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PEACE AND SECURITY COUNCIL PROTOCOL

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

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

DRC:

The PSC issued a communiqué **PSC/MIN/Comm.2(CLXIII)** on 22 December 2008 condemning the National Congress for the Defence of the People (CNDP) declaration on 1 October 2008 calling for the overthrow of the Government of the Democratic Republic of the Congo (DRC). Despite some progress made in dealing with the proliferation of externally-supported armed groups in the eastern part of the DRC, the situation remains extremely fragile. In particular, the situation in the Kivu provinces remains precarious.

Gabon:

On 30 August 2009 the provisional results of the early presidential election in Gabon were announced. On 3 September 2009, the son of the former President Omar Bongo, Ali Ben Bongo, was declared the winner. Subsequently, the country descended into disorder when the results were contested. In a statement issued on 4 September 2009 the AU Commission urged all parties in the country to refrain from any action that undermines peace and stability. The post-electoral context in Gabon remains dynamic and may require further attention, particularly in the context of the recounting of the votes designated for 29 September 2009.

Eritrea-Djibouti:

On 29 June 2008 the PSC met at the level of Heads of State and Government and acknowledged the Report of the Chairperson of the AU Commission on the border tensions between the Republic of Djibouti and the State of Eritrea in its communiqué **PSC/HSG/2 (CXL)**. The Council condemned Eritrea's military action against Djibouti and demanded the

unconditional withdrawal from the territory it occupied. The PSC also recognised the UN Security Council Statement of 24 June 2008 that supported the AU's efforts to facilitate the resolution of the crisis. Eritrea is yet to comply with the request of both the PSC and the UN Security Council. The crisis escalation potential is therefore relatively high.

Burundi:

The PSC issued a communiqué **PSC/PR/BR(CXCIX)** on 17 August 2009 welcoming the developments in the peace process between the Government of Burundi and the PALIPEHUTU-FNL and called upon the Government and political parties to create conducive conditions for convening the elections in 2010. Tensions between the disparate political factions in Burundi have been elevated due to the upcoming poll. On 11 September 2009, the country's National Assembly agreed on a Draft Electoral Code, this confidence-building measure has the potential to contribute to the diffusion of tensions in the country.

LIVINGSTONE FORMULA

“Civil Society Organisations may provide technical support to the African Union by undertaking early warning reporting, and situation analysis which feeds information into the decision-making process of the PSC” – **PSC/PR/(CLX)**, 5 December 2008, Conclusions of a Retreat of the PSC on a mechanism of interaction between the Council and CSOs. This Report is an independent publication of the Institute for Security Studies.

Democratic Republic of the Congo (DRC)

Previous PSC Communiqués and Recommendations:

The PSC issued a communiqué **PSC/MIN/Comm.2(CLXIII)** on 22 December 2008 condemning the National Congress for the Defence of the People (CNDP) declaration on 1 October 2008 calling for the overthrow of the Government of the Democratic Republic of the Congo, and rejecting the AMANI Programme - an organ charged with the implementation of the Actes d'engagement, and operating with the assistance of the international facilitators. The communiqué also underlined the need to consolidate and deepen the progress made in the implementation of the Nairobi and Goma dialogue processes and welcomed the continuing normalisation of relations between the DRC and Rwanda.

An earlier communiqué **PSC/PR/Comm.(CLV)** issued on 31 October 2008 urged the countries in the Great Lakes region to continue to support the peace and national reconciliation process in the DRC. It also expressed its full support to the United Nations Mission in the DRC (MONUC) and stressed the urgent need to reinforce it through additional troops and equipment to enable it to fully discharge its mandate.

Crisis Escalation Potential:

Despite some progress made in dealing with the proliferation of externally-supported armed groups in the eastern part of the DRC, the situation remains extremely fragile. Specifically, the situation in the Kivu provinces remains precarious. The attempt to accelerate the integration of thousands of ex-combatants of demobilized armed groups into the Congolese national army (FARDC) is not proceeding as efficiently as expected. Reports of human rights abuses committed by FARDC elements have increased. On 8 September 2009 reports from the province of North Kivu alleged that hundreds of recently integrated combatants had deserted the national army. Issues such as dissatisfaction regarding the distribution

Issues pending for the Council include:

AFRICAN NUCLEAR-WEAPON-FREE ZONE TREATY:

The PSC issued a communiqué **PSC/PR/COMM(LIII)** on 31 May 2006 in which it expressed its concern over the delay in the entry into force of the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba). The PSC requested member states that had not yet done so to urgently sign and ratify the Treaty. The Treaty came into force with the 28th ratification on 15 July 2009. The PSC is yet to issue a communiqué documenting the entry

into force of this Treaty.

NATO:

The PSC issued a statement **PSC/PR/BR(CLXII)** on 18 December 2008, following a briefing by the North Atlantic Treaty Organisation (NATO). The PSC requested NATO to pursue and intensify its efforts in order to effectively contribute to the AU's efforts towards the promotion of peace, security and stability in Africa. The PSC is yet to issue a communiqué assessing the role of NATO in enhancing the AU's capacity for undertaking peace support operations.

of ranks, as well as failure to pay soldiers' salaries were cited as the main reasons for the desertions. In addition, the 23 March 2009 agreement reached between the government and the CNDP continues to experience delays in its implementation, resulting in the heightening of tensions between the different parties to the accord. In South Kivu, the integration of armed groups into the FARDC is proceeding, although various existing groups remain outside the process and new armed militia are still emerging. Overall, the instability in the DRC particularly in the east needs to be addressed as a matter of urgency.

Key Issues and Internal Dynamics:

Developments in the DRC should be assessed in the context of the financial crisis that is currently debilitating the Congolese government. Substantial, financial resources are being consumed by the multiple military operations being conducted in almost all of the eastern provinces. Specifically, these operations include the Kimiia II operation targeting the FDLR in North and South Kivu; the Rudia II operation targeting the Lords Resistance Army (LRA) in the north-east; and the Iron Stone operation targeting the Forces de résistance patriotique d'Ituri (FRPI) / Front Populaire pour la justice au Congo (FNI/FPJC) in Ituri. The country is also besieged by ongoing reprisal attacks by the FDLR and LRA elements against civilians, and this has undermined efforts to effectively prepare for local elections.

The cohesiveness of the Kabila government was moderately weakened, but appears to have survived the tensions it experienced, following the joint military operation with the Rwandan army against the FDLR in North Kivu, in January and February 2009. The relation between Rwanda and the DRC continues to improve and was further consolidated by the exchange of Ambassadors, restoring the previously strained diplomatic relations between the two countries. Both countries seem to remain committed to dealing with the externally-supported armed groups in the DRC. A robust relationship between both countries is a prerequisite for the successful resolution of the problem of armed groups in the region. Externally, the DRC is faced with significant, but not insurmountable, challenges of how to address the FDLR insurgency, and this situation will require continuing engagement by the international community. Internally, the DRC needs to review the status of security sector reform. In addition, the grievances of the local population particularly in the Kivu provinces require urgent attention. The key issues fomenting disquiet in the region pertain to land tenure, citizenship and the management of natural resources. If these issues are left to fester they could further add fuel to an already combustible situation.

Scenario Planning:

Scenario 1:

The situation could continue to deteriorate with limited progress being made in establishing a ceasefire and in

demobilising armed groups, partly due to lack of coordinated strategy to deal effectively with the FDLR and the LRA.

Scenario 2:

The integration of the disparate armed movements into the FARDC could continue, albeit with sporadic desertions, while other smaller groups could remain outside of the process all together. This lack of security could prevent the DRC and armed resistance groups from dealing with the core issues and grievances, and further escalating the violent opposition in the eastern part of the country in the short-to medium-term.

Scenario 3:

As the country moves towards elections, key issues could be left unresolved. This could heighten tensions and precipitate the desertion of large numbers of integrated armed groups from the FARDC, to pursue renewed armed insurrection against the government and in some instances against each other. The government could respond in kind and large scale military engagement could resume.

Scenario 4:

The international community could acknowledge the importance of coordinating efforts to address the challenge posed by the FDLR. Kinshasa could work more effectively with the international community to further transform the security sector and over time the challenges presented by armed groups could continue to diminish. This could result in an improved security situation which lays the foundation for addressing the urgent issues and grievances generating tension in the Kivus.

Early Response Options:

Option 1:

The PSC, AU Commission and UN could actively work with Kinshasa to increase the coordination among international actors to advance security sector reform, which is a pre-requisite for addressing the key outstanding issues in the DRC.

Option 2:

The PSC could pursue a regional

strategy by working proactively with member states of the Great Lakes Region to establish and sustain improved cooperation to address the situation in the DRC.

Option 3:

The PSC, in tandem with government and civil society organizations, could adopt a localisation strategy in areas where the security situation allows, to support initiatives aimed at fostering dialogue and finding sustainable solutions to the root causes of conflict, with a particular emphasis on addressing the grievances in the Kivus.

Geo-Political Dynamics:

Pan-African and RECs Dynamics:

The AU, Southern Africa Development Community (SADC) and the International Conference on the Great Lakes Region (ICGLR) have all expressed support for the current military operations. However, they recognize that continued political engagement is necessary in order to find non-military situation to the crisis. During its last summit from 7 to 8 September 2009, in Kinshasa, SADC discussed the political and security developments in the DRC, but did not make any specific statements on the situation. A report prepared for the Special Session of the Assembly of the AU on the consideration and resolution of conflicts in Africa **SP/ASSEMBLY/PS/RPT(I)** notes the need to discuss and identify specific measures to sustain the current momentum in the DRC.

UN Dynamics:

The UN is continuing with its plans to withdrawal from the west of the country. In the east it is re-structuring its presence in order to deal more effectively with the ongoing situation. It is anticipated that additional troops and equipment to buttress MONUC will be forthcoming. The UN is poised to support the organisation of the forthcoming local elections, however it seeks to reduce its involvement in the DRC following the presidential elections scheduled for 2011.

Civil Society Dynamics:

Civil society organizations and networks focusing on peacebuilding issues are active across the DRC, however, the

recurring problems of coordination and support continue to hamper their effectiveness in promoting sustainable grassroot peace initiatives.

Documentation:

Relevant AU Documents:

- PSC/MIN/2(C LXIII) (22 December 2008) Report of the Chairperson of the Commission on the Situation in the East of the Democratic Republic of Congo (DRC).
- PSC/PR/COMM(C LXIII) (22 December 2008) Communiqué on the situation in Eastern DRC, Mauritania, Guinea Bissau and Somalia
- PSC/PR/COMM(C LV) (31 October 2008) Communiqué on the DRC
- PSC/PR/COMM (XCVII) (25 October 2007) Communiqué on the situation in DRC
- PSC/PR/COMM.(LIV) (2 June 2006) Communiqué on the situation in DRC
- PSC/PR/COMM.(L) (28 April 2006) Communiqué on the situation in Eastern Democratic Republic of Congo (DRC) and the relations between the DRC and Rwanda
- PSC/PR/COMM.(XXI) (7 December 2004) Communiqué on the situation in eastern DRC and the relations between the DRC and Rwanda
- PSC/PR/COMM.(XI) (4 June 2004) Communiqué on situation in DRC
- PSC/PR/COMM.(V) (13 April 2004) Communiqué on the international conference on the Great Lakes region, AU liaison office in Liberia, crisis in Darfur, situation in Cote d'Ivoire and DRC

RECs Documents:

- Communiqué of the Extra-Ordinary Summit of the SADC

Heads of State and Government (9 November 2008) Review of the political and security situation in the Region with particular reference to the current developments in the Democratic Republic of Congo and the Republic of Zimbabwe.

Regional Documents:

- Joint Statement of Heads of State of the Great Lakes Region on the situation in DRC, 7 November 2008.

UN Documents:

- S/RES/1857 (22 December 2008) The situation concerning the Democratic Republic of the Congo.
- S/RES/1856 (22 December 2008) The situation concerning the Democratic Republic of the Congo.
- S/2009/160 (27 March 2009) Twenty-seventh report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo.
- S/2009/335 (30 June 2009) Twenty-eighth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo.

Useful Additional Resources:

- Henri Boshoff and Hans Hoebeke, 'Assessing Security Sector Reform and its Impact on the Kivu Provinces', Institute for Security Studies, 26 November 2008.
- Henri Boshoff, 'Is MONUC withdrawal from the DRC by 2011 Realistic?', ISS Today, 23 September 2009.

Previous AU Communiqués and Recommendations:

On 30 August 2009 the provisional results of the early presidential election in Gabon were announced. Four days later on 3 September 2009, the son of the former president Omar Bongo, Ali Ben Bongo, was declared the winner. Subsequently, the country descended into disorder when the results were contested by opposition supporters. In a statement issued on 4 September 2009 the AU Commission urged all parties in the country to refrain from any action that undermines peace and stability. Specifically, it appealed to political actors in Gabon, in particular to 'those who are contesting the manner in which the electoral process was conducted to scrupulously seek remedies as provided for by the law'. The Commission indicated that it would undertake preventive diplomacy and dispatch a mission to ensure the successful transition and the maintenance of constitutional order.

Crisis Escalation Potential:

The post-electoral context in Gabon is volatile and dynamic. The fact that Ali Bongo, the son of the former President Omar Bongo, was declared winner suggested that the familiar phenomenon of dynastic political transition was playing itself out in Gabon. The escalation of tension is linked to the realisation by the opposition that it did not want to see a transition of power from father to son, in effect transforming Gabon to what they euphemistically described as a 'monarchy'. Opposition leaders denounced Ali Bongo's election as a fraud, stating that the poll had been manipulated in order to ensure a 'dynastic succession'. Clashes broke out between opposition supporters and security forces after the results were announced. The alliance of opposition candidates called on Gabonese citizens to support a three-day national boycott to protest the 30 August 2009 poll results which they described as an 'electoral coup'. On 13 September 2009, Gabon's interim President Rose Francine Rogombe urged the population to ignore this action. Meanwhile, the Government has currently restricted opposition leaders from leaving the country in the wake of the violence. The crisis potential relating to this disputed poll is therefore relatively high and is an issue that might generate additional confrontation and foment destabilisation in the country.

Key Issues and Internal Dynamics:

On 8 June 2009, the passing away of Gabon's President El Hadj Omar Bongo Ondimba precipitated the current crisis. At the time of his death, Omar Bongo was Africa's longest-serving head of state, having led Gabon since he succeeded the post-independence leader Leon Mba in 1967. Bongo portrayed himself as the custodian of Gabon's political stability and was credited with encouraging foreign investment. His critics accused him of having authoritarian tendencies and governing without a commitment to genuine democratisation of the country. It is public knowledge that he had amassed a fortune during his time in office, which fostered allegations of financial corruption and economic mismanagement. However, since independence Gabon remained relatively stable in terms of law and order. Despite being made up of more than 40 ethnic groups, Gabon has up to now avoided the strife that has afflicted other Central African states. This is partly due to its relative prosperity from the extraction and export of oil. In addition, French troops have been stationed in the country following a coup in 1964 which reinstated President Leon Mba after he had been overthrown in a coup.

Politically, since independence in 1960 Gabon has only been ruled by two presidents. In 2003, Gabon's constitution was amended to enable President Bongo to contest the presidency for an unlimited number of terms. The amendment also increased the length of the term from five to seven years. Bongo ascended to power in 1967 and was then re-elected six times in 1973, 1979, 1986, 1993, 1998 and 2005 respectively. Even though it was widely predicted that Ali Bongo would win the presidential election, the outcome was not welcomed by all Gabonese as demonstrated by the protests that spread across the country following the announcement. Born in 1959, Bongo entered politics in 1981 and became the Minister for Foreign Affairs in 1989 but subsequently had to relinquish this post in 1991. He then served as the Minister for Defence from 1999 to 2009.

Economically, Gabon is one of Africa's leading oil producers and Africa's second largest exporter of timber. Following the slump in oil prices the

COUNTRY ANALYSIS

Gabon

PSC RETROSPECTIVE – The AU PSC and the EU COPS

On 14 May 2008 the AU PSC convened a meeting to discuss the relationship between the Council and the European Union Political and Security Committee, which is known by its French acronym COPS, or Comité politique et de sécurité. The PSC issued a statement **PSC/PR/BR/(CXXVII)** in which it reiterated its willingness to further consolidate its relationship with the EU COPS. On 12 September 2008 the Council convened a Preparatory Consultation of the Joint PSC / EU COPS meeting which was held on 30 September 2008, in Brussels, Belgium. On 12 October 2009, the AU PSC and EU COPS will meet as part of the events of the annual AU-EU Ministerial Troika scheduled for the same month. On the agenda of the meeting of the AU PSC and EU COPS will be an assessment of the conflict situations in Africa and Europe.

The European Council convened a summit in Helsinki from 10 to 11 December 1999 in which it decided to establish a Political and Security Committee (**Decision 2000/143/CSFP**). The COPS operated as an interim body in 2000 until it was formally established in December 2001, at the EU Head of State or Government met in Nice, France. The Nice European Council decided to establish a permanent Political and Security Committee, as stipulated in Article 25 of the EU Treaty. The COPS is mandated to address all aspects of European Security and Defence Policy (ESDP) and the Common Foreign and Security Policy (CFSP). The Committee has the mandate to define, monitor and follow-up on the EU's response in the event of a crisis. Specifically, the COPS:

- delivers opinions to the EU Council in order to help define policies;
- examines the draft conclusions of the EU General

Affairs and External Relations Council (GAERC);

- coordinates the different working parties in the area of the CFSP.

In addition, the COPS sends guidelines to the EU Military Staff (EUMC) to obtain opinions and recommendations on key issues. The Committee also receives advice from the EU Committee for Civilian Aspects of Crisis Management (CIVCOM). In effect, the COPS is the EU body that address all crisis situations and examines the options that might be considered in response. Where a military response is required the COPS exercises political control and provides strategic direction. Furthermore, the Committee also supervises the implementation of measures adopted by the EU and assesses their impact.

A joint EU-Africa strategy was adopted in December 2007 to guide the relationship between the two continents, with exchanges at the inter-governmental, parliamentary, civil society and private sector levels. The understanding is that the joint EU-Africa Strategy would be co-owned by the two continents. One of the areas of priority is to enhance dialogue on peace and security in Africa.

The EU COPS has reiterated its commitment to the operationalization of the African Peace and Security Architecture (APSA). In particular, it is actively working with the AU PSC and Commission to enhance the capacity of the organisation to plan, manage and deploy effective peace operations. Specifically, a new African Peace Facility has been established with 65 million Euros for a period of three years. In addition, the 10th European Development Fund (EDF) has a provision for 110 million Euros for peace and security issues. In particular, the EU is funding a number of activities of the AU, including the liaison officers

in war-affected countries and the AU's engagement with disarmament, demobilisation and reintegration (DDR), Post-Conflict Reconstruction and Development (PCRD), Security Sector Reform (SSR) issues as well as the AU Border Programme. The EU has also committed itself to financing AU-led peace operations to the tune of 200 million Euros, which is supplemented by individual contributions from EU member states. The AU and EU have discussed how to ensure predictable and sustainable funding for peace operations in Africa.

At a seminar on 'The African Peace and Security Architecture and the Challenges of Implementation in Africa' held from 19 to 20 March 2009 in New York, the AU Commissioner for Peace and Security Ambassador Ramtane Lamamra noted that the AU PSC was 'in the process of building close cooperation with the European Union Political and Security Committee, through the joint meeting process'. Subsequently, the AU PSC and the EU COPS will hold a joint meeting once a year, alternatively in Addis Ababa or Brussels. The next joint meeting to be held in October 2009 in Addis Ababa will include an exchange of views on strengthening the APSA, including African peacekeeping capacities and review ongoing crisis situations in Africa and Europe.

The COPS has recognised the AU PSC as one of its key interlocutors in Africa evident by the fact that the two bodies have agreed to institutionalise an annual meeting. However, it is important that the EU COPS continue to approach the AU PSC as a genuine partner rather than as a patron. In the absence of a relationship based on mutual respect and dialogue then COPS might begin to be interpreted as having a virtual 'policing' function over the operational activities of the AU PSC.

country has been making attempts to diversify away from its dependence on oil, which has made its economy and its political stability hostage to fluctuations in oil prices. When oil prices declined in the late 1980s, opposition to President Bongo increased culminating in demonstrations and public protests

in 1990. In 1991, the democratic wave that was gripping other parts of Africa, also compelled Bongo to introduce political liberalisation and a multi-party system. Gabon which has a population of about 1.4 million people has statistically more per capita wealth than most of its neighbours. In 2007,

the World Bank released statistics indicated that Gabon's Gross National Income (GNI) per capita was US \$ 6,670, which is relatively high by African standards. However, Government critics have suggested that these statistics are misleading because there is an uncharacteristic gap between

the wealth of the urban elite and the rural poor, and as a consequence most Gabonese still live in abject poverty.

It was against this backdrop that on 30 August 2009, Marie Madeleine Mborantsuo, the President of the Constitutional Court, validated the results issued by the country's electoral commission, which indicated that Ali Bongo had won the election with 41.7 percent. The two opposition leaders, Andre Mba Obame and Pierre Mamboundou, who came in second and third place, obtained 25.8 and 25.2 percent of the vote respectively. The opposition parties immediately denounced the Constitutional Court's declaration. Following the announcement of the election results, violence consumed the industrial city of Port Gentil and there were attempts to burn down the French Consulate. In the capital, Libreville markets and shops on the city's main boulevard were looted. The government stated that three people died during the violence in Gabon's economic hub, but the opposition contested this and argued that at least 15 people were killed and requested an international investigation into the deaths. The French oil conglomerate Total and US oil services company Schlumberger's facilities in Gabon were reportedly targeted by the protesters. A number of protesters were openly accusing France of having a hand in the outcome of the poll given its history of support for the former President Omar Bongo. The French government has categorically denied these allegations.

Louis-Gaston Mayila, Head of the opposition Union of Gabonese People (UPG) stated that opposition leaders are considering forming a parallel government and then rely on the citizens of Gabon to judge 'which government is more popular'. This is an early warning that if the situation is not amicably resolved the opposition might adopt a strategy of making the country ungovernable. However, the calls for a three-day strike was not as widely supported by shopkeepers, market traders and public transport workers in Libreville and Port Gentil, where the violence was relatively fierce, suggesting that support for the opposition's stance may not be as widespread as it assumes. In his first address to the nation shortly after the results were announced, Bongo reiterated his commitments to improving the living conditions for all Gabonese by redistributing the country's wealth. He implored his fellow politicians to

speak and act in a restrained manner and utilize 'the proper channels' if they wished to contest the results. Despite calls by the interim President Rogombe for political dialogue, 16 defeated candidates have called for a recounting of the votes. The Constitutional Court announced that it would recount the votes on 29 September 2009, however, there is still uncertainty as to whether this will assuage the grievances of the opposition.

Scenario Planning:

Scenario 1:

If the opposition remains entrenched in its position and refuses to find a political solution to the crisis with Ali Bongo the situation could deteriorate. If a significant section of the Gabonese society is not satisfied with the electoral recount then this could potentially increase the number of public protests.

Scenario 2:

The opposition led by the UPG could implement its pledge to form a parallel government.

Scenario 3:

If an amicable political settlement is achieved Bongo could go on to govern but it would take time for him to emerge from his father's limelight as his own man and it would take even longer for his policies deliver genuine change to the multitude of poor Gabonese. Bongo could continue to maintain that he won a fairly contested election and his recognition by the international community could reduce the opposition's room for maneuver and compel it to seek a political settlement.

Scenario 4:

The current instability may escalate and foster regional instability beyond Gabon's borders.

Scenario 5:

Anti-French resentment in Gabon could increase which would have implications for future relations between the two countries.

Early Response Options:

Option 1:

The AU PSC working in tandem with Economic Community of Central African

States (ECCAS) could maintain and increase its pressure on the Gabonese authorities to ensure that they respect rule of law and strictly adhere to the peaceful resolution of the post-election disputes.

Option 2:

The fact that close to half of the registered voters polled in favour of the two opposition candidates suggests that Bongo, if he becomes confirmed following the disputed election, will by no means be a numerically majoritarian leader. The PSC could utilise this fact to encourage the parties in Gabon to establish an interim arrangement which will secure the country's long-term stability.

Option 3:

The PSC, ECCAS, the UN and the wider international community could undertake an assessment of the regional ramifications of the situation in Gabon, and its potential impact on the central African region as a whole.

Geo-Political Dynamics:

Pan-African and RECs Dynamics:

Gabon is currently a member of the PSC, representing the Central African region, having been re-elected for three-year term at the AU Summit in January 2007. The AU is monitoring the situation in Gabon, the Commission issued a statement requesting all the parties to 'demonstrate a deep sense of responsibility' at this time of crisis. In addition, the Commission offered to dispatch Mr. Moustapha Niasse, former Prime Minister of the Republic of Senegal, as an AU envoy to assist the parties manage the transition. Between 24 and 29 August 2009, Mr. Niasse undertook a mission to Gabon during which he met with Gabonese authorities, politicians, representatives of civil society and the international community in Libreville. At the time of going to press the Government of Gabon had declined the AU's offer to receive Mr. Niasse. At a regional level, ECCAS, which is currently chaired by the Republic of Congo, issued a communiqué on 6 September 2009 which urged the people of Gabon to show restraint. Some commentators have accused Equatorial Guinea playing a role in fomenting destabilization. Equatorial Guinea has since then formally denied any interference in the affairs of Gabon.

UN Dynamics:

On 3 September 2009 the UN Secretary-General Ban Ki-moon urged restraint by all parties to avoid an escalation of tension in Gabon, and implored the parties to respect the democratic process and ensure that 'the will of the people is respected'. The Deputy Spokeswoman of the UNSG, Marie Okabe, speaking at the UN headquarters in New York implored 'all the presidential candidates and their supporters to resolve any electoral grievances through legal and institutional channels, and complaints be reviewed and adjudicated in a fair and transparent manner'.

Wider International Community Dynamics:

Despite the disputed poll the French President Nicolas Sarkozy sent a letter of congratulations to Ali Ben Bongo on his victory. Mr Sarkozy, in his letter to Bongo stated 'I am happy to address to you my congratulations and wishes of success in fulfilling the responsibilities that await you'. The US Government has not taken a definitive stance, its State Department requested Gabonese authorities and citizens 'to respond to the results peacefully'.

Civil Society Dynamics:

In the current climate civil society activities are still politically constrained. The media is virtually state-controlled and the coverage of opposition perspectives or open criticism against the government has been minimal.

Documentation:

Relevant AU Documents:

- AU Commission (4 September 2009) Statement urging parties in Gabon refrain from any action likely to undermine peace and stability in the country, Addis Ababa.

RECs Documents:

- ECCAS (6 September 2009) Communiqué Message du Président en exercice de la CEEAC au peuple Gabonais, Libreville, Gabon.

UN Documents:

- Statement of the Spokesperson of the Secretary-General on elections in Gabon, New York, 3 September 2009.
- Statement of the Spokesperson for the Secretary-General on elections in Gabon, New York, 31 August 2009.

COUNTRY ANALYSIS

Eritrea-Djibouti

Previous PSC Communiqués and Recommendations:

On 29 June 2008 the PSC met at the level of Heads of State and Government and acknowledged the Report of the Chairperson of the AU Commission on the border tensions between the Republic of Djibouti and the State of Eritrea in its communiqué **PSC/HSG/2 (CXL)**. At that time the Council condemned Eritrea's military action against Djibouti and demanded the unconditional withdrawal from the territory it occupied in the process. The PSC also recognised the UN Security Council Statement of 24 June 2008 that supported the AU's efforts to facilitate the resolution of the crisis.

Crisis Escalation Potential:

Eritrea is yet to comply with the request of both the PSC and the UN Security Council. Both Councils have urged Eritrea and Djibouti to refrain from the use of force and pursue political dialogue. Eritrea has denied occupying Djiboutian territory and the absence of a resolution of this stand-off could further escalate the crisis between the two countries. The crisis escalation potential is therefore high, particularly due to the fact that the armed forces of both countries remain on high-alert with regards to this issue.

Key Issues and Bilateral Dynamics:

The crisis between the two countries precipitated in February 2008 when Eritrean forces took military positions at Ras Doumeira along its common border with Djibouti. On the face of it this area does not seem to have economic or

strategic significance, however there are historical and political issues that triggered its contestation by the two countries. The 109-kilometer border that Eritrea-Djibouti share was defined on the basis of historical agreements between the former colonial administrators of Djibouti and Eritrea. In 1897, France and Ethiopia governed Djibouti and Eritrea respectively. Subsequently, in 1901 Italy usurped the colonial administration of Eritrea from Ethiopia. A conflict almost escalated in April 1996 when the Djiboutian government claimed that Eritrea had shelled Ras Doumeira and produced a map which allegedly questioned the demarcation line between the two countries. The crisis was defused in May 1996 after Eritrean forces retreated from the disputed area and Djibouti retracted its claim. The border dispute between Ethiopia and Eritrea, from 1998 to 2000, became a threat and an opportunity to Djibouti's national interests. As a consequence of the war, Ethiopia resorted to utilizing Djiboutian ports for its import and export trade, having previously relied on Eritrean harbours. Asmara resented the loss of these economic benefits and subsequently accused Djibouti of enabling Ethiopia to import military equipment through its ports which it utilized in the border war with Eritrea. By November 1998, Djibouti had severed its relations with Eritrea and recalled its ambassador. Relations between the two countries were restored in March 2000 following mediation efforts by Libya. In 2004, Eritrea and Djibouti signed cooperation agreements on political, economic and social issues. However, this new dispensation was not sustainable.

On 11 June 2008, the Djiboutian Government sent a letter to the AU PSC requesting 'the convening of a meeting of the Council as a matter of urgency... to put an end to the aggression by the Eritrean forces'. In this letter, Djibouti accused Eritrea of occupying part of its territory and requested the intervention of the international community. Prior to this, on 1 May 2008, the AU Commission had formally written to the two countries requesting more information on the situation and the efforts that both countries had undertaken to resolve their dispute. Therefore, the PSC had already been alerted about the emerging crisis. Djibouti was quick to respond to the Commission's request for more information, in contrast Eritrea's Foreign Ministry did not issue an immediate response. Instead, on 12 May 2008,

Eritrea's Permanent Mission to the United Nations issued a statement pointing out that 'the Government of Eritrea was not prepared to engage in a fruitless public acrimony'. To date the situation between the two countries remains precarious and the stand-off needs to be resolved.

Horn of Africa Dynamics:

The ongoing tension and potential escalation of the Eritrea-Djibouti dispute has regional dimensions that are closely related to the unresolved border conflict between Ethiopia and Eritrea as well as the current crisis in Somalia. On 17 August 2009, the Eritrea-Ethiopia Claims Commission (EECC) at The Hague delivered its Final Awards regarding violations of international law during the 1998-2000 border war. The EECC ordered both countries to pay each other compensation arising from the claims that they both submitted. The EECC's verdict leaves Eritrea with \$10 million more to pay than Ethiopia. Following the announcement of the ruling, the Foreign Ministries of both countries issued press statements stating their respective positions. Ethiopia indicated that it would 'further study the details of the final award and measures that could be taken' while Eritrea said it was 'aware of the interference that has impaired the administration of justice', nonetheless, would accept the ruling. Eritrea was essentially questioning the independence of the EECC in issuing its ruling, suggesting that there had been a degree of political interference, an allegation which it did not substantiate. The border between the two countries is still in dispute and tens of thousands of troops remain entrenched along their borders. The Eritrea-Djibouti tension could create a multi-dimensional conflict system that draws in Ethiopia. Not least because Ethiopia is almost entirely dependent on Djibouti's port for its sea-based imports and exports. On 12 May 2008, Ethiopia indicated that it had the means to secure its vital trade corridor.

Eritrean authorities were sanguine with Djibouti's role in hosting the Somalia peace talks. The Djibouti Peace Process serves as a framework for the international community's support for the Transitional Federal Government (TFG) and the AU Mission in Somalia (AMISOM). Asmara is overtly opposed both to the TFG and AMISOM, and analysts have suggested that it has tacitly supported the Al-Shabaab militia and other armed groups which

have attacked both TFG positions and AMISOM. In late August 2009, Eritrea reiterated its support for Somalia's armed militia and strongly criticized 'the so-called peacekeeping force in Mogadishu' referring to AMISOM for responding to attacks carried out by Al-Shabaab and Hizbul Islam insurgents. The Eritrean Ministry of Information issued a statement which questioned the legitimacy of 'the so-called illegal "Transitional Government" imposed on the Somali people' and argued that it should be considered as the primarily source of instability in Somalia. In early September 2009, Al-Shabaab claimed responsibility for the killing of AMISOM troops in Somalia, further complicating the conflict dynamic system in the Horn of Africa and the role of Eritrea in this regard.

Scenario Planning:

Scenario 1:

Eritrea could continue to reject any urgency in resolving its border dispute with Djibouti. Eritrea would therefore remain suspicious of any initiatives being undertaken by the AU PSC, as the key inter-governmental forum for resolving disputes between countries primarily, but not exclusively, due to its location in Ethiopia.

Scenario 2:

The current stalemate between Djibouti and Eritrea could escalate into violent confrontation. An escalation of violence could pull in other regional actors in the Horn of Africa, notably Ethiopia, ostensibly as a preventive measure to secure its vital trade corridor through Djibouti's ports.

Scenario 3:

Both Djibouti and Eritrea could resort to tactics, other than direct military engagement, aimed at destabilising one another through supporting each other's armed opposition groups.

Early Response Options:

Option 1:

The PSC could renew its appeal to Eritrea to resort to diplomacy, while simultaneously condemning its intentions of use of force. Even through Eritrea re-called its Permanent Representative to the AU in November

2003, renewed overtures or the deployment of track-two diplomacy could establish the necessary channels for dialogue.

Option 2:

The PSC, working in tandem with other stakeholders, notably IGAD and UN Security Council, and other key stakeholders could adopt an integrated strategy to address the situation in the Horn of Africa. Such a strategy could strive to improve relations between Ethiopia and Eritrea, and therefore indirectly address the situation in Somalia.

Option 3:

The PSC, in collaboration with the UNSC, could deploy a Special Envoy acceptable to both sides to pursue a comprehensive agreement addressing outstanding historical, political and geographical issues between Djibouti and Eritrea.

Geo-Political Dynamics:

Pan-African and RECs Dynamics:

Since the incident in February 2008 several African countries have made attempts to diffuse the escalating tension. As of July 2009, Eritrea had yet to sign and ratify the Protocol Establishing the AU PSC, the only other country yet to sign is Cape Verde. Despite the fact that Asmara has recalled its Permanent Representative to the AU, the PSC has continued to assess the situation in the country through its focus on issues affecting the neighbouring countries. In an attempt to diffuse the tension between Djibouti and Eritrea, the AU deployed a mission, led by Ambassador Pierre Yere, a Senior Political Officer in the AU Office in Democratic Republic of Congo. The mission was in Djibouti from 5 to 9 June 2008. Following the AU Commission's request for national assessments of the crisis between the two countries in April 2008, the AU is yet to receive a statement from Eritrea. In effect, Eritrea's strategy is to deligitimise the AU's attempt to intervene in the dispute, based on its perceived lack of impartiality, and to express its sentiments through its Permanent Mission to the UN in New York.

On 20 May 2009, the IGAD Council of Ministers during its Extraordinary

PSC RETROSPECTIVE – The PSC and Regional Economic Communities

In July 2007, during a retreat held in Dakar, Senegal, the PSC discussed the implementation of Article 16 of the PSC protocol on the relations between the Council and Regional Economic Communities (RECs) and Regional Mechanisms (RMs) on issues pertaining to conflict prevention, management and resolution (CPMR). It subsequently issued its Conclusions of the Retreat in a briefing **PSC/PR/2(LXXXIII)** issued on 30 July 2007.

The working relationship between the PSC and RECs/RMs is stipulated in Article 16 of the Protocol Establishing the African Union Peace and Security Council. The Article states that RECs/RMs are part of the overall African Peace and Security Architecture (APSA). It notes that while the AU has the primary responsibility for promoting peace, security and stability in Africa, it should harmonize and coordinate its activities of RECs/RMs on peace and security initiatives to ensure consistency with the objectives and principles of the Union.

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

recognizes the East Africa Standby Brigade Coordination Mechanism (EASBRICOM) and the North Africa Regional Capability (NARC) as Regional Mechanisms which represent the regional configurations of the African Standby Force (ASF) in East and North Africa respectively. EASBRICOM and NARC are not managed by Regional Economic Communities but constitute autonomous mechanisms of the AU. The MoU has been signed by all RECs and RMs except the UMA.

The Report of the Chairperson of the AU **SP/ASSEMBLY/PS/RPT(I)** tabled at the Tripoli Summit, held between 30 and 31 August 2009, identified the MoU between the AU and RECs/RMs as one of the five main pillars of the African Peace and Security Architecture (ASPA). This MoU requires the PSC and the RECs/RMs to ensure regular exchange of information, foster closer partnership and enhance coordination between their activities. The MoU further acknowledges the role and responsibilities of the RECs/RMs in their areas of jurisdiction and it outlines the contribution they can make towards the promotion and maintenance of peace, security and stability in other regions of the continent including through the deployment of peace support missions. According to the MoU the PSC and the RECs/RMs can work together on a range of issues including: the prevention, management and resolution of conflicts; humanitarian action and disaster response; post-conflict reconstruction and development; arms control and disarmament; counter-terrorism and the prevention and combating of trans-national organized crime, border management; capacity building, training and knowledge sharing; resource mobilization and any other areas of shared priorities and common interest as may be agreed to by the parties.

Article XVIII of the Memorandum encourages the RECs/RMs to establish Liaison Offices to the AU Commission, and accordingly the Liaison Offices

were operationalised on the 13 June 2008. As of September 2009, six RECs, including IGAD, ECOWAS, ECCAS, SADC, COMESA, and the EAC, have sent their Liaison Officers to service the AU Commission in Addis Ababa. These Liaison Officers meet with the PSC when requested and participate in other meetings and workshops relating to key issues in their areas of competency. The Liaison Officers then report to their respective headquarters and facilitate communication with the PSC. In addition to serving as the building blocks for the political and economic unity of the continent the Regional mechanisms are central to the operationalisation of the Continental Early Warning System (CEWS), as provided for by Article 12 of the PSC Protocol. In addition, they are also integral components of ASF and are mandated to work with the Panel of the Wise, as provided for by Article 11 of the PSC Protocol.

The MoU also requires the chief executives of the AU and the RECs/RMs to meet regularly, however this is one provision that has not been implemented and institutionalised. The relationship between the AU PSC and RECs/RMs can be described as a work in progress. There are a number of outstanding issues that need to be addressed including the obvious one of the duplication of membership, of some members states, in a number of RECs and RMs. The AU also needs to ensure that its own Liaison Offices at the headquarters of the RECs/RMs are fully operational to ensure the regular flow of information between organisations. Ultimately, the relationship between the AU and RECs/RMs requires the timely implementation of the MoU as well as the convening of periodic technical meetings, which will lay the foundation for enhanced collaboration between the PSC and RECs/RMs.

Session condemned all individuals and countries, particularly the Government of Eritrea, for financing and supplying armed militia in Somalia including Al-Shabaab. The regional grouping also called upon the Security Council to impose a no-fly zone over Somalia's airspace, as well as a maritime blockage,

except for humanitarian needs. This initiative was subsequently supported by the AU Assembly of Heads of States, at its 13th Session, convened in Sirte, Libya, which through its decision **Doc. Assembly/AU/6(XIII)** on the state of peace and security in Africa, called upon the UN Security Council, to take

immediate measures to prevent Eritrea from providing support to the armed groups engaged in destabilization activities in Somalia, attacks against the TFG, the civilian population and AMISOM.

UN Dynamics:

On 14 January 2009, the Security Council adopted resolution 1862(2009), in which it urged Eritrea and Djibouti to resolve their border dispute peacefully. At the same time, the Security Council, noting that Djibouti had withdrawn its forces to the status quo ante demanded that, within five weeks after the adoption of the resolution, Eritrea address the following three points: firstly, withdraw its forces and all their equipment to the positions of the status quo ante; secondly, acknowledge its border dispute with Djibouti; and thirdly, to engage actively in dialogue and diplomatic efforts to reach a solution. On 18 May 2009, the UN Security Council adopted a Presidential Statement in which it reaffirmed its support to the TFG as the legitimate authority in Somalia and expressed its concern over reports that Eritrea has supplied arms to those opposing the TFG in breach of the arms embargo.

Wider International Community Dynamics:

On May 4, 2008, the Arab league decided to send a fact-finding mission to the disputed border area between Djibouti and Eritrea to evaluate and draft an assessment of the situation. The Arab League's Peace and Security Council also discussed the border dispute during an emergency session held at Djibouti's request. Djibouti's former colonial administrator, France, has taken the diplomatic step of summoning the Eritrean ambassador to demand an explanation for the current stand-off. The United States has located the headquarters of its Combined Joint Task Force-Horn of Africa (CJTF-HOA) in Djibouti, and has continuously expressed concern about Eritrea's destabilizing regional role, specifically with reference to its support for armed militia in Somalia. The US is also politically and militarily supporting the TFG in Somalia. The US Secretary of State Hilary Clinton, during her recent tour of Africa, issued veiled warnings to Asmara for its continued intransigence on a range of issues. There are ongoing discussions within the Obama administration as to whether to place Eritrea on the list of state sponsors of terrorism.

Documentation:

Relevant AU Documents:

- Assembly/AU/6(XIII) (1-3 July 2009) Report of the Peace and Security Council of the African Union on its Activities and the State of Peace and Security in Africa, Sirte, Libya.
- PSC/HSG/COMM(CXL) (29 June 2008) Communiqué on the situation at the border between Djibouti and Eritrea.
- PSC/PR/2 (CXXXVI) (12 June 2008) Communiqué on the situation the current situation in Darfur and the Republic of Djibouti and the State of Eritrea.
- PSC/PR/COMM(CXXI) (24 April 2008) Communiqué on the situation between Djibouti and Eritrea.
- PSC/PR/COMM.(XII) (4 July 2004) Communiqué on crisis in Darfur, situation in DRC, Burundi and Cote d'Ivoire, and on the relations between Eritrea and Sudan and on the peace process between Eritrea and Ethiopia.

RECs Documents:

- IGAD Ministerial Statement (20 May 2009) Council of Ministers Extraordinary Session

UN Documents:

- SC/9570/1862/2009 (14 January 2009) Security Council Urges Djibouti-Eritrea to Resolve Border Dispute Peacefully Unanimously Adopting Resolution
- SC/9480 (23 October 2008) President of Djibouti Urges Security Council to Press Eritrea on Ending Border Dispute, Says 'The Last Thing The Horn of Africa Needs is Another Conflict'
- SC/9440 (September 2008) Security Council Presidential Statement Welcomes Signing of Djibouti Agreement on Reconciliation by Parties to Somalia Conflict
- SC/9376-AMR/1720 (25 June

2008) Security Council Statement on Djibouti and Eritrea

- SC/9372 (24 June 2008) Address to the Security Council, Djibouti's Prime Minister Says Eritrea Continues Massive Armed Incursion, Threatening to Push Both Sides into Fratricidal War
- SC/9353 (12 June 2008) Security Council Condemns Eritrea's Military Action of 10 June against Djibouti, Urges Parties to Commit to Ceasefire
- S/2008/226 (7 April 2008) Special Report of the Secretary-General on the United Nations Mission in Ethiopia and Eritrea.
- SC/9410 (30 July 2008) Security Council Terminates Mandate Of United Nations Mission In Ethiopia And Eritrea, Urging Both Countries To Cooperate With Liquidation Process.

Useful Additional Resources:

- Berouk Mesfin, 'The Eritrea-Djibouti Border Dispute', Situation Report Institute for Security Studies, 15 September 2008.

COUNTRY ANALYSIS

Burundi

Previous PSC Communiqués and Recommendations:

The PSC issued a communiqué **PSC/PR/BR(CXCIX)** on 17 August 2009 welcoming the developments in the peace process between the Government of Burundi and the PALIPEHUTU-FNL and called upon the Government and political parties to create conducive conditions for convening the elections in 2010.

Crisis Escalation Potential:

Tensions between the disparate political factions in Burundi have been elevated due to the upcoming elections in mid-2010. The dialogue initiatives

AU Special Session in Tripoli on the Resolution of Conflicts in Africa

The Assembly of Heads of States and Governments of the African Union (AU) at its 13th Ordinary Session held in Sirte, Libya, from 1-3 July 2009, adopted a decision Assembly /AU/Dec.266 (XIII) to convene a Special Session on the Consideration and Resolution of Conflicts in Africa. Accordingly, a Special Session of the Assembly of the Union was convened in Tripoli, Libya from 30 to 31 August 2009. This meeting sought to provide Africa's leaders with an opportunity to review the ongoing efforts, to address the challenges of peace and security on the continent, and give further impetus for the implementation of the decisions made by a number of AU policy organs.

About 30 African leaders attended the Special Session whose agenda was outlined by the Report of the Chairperson of the Commission 'Enhancing Africa's Resolve and Effectiveness in Ending Conflict and Sustaining Peace' SP/ASSEMBLY/PS/RPT(I). The Report addressed among other issues the challenges to peace and security on the continent; institutional frameworks and the structural prevention of conflicts and peace building; partnerships in support for peace; and an update and way forward on the a number of crisis situations in the continent. The Report stated that the continent is still afflicted by a number of peace and security challenges including: ethnic and religious extremism, corruption, exclusionary definitions of citizenship, poverty and disease, illegal exploitation of Africa's renewable and non-renewable natural resources, mercenaries, emerging trend of election-related conflicts and

violence, constitutional manipulation, border disputes and new threats relating to climate change.

The Special Session in Tripoli discussed recent developments in Somalia, Burundi, Uganda, the Democratic Republic of Congo (DRC), the Implementation of the Comprehensive Peace Agreement (CPA) and the case of Darfur in Sudan, Central African Republic (CAR), Comoros, Madagascar, Liberia, Côte d'Ivoire, Republic of Guinea, Guinea Bissau, Mauritania, Niger and Western Sahara. The relations between Sudan and Chad, and Djibouti and Eritrea and the Peace Process between Eritrea and Ethiopia were also addressed. The Session acknowledged that the task of resolving protracted conflicts, for example Darfur and Somalia which have debilitating effects on regional stability, remain a considerable challenge for the AU. With regards to the Great Lakes Region the Special Session urged parties to support the implementation of peace agreements and pursue post-conflict reconstruction with due diligence. As far as Somalia is concerned the Special Session reached a consensus on the need to strengthen the AU peacekeeping mission, despite the recent tragic death of some of its personnel. The AU leadership requested that an international conference be convened to assess and address the scourge of piracy off the Somali coast.

The Special Session recommended the implementation of the AU Policy Framework on Post-conflict Reconstruction and Development which provides guidelines for policies and strategies to consolidate peace, promote sustainable development

and enable growth and regeneration in countries and regions emerging from conflict. The Session also discussed the instruments that have been adopted by the AU designed to facilitate the structural prevention of conflicts relating to human rights, governance and the fight against corruption, democratization, disarmament; terrorism, drug control and crime prevention. The Special Session noted that if AU member states would only respect the norms and principles that they have signed up to, this would reduce considerably the risk of conflict and violence on the continent and consolidate peace where it has been achieved.

The two recent and recurring sources of tension on the continent, namely post-electoral violence and unconstitutional changes of government were also discussed at the Special Session. The Commission is expected to submit a final report on the latter to the next Ordinary Session of the Assembly. With regards to election-related conflicts and violence, the AU leadership will await the consideration of report that was drafted on this issue by the Panel of the Wise. The Special Session urged member states to commit the required human, logistical and financial resources for to ensure the effective functioning of APSA and to extend their cooperation and support to the PSC as it endeavours to discharge its mandate. The Special Session adopted the 'Tripoli Declaration and Plan of Action' to find urgent solutions to crises and conflicts in Africa, and approved Libya's proposal to ensure that resolving the conflicts in Africa features as a regular topic at AU summits.

on the ruling party and other political actors to convene and conduct a transparent poll in 2010. In July 2009, an EU raised concerns with the apparent closure of political space by the ruling party and recommended key strategies to ensure an inclusive poll. On 29 August 2009, various heads of foreign missions in Burundi as well as the UN issued a communiqué urging the political groupings in the country to urgently finalise the adoption on the Draft Electoral Code, which would allow preparations for the polls to continue, which was duly achieved on 11 September 2009.

Civil Society Dynamics:

Civil society activities have been generally constrained in the lead up to the poll. At the beginning of August 2009, the Ministry of Interior indicated that because some civil society organisations have a 'double objective' as far as their activities are concerned, they must request a 'mission order' from the Ministry in the event that they wish to travel overseas. They must also inform the Ministry when they are organizing events or activities in the rural regions of the

country. In September, two coalitions of civil society organisations, namely the Civil Society Coalition for Election Monitoring (COSOME) and the Forum for the Strengthening of Civil Society (FORSC) convened a joint meeting to define their role before, during and after the elections and to strategize on how they can contribute towards ensuring a transparent and inclusive poll.

Documentation:

Relevant AU Documents

PSC RETROSPECTIVE – The PSC and the Panel of the Wise

In January 2007, the AU Assembly of Heads of State and Government **Assembly/AU/Dec.152/(VIII)** endorsed the Chairperson of the Commission's recommendation to appoint five esteemed African personalities to serve as members of the Panel of the Wise for a three-year mandate, which is renewable once. At its 100th meeting on 12 November 2007, the PSC adopted a set of detailed modalities for the functioning of the Panel. These modalities enabled the full operationalisation of the Panel, albeit with a slight delay due to the timeframe that it took to recruit its support staff.

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

Since its official inauguration

in December 2007, the Panel has undertaken four key activities, including: deliberations among Panel members; engagement in conflict-affected countries and regions; consideration of key thematic issues; and finally, collaboration and consultation with relevant organs of the AU.

With reference to the need to collaborate and consult with relevant organs of the AU, Article 11(5) of the PSC Protocol states that the Panel 'shall report to the PSC and, through the PSC, to the Assembly.' The modalities for the functioning of the Panel state that the Panel 'shall, without prejudice to its independence, maintain regular contact with the PSC and the Chairperson of the Commission, as well as with the Chairperson of the AU, and keep them fully informed of its activities for the purpose of ensuring close coordination and harmonisation.' More concretely, the Panel is required to provide the PSC with regular reports on its activities. Through the PSC, it is also required to submit bi-annual reports to the AU Assembly. The agenda of a meeting of the Panel is determined by the Panel's Chairperson in consultation with the Chairperson of the PSC, as well as the Chairperson of the Commission. Where deemed appropriate, the Panel may submit its views and recommendations on issues of relevance to the PSC and the Chairperson of the Commission. The Panel must hold at least one joint meeting per year with the PSC.

In practice this has resulted in ongoing informal interactions between the Panel members and the PSC and the Chairperson of the Commission. On 6 March 2009, the first formal meeting between the entire PSC membership and several Panel members took place in Addis Ababa. As noted, the Panel is expected to meet once a year with

the PSC, however, the need for more regular consultations between the two structures has been identified as an important innovation that needs to be encouraged. Accordingly, the Panel held a second meeting with the PSC on 5 June 2009.

Indeed, as one of the support structures of the work of the PSC, ongoing engagement between the Panel and the Council, as well as the Chairperson of the Commission is pertinent. The Panel operates within the framework of the AU and it must ensure that its work facilitates, contributes and complements the efforts of other organs and branches of the AU. Furthermore, the success of its work also greatly depends on the buy-in from AU member states. However, the Panel is striving to balance the requirement for intra-AU coordination and harmonisation, with the need to have a certain level of independence. Moreover, given its reporting and coordination requirements as well as its work programme in the years to come, the Panel needs to be supported by a robust staff complement, so that complex substantive conflict issues can be addressed effectively by the Panel. More regular engagement with civil society may be one way of addressing ever-increasing need for skills and expertise, especially in the case of the Panel's engagement in conflict-affected countries and regions. Finally, given the fact that the current mandate of its members is due to come to an end at the beginning of 2010, a review seminar aimed at exploring lessons learned thus far, would be extremely valuable for the future operational activities of the Panel and its relationship with the PSC.

- SP/ASSEMBLY/PS/RPT(I) (31 August 2009) Report of the Chairperson of the Commission on Enhancing Africa's Resolve and Effectiveness in Ending Conflict and Sustaining Peace.
- PSC/PR/BR(CXIV) (10 March 2008) Communiqué on the UN Peace-Building Commission
- PSC/PR/COMM.(LXXXVI) (10

August 2007) Communiqué on the Burundi ceasefire

- PSC/PR/COMM.(LXXXI) (20 July 2007) Communiqué on the implementation of the Comprehensive Ceasefire Agreement of 7 September 2006 between the government of the republic of Burundi and the Palipehutu-FNL of Agathon Rwassa

- PSC/PR/COMM.(LXIII) (9 November 2006) Communiqué on the Comprehensive Peace Agreement of 7 September 2006 between the government of the republic of Burundi and the Palipehutu of Agathon Rwassa
- PSC/PR/COMM.(XXXVII) (8 September 2005) Communiqué

on the situation in Burundi and the Islamic republic of Mauritania

- PSC/PR/COMM.(XX) (15 November 2004) Communiqué on UN Security Council meetings in Nairobi, protection force for political leaders in Burundi and on the situation in Côte d'Ivoire
- PSC/PR/COMM.(XV) (17 August 2004) Communiqué on the situation in Burundi
- PSC/PR/COMM.(VII) (3 May 2004) Communiqué on the African Mission in Burundi

(AMIB)

- PSC/PR/COMM(IV) (6 April 2004) Report of the Chairperson of the Commission on the International Conference on the Great Lakes Region
- PSC/PR/COMM(II) (25 March 2004) Communiqué on the situation in Burundi, with particular reference to the mandate of the African Mission in Burundi (AMIB)

UN Documents:

- S/2009/270 (22 May 2009) Fifth report of the Secretary-

General on the United Nations Integrated Office in Burundi.

Useful Additional Resources:

- Henri Boshoff, Jean-Marie Gasana and Richard Cornwell, 'Burundi: The End of the Tunnel?', Situation Report Institute for Security Studies, 2 February 2009.
- Christian Lim and Leonard Rugwabiza, 'A Shock analysis of Burundi's economy: The Financial Crisis and Other Shocks,' African Development Bank, September 2009.

Important Forthcoming Dates

PSC Meetings

30 September 2009 - Briefing by the Chairpersons of the PSC (for August and September 2009) to the PRC on the activities of the PSC in August and September 2009

12 October 2009 – scheduled meeting with the EU Political and Security Committee

November 2009 – expected meeting with the AU ECOSOCC

AU Meetings

September 2009 – Publication of the AU High-Level Panel on Darfur (the Mbeki Panel Report)

12 – 13 October 2009 Meeting between Legal Advisors of the AU and RECs, Addis Ababa, Ethiopia

15 – 16 October 2009 – 6th Meeting of the Panel of the Wise, Addis Ababa

22-23 October 2009 - AU special Summit on Refugees, Returnees and Internally Displaced Persons (IDPs) in Africa, Kampala, Uganda

October 2009 – Civil Society Consultation on the EU Governance Initiative

25 January- 2nd February 2010 (Addis Ababa). The 14th Summit of the AU on the theme 'Information and Communication Technologies in Africa: Challenges and Prospects for Development'

Expected Upcoming elections in Africa

Botswana	9 October 2009	Parliamentary
Tunisia	9 October 2009	Presidential/Parliamentary
Gabon	11 October 2009	National Assembly
Guinea	11 October 2009	National Assembly
Mozambique	28 October 2009	Presidential/Parliamentary
Niger	4 November 2009	Presidential/National Assembly
Cote d'Ivoire	November 2009	Presidential/ Parliamentary
Namibia	November 2009	Presidential/ Parliamentary
Guinea	13 December 2009	Presidential
Chad	December 2009	National Assembly
Sudan	April 2010	National elections

Spotlight on the PSC - The Rotating Chair of the PSC

The Rotating Chairmanship of the PSC was one of the issues discussed by the Council during its retreat in Dakar, Senegal, from 5 to 6 July 2007. The PSC issued its Conