somalia and the conflicts in Darfur and South Sudan still dominate the agenda of the PSC, constituting 47% of its meetings on crises.

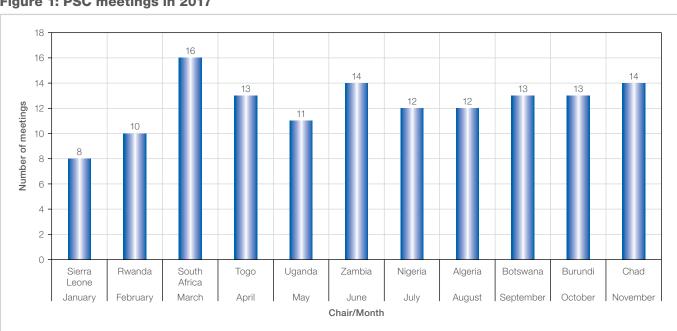
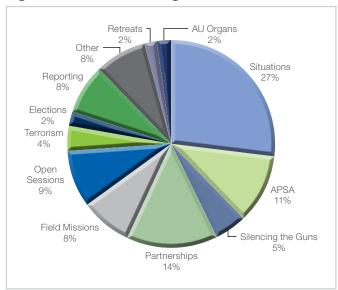


Figure 1: PSC meetings in 2017

Figure 2: On the PSC's agenda in 2017



2017 also saw the PSC paying more attention to instability in the Sahel (17%), with more meetings focussing on the Lake Chad Basin and especially Mali, which tended to be overlooked the previous year.

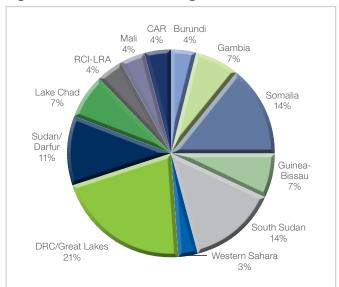
The political situation in the Democratic Republic of the Congo (DRC) was addressed more often this year, with more meetings focussing on the crisis than in 2016. In contrast, the number of meetings on Burundi dropped sharply, with only two meetings scheduled in 2017. Neither of these meetings saw a briefing on the dynamics of the crisis.

#### Subsidiarity still rules

Despite the overall increase in the number of meetings, the PSC's stance on various crises did not change. Except for Somalia, the PSC is not on the front line in terms of managing most crises on the continent. In this regard, 2017 saw the continuation of the trend towards the regional management of crises in which the PSC supports and aligns itself with regional initiatives, either in peace support operations (G5 Sahel Joint Force) or in mediation (the East African Community [EAC] in Burundi, the Intergovernmental Authority on Development [IGAD] in South Sudan).

An illustration of this was its decision on the situation in the DRC on 23 August 2017, which replicated the communiqué of the 37th the Southern African

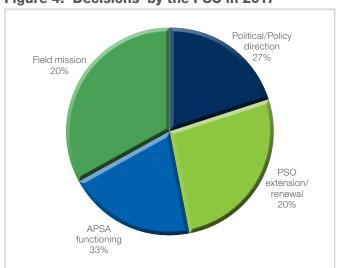
Figure 3: Situations on the agenda of the PSC 2017



Development Community (SADC) summit of heads of state and government adopted three days earlier. Not only did the PSC communiqué use the same language regarding sanctions by non-African actors but it also reiterated the call from the SADC for the appointment of a regional special envoy. This was despite the presence of an AU special envoy on the ground and the risk of duplicating functions.

Problematically, this subsidiarity means that the PSC has limited leverage in influencing regional efforts. In Burundi, despite many calls in 2016, the PSC has still not been briefed on the developments in the EAC mediation led by former Tanzanian president Benjamin Mkapa.

Figure 4: 'Decisions' by the PSC in 2017



In South Sudan, IGAD appointed a special envoy despite the fact that former AU Commission chairperson Alpha Oumar Konaré is already there as the AU's Special Envoy.

Meanwhile, the political crises in Cameroon, Togo and Zimbabwe went unaddressed at the level of the PSC.

#### More policy issues on the agenda

In 2017 the PSC was more oriented towards policy issues, with many follow-up meetings on the Master Roadmap to Silencing the Guns by 2020; the functioning of certain pillars of the African Peace and Security Architecture (APSA), such as the Panel of the Wise, the subsidiary bodies of the PSC and the African Standby Force; and terrorism. An illustration of this trend is the fact that more thematic meetings were followed by communiqués – which are binding – and fewer by non-binding press statements. In fact, there were more communiqués following thematic meetings (23) than crisis briefings (11). These thematic communiqués were mostly requests to the AU Commission for further action, and not actual decisions.

#### No increase in number of decisions

The number of decisions by the PSC remained relatively stable, with 14 decisions taken in 2017 and 13 in 2016. Despite its having fewer meetings on crises, these are still the main reason for concrete decisions by the council. Nine decisions out of the 14 were about crises in The Gambia, Guinea-Bissau, Darfur, Somalia, Western Sahara and South Sudan, as well as the Lord's Resistance Army.

The PSC also decided to reactivate all its subsidiary bodies in March.

Another critical decision was the call on the Panel of Wise to make quarterly briefings to the PSC in order to enhance conflict prevention and early warning capacity, in a context where the body very seldom addresses crises before they escalate.

Contrary to 2016, the renewal/extension of mandates constituted only 20% of decisions, against 38% the year before. One-third of decisions were about policy directions in South Sudan, the Western Sahara, Somalia and The Gambia, while five decisions were about the functioning of APSA: the subsidiary bodies of the PSC, the Panel of the Wise and early warning. The PSC also decided on the deployment of three field missions – to Guinea-Bissau, Western Sahara and Darfur – but only implemented the latter.



## Addis Insight

### The need for credible election observers

Elections held in Africa in 2017 show that international election observers need to up their game if they are to remain relevant in improving the quality of elections and building public confidence in electoral processes.

In 2018 Africa could see as many as nine presidential elections. This includes elections in Sierra Leone, Egypt, Madagascar, Mali, Zimbabwe, South Sudan, Cameroon and the Democratic Republic of the Congo (DRC), as well as run-off elections in Liberia. These are politically charged events that test the democratic institutions and resilience of the respective states. The AU, together with other international actors, is likely to send electoral observers to all these elections.

Elections are politically charged events that test the democratic institutions

In 2017 there were five presidential elections; in Kenya, Liberia, Rwanda, Somalia and the self-declared independent Somaliland. Although the elections were not as turbulent as those held in 2016, the 2017 elections, particularly in Kenya and Liberia, confirmed Afrobarometer's 2016 public survey that African citizens mistrust their electoral commissions and the quality of their elections.

The annulment of the August polls in Kenya, as well as the halting of run-off elections in Liberia by the courts, highlights these recurring misgivings about electoral processes. Yet judicial processes are sometimes also the reason for public distrust in electoral processes and outcomes. Last year courts in Gabon and Zambia were accused of partisanship after deciding in favour of incumbents when evaluating the outcomes of electoral processes.

More worrying is the fact that poor conclusions by international election observer missions further frustrate people's desire for free, fair and transparent elections.

#### Focus on voting-day electoral processes

The conclusions of observation missions have often focused on voting-day processes, with minimal efforts to provide a conclusion about the entire electoral process.

In Rwanda, for instance, the AU observation mission concluded that the voting process was conducted in a 'peaceful, orderly and transparent



PRESIDENTIAL ELECTIONS
PLANNED FOR 2018

manner'. Although the AU mission identified flaws and provided technical recommendations for the improvement of the elections, it did not provide a final assessment of the entire electoral process.

The 2015 constitutional amendment could see Kagame remain in power until 2034

The elections saw President Paul Kagame securing a third term in office with almost 99% of the votes cast on 4 August 2017. The European Union (EU) had probably anticipated this unsurprising victory for Kagame and did not send an observer mission to the country. It had done the same in 2010, when it had cited the need to prioritise its limited resources for other regions. The move partly absolved the EU from making conclusions on voting-day proceedings, which were only a small part of an electoral process marred by the systematic political intimidation of opponents of Kagame.

One potential presidential candidate, Diane Rwigara, who was eventually disqualified from participating in the elections, is still in prison – along with her sister and mother – for allegedly inciting insurrection in the country.

Analysts say that the international community has, over the past two decades, focused on economic development in Rwanda while overlooking the need for participatory democracy and human rights in the country.

Kagame has also proven to be pan-Africanist through his efforts to spearhead the reform of the AU and his government's recent offer to accept thousands of migrants held captive in Libya. However, the 2015 constitutional amendment could see him remain in power until 2034, thereby raising questions about the future of Rwanda if the focus is on building a 'strongman' rather than strong institutions and competitive democracy, which could produce competent leaders in the future.

Going forward, international observer missions may do better by clarifying the stages and aspects that they intend to observe. This will help to limit public expectations and provide a basis for the assessment of observer missions.

### Admissibility of the conclusions of international observers in court

In Kenya, international observers – including the AU, EU and the United States-based Carter Center's mission led by former secretary of state John Kerry – declared that the elections were free and transparent, but the courts annulled the vote on the grounds that the elections had been marred by irregularities and illegalities.

While observer missions are not similar to judicial processes and may not be as rigorous as court processes, their judgements on electoral processes contribute to building confidence.

Fonteh Akum, a senior researcher at the Institute for Security Studies, says that powerful political parties have perfected ways of playing international observer missions by showing them what they want them to see and using them as electoral décor to legitimise elections that are deeply flawed.

Indeed, President Uhuru Kenyatta's Jubilee party cited the statements of observer missions during the court proceedings as proof of a free and fair election. This indicates that their conclusions are not mere statements but also judgements that are admissible in court.

New elections in Kenya were held on 26 October 2017 and the courts upheld Kenyatta's victory.

The criticisms of observer missions to Kenya mark a critical turning point in the history of election observation

The criticisms of electoral observer missions to Kenya mark a critical turning point in the history of election observation. Besides setting parameters for their observation, the new demand for credibility should nudge international observer missions to adapt to current dynamics and collaborate with local observers who follow the entire electoral circle and are making considerable progress in election observation and monitoring.

Akum holds that 'international observer missions have to institutionalise long-term and analytical partnership with local civil society initiatives to enable them to provide more comprehensive and close-to-reality conclusions'.

#### **Upcoming elections in fragile states**

In the upcoming elections in South Sudan, Zimbabwe, Mali, Cameroon and the DRC particularly, international observers will have the delicate task of reaching conclusions that foster democratic practices, which is key to addressing public grievances over exclusion, injustices and power grabs.

The elections in the conflict-torn South Sudan, for instance, will test the progress of the Intergovernmental Authority on Development's (IGAD) efforts to revitalise the stalled 2015 peace deal. The prospect of an election raises fears of a heightened crisis in a deeply divided country where many warring leaders compete for political power. It is unlikely that President Salva Kirr will pursue inclusive and transparent electoral processes that could threaten his position. If the election takes place in 2018, it will be the first post-independence general election. The election scheduled for 9 July 2015 was postponed owing to the civil war.

In Zimbabwe, enthusiasm over the end of former president Robert Mugabe's autocratic rule will have to be sustained by efforts at the local and international level to promote free, fair and transparent electoral processes. Elections are due to take place before August 2018.

In Zimbabwe, enthusiasm over the end of former president Robert Mugabe's autocratic rule will have to be sustained

In the DRC, the international community has to put pressure on the government to adhere to the election timeline of 23 December 2018, as published by the electoral commission. Indeed, hopes for elections to be held on this date are once again diminishing after statements by the electoral commission that the election date depends on funding.

The new date is already much later than the two previous deadlines that were the result of the Catholic Church-mediated talks, which required elections to be held in 2017, and of the AU-mediated talks, which required elections to be held by April 2018. The international community has to push for the elections to be held at the

end of 2018 – and be ready to build public confidence in the electoral process in the crisis-riddled country.

President Paul Biya, who has led Cameroon for 35 years, will also stand for election at a time when calls for secession in the anglophone region are gaining momentum. The election period risks being marred by protests by dissenters and repression by the government.

President Paul Biya will stand for election at a time when calls for secession are gaining momentum

The impact of international observers in these countries should not only be about being spectators on voting day. Rather, the impact will depend on how much they rethink the purpose, strategy and outcomes of election observation to better contribute to the consolidation of democracy and good governance, which are key elements of sustainable peace in the long term.

#### Presidential elections in 2018

Country	Election due dates	
Sierra Leone	7 March 2018	
Egypt	Between February and May 2018	
Madagascar	Between May and December 2018	
Mali	Between July and December 2018	
Zimbabwe	Between July and December 2018	
South Sudan	Between July and December 2018	
Cameroon	Between October and December 2018	
DRC	23 December 2018	
Liberia	Run-off election, date to be confirmed	

### Addis Insight

Taking stock: will Africa manage to silence the guns by 2020?

Africa is just two years away from the deadline set by the AU to silence the guns – a self-imposed goal that was adopted by African leaders in May 2013. In November 2016 the AU developed a practical roadmap to accelerate efforts for a violence-free continent. However, reaching this goal – or even coming close to it – will depend on a range of factors, notably the political will of member states to implement AU decisions.

The AU Commission chairperson in October 2017 appointed Ramtane Lamamra, the former foreign minister of Algeria, as the high representative for silencing the guns in Africa. With considerable experience as a mediator and having served as an AU commissioner for peace and security between 2008 and 2013, Lamamra could play an important role in pushing for the implementation of initiatives for peace and stability on the continent.

Yet the implementation of the roadmap depends on a number of interlinked factors that make the task extremely difficult. These include country-specific factors, funding constraints and political will at all levels.

Lamamra could play an important role in implementing initiatives for peace and stability

#### Implementing outstanding peace mechanisms

There have been a number of initiatives to implement various aspects of the roadmap in 2017, although some of those initiatives predate the 2016 roadmap.

One of the first issues is implementing outstanding peace and security structures such as the long-awaited African Standby Force (ASF). The ASF is now being reviewed to create opportunities for its potential deployment. In addition to the Amani Africa II training exercise in 2015 and a series of command post exercises in 2016, regional standby forces have been undergoing new training and capability assessments since the beginning of 2017. The Peace and Security Council (PSC) has also initiated discussions on how to reconcile the ASF initiative with the recent trend of ad hoc subregional arrangements such as the Multinational Joint Task Force and the G5 Sahel force.

Apart from operationalising the ASF, the AU has also undertaken various initiatives to enhance conflict prevention. One of the milestones in this regard



THE ADOPTION OF THE ROADMAP



is the initiation of its first country Structural Vulnerability and Resilience Assessment (CSVRA) in Ghana this year. The CSVRA is part of the AU's continental Structural Conflict Prevention Framework, which provides an opportunity for the early identification and mitigation of structural causes of conflict in member states. It is hoped that the assessment in Ghana will nudge other AU member states to request an assessment, as is required by the AU prevention framework. The challenge, however, is that while stable member states such as Ghana ask for such assessments, member states in potential crises fail to do so, thereby stalling the AU's efforts to pursue conflict prevention.

This is further complicated by the fact that some countries insist on the principle of non-interference in their affairs by other member states, while denying potential crisis situations. The AU is still unable to maximise its leverage as an intergovernmental body to provide the necessary incentives and penalties to get member states to address structural causes of conflict. In the case of Burundi, for instance, the government has virtually blocked both the AU and the United Nations from taking further steps to address human rights abuses and subversions of democracy.

#### The fight against the proliferation of arms

An initiative that took centre stage in terms of implementing the roadmap in 2017 is the effort to fight the proliferation of illicit arms. During the July 2017 summit, the AU declared the month of September until 2020 as 'Africa Amnesty Month' for the surrender and collection of illegally owned weapons. But the initiative is still in its beginning stages and AU member states that should collect these weapons have made little to no attempt to call for the execution of the decision in their respective states.

The AU Peace and Security Department is considering ways to build the capacity of member states to implement the amnesty provisions. This includes increasing the incentives for individuals and groups to surrender their weapons, preventing the diversion of legal weapons into illicit markets, and enhancing capacity to detect and recover illicit weapons.

#### The evasive solution for persistent conflicts

Meanwhile, the roadmap to silence the guns has a long way to go in addressing even more complex issues of bad governance, inequality, economic hardships, human rights abuses and other social injustices that could spur people on to take up arms in the first place.

At least eight African countries are experiencing ongoing violent conflict – South Sudan, Somalia, Sudan, the Democratic Republic of the Congo, the Central African Republic (CAR), Burundi, Mali and Libya. There are also several other fledging crisis situations in various parts of the continent.

ARMED GROUPS IN THE CAR

The AU and subregional organisations are taking leading roles in most of the mediation initiatives in those crisis areas, but the conflicts tend to be protracted as peace agreements are flouted by the warring parties.

In South Sudan, for instance, the AU and the Intergovernmental Authority on Development (IGAD) have tried to revitalise the 2015 peace deal that was stalled by the resurgence of violence in July 2016. The revitalisation initiative faces a number of challenges, including a lack of clarity on what aspects of the peace agreement are to be revived, as well as the difficulty of reaching a compromise between conflicting parties that are bent on winning the war. The fate of the regional protection force, which was mandated in August 2016 to protect civilians, continues to hang in a balance. Only a few Rwandan soldiers have deployed to the region and the government wants to control the operations of the force.

In the CAR, the AU unveiled an African initiative in mid-2017 meant to secure an agreement between about 14 armed groups and the government. But this is yet to yield results on the ground, while armed groups continue to control about 70% of the country and the resources situated in their strongholds.

#### **Protracted terror threats**

Conflict situations are also compounded by extremist elements in the Sahel, the Lake Chad Basin and the Horn of Africa. While the AU seems to be making some headway in the fight against Boko Haram in the Lake Chad Basin and al-Shabaab in Somalia, the extremist groups continue to carry out deadly attacks that highlight their unflagging determination.

In the case of Somalia, funding constraints have led to efforts to downsize the AU mission in Somalia (AMISOM) by 2018, towards a potential exit by 2021. Yet significant tasks remain ahead, not only in terms of driving out al-Shabaab and professionalising the Somali security sector to take over from AMISOM, but also in terms of securing unity of purpose between Somalia's fragmented regions.

The lack of predictable and sustainable funding thus remains a stumbling block to initiating and completing the tasks set by the AU.

Emerging conflict situations such as the secessionist calls in Cameroon and Nigeria, as well as the political instability in Guinea-Bissau, Togo and Lesotho, are cause for alarm and challenge the AU's aspiration for a violence-free Africa by 2020.

Many AU officials have indicated that while the 2020 timeline is very ambitious, it serves as a motivation for the organisation to work speedily for peace in Africa. The AU, through the coordination efforts of Lamamra, has to strengthen its resolve to prevent conflict and find ways to get crisis states to implement peace deals.

2018

PLANNED DOWNSIZING OF AMISOM



### **PSC Interview**

Transforming Africa's borders from barriers to bridges

Following discussions around the AU's new border governance strategy, the *PSC Report* spoke to Ambassador Frederic Ngoga Gateretse, Head of Conflict Prevention and Early Warning Division in the AU Peace and Security Department.

# The AU last month held a conference on the border governance strategy – what is it? What is the progress in implementing the framework so far?

Thank you very much for the opportunity to talk about the draft AU Border Governance Strategy. The meeting, which was held in Addis Ababa from 6–8 November 2017, convened national experts to review and validate the draft strategy that we submitted earlier this year to our member states. The draft strategy is built on five pillars: development of capabilities for border governance; conflict prevention, border security and transnational threats; mobility, migration and trade facilitation; cooperative border management; and borderland development and community engagement. It is also in line with the priorities of AU Commission Chairperson Moussa Faki Mahamat to 'promote economic integration of the continent and help accelerate its development with a particular emphasis on increasing intra-African trade and free movement of people so that Africans finally cease to be foreigners in their own continent'.

It is in line with the priorities of AU Commission Chairperson Moussa Faki Mahamat to promote economic integration

Commissioner for Peace and Security Ambassador Smail Chergui, in his message on AU Border Day (7 June), also said that 'we are working resolutely to transform African interstate borders from barriers to bridges and to turn border zones into spaces conducive to regional and continental integration'. So it is this vision that we are implementing. Now that the experts from our member states have validated the draft AU Border Governance Strategy, it will be submitted to AU decision makers for endorsement and adoption.



#### At which stage is the demarcation of African borders?

The delimitation and demarcation of borders is a long and costly process.

The first step is an agreement between the two parties to set up bilateral joint

commissions. It is usually followed by a series of meetings to decide on the legal, historical and geographical documents they will use for the delimitation and demarcation of their borders. Technical field missions are also organised to assess the status of pillars and determine the coordinates. The two parties then elaborate and sign a demarcation treaty, and carry out operations to implement the pillars. As we speak and within the framework of the AU Border Programme [AUBP], more than 20 member states are engaged in the processes of delimiting and demarcating their common boundaries, more than 3 000km have been demarcated and six boundary demarcation treaties have been signed. So we are making progress despite challenges, but as they say: difficult roads often lead to beautiful destinations.

More than 20 member states are engaged in the processes of delimiting and demarcating their common boundaries

#### The AU is supposed to adopt a protocol on free movement next year. As many border areas in Africa are ungoverned spaces, what measures will the AU take to mitigate the impact of free movement on peace and security?

The issue of finding a balance between free movement and securing borders is captured in some of the pillars of the strategy. It provides recommendations that will, if properly implemented, secure borders and facilitate the free movement of persons and goods, which is already a reality in some parts of our continent.

# The last two years were characterised by multiple incidents between AU member states regarding borders. What is the response of the AU to these incidents?

There are indeed a number of border disputes on the continent. Some are active, others are frozen, while, as I mentioned, a number of them are in the process of being resolved. This year alone the AU through the AUBP facilitated dialogue in 23 situations. In fact, the AUBP was precisely established to prevent border disputes between member states, and as a mechanism to facilitate dialogue when there is an issue.

There are three key principles that guide our actions in this regard. First, the principle of respecting the borders existing at national independence. This is in line with the Charter of the Organization of African Unity (OAU) on Border Disputes between African States, adopted by the 1st Ordinary Session of the Assembly of Heads of State and Government of the OAU, held in Cairo in July 1964. The same principle is captured in the AU Constitutive Act.

Second, the principle of negotiated settlement of border disputes. It is captured in a resolution adopted by the 44th Ordinary Session of the Council



of Ministers of the OAU, held in Addis Ababa in July 1986, as well as in the relevant provisions of the protocol relating to the establishment of the Peace and Security Council of the AU.

Third, the shared commitment to pursue the work of border delimitation and demarcation as factors for peace, security and economic development. This is contained in the Memorandum of Understanding on Security, Stability, Development and Cooperation in Africa adopted by the Assembly of Heads of State and Government, held in Durban in July 2002.

So the tools are there and they were adopted by our member states, but in some instances a border dispute is a symptom of other issues that must be addressed hand in hand with the actual border disputes. If there is trust between the parties it becomes very easy to address border issues.

If there is trust between the parties it becomes very easy to address border issues

Another hot issue is the frequency of dispute around maritime borders, especially in the presence of natural resources. How does the border governance strategy respond to these situations? What is the linkage with the African Charter on Maritime Security and Safety and Development in Africa?

The same principles for border disputes apply to maritime border disputes. In fact, they are underlined in Africa's Integrated Maritime Strategy and in Article 13 of the African Charter on Maritime Security, Safety and Development in Africa, known as the Lomé Charter.

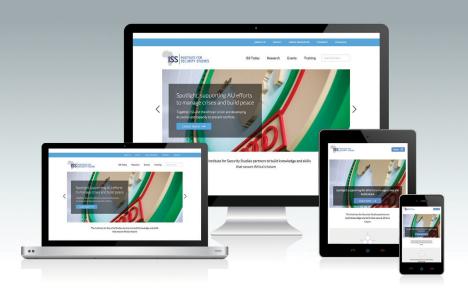
The link between maritime security and safety and development in Africa is clear. Let me give you some figures to illustrate the point. Of the 55 AU member states, 38 are coastal. The former executive secretary of the UNECA [United Nations Economic Commission on Africa], Carlos Lopes, wrote in 2016 that '70% of the continent's GDP [gross domestic product] comes from Africa's maritime economy, generating about three quarters of governments' fiscal revenues'. At least 90% of Africa's imports and exports are conducted at sea. According to the Maritime Security Review, almost all maritime trade between Europe and Asia, approximately US\$700 billion annually, passes through the Red Sea. The amount is not even the combined GDP of IGAD [Intergovernmental Authority on Development] countries, which is about US\$255 billion. Ensuring maritime security is crucial for the continent's development. Consider this, Oceans Beyond Piracy reported that the cost of piracy off Somalia in 2016 was US\$1.7 billion while in West Africa it was about US\$793.7 billion. So the nexus between maritime security and development in Africa is quite obvious.





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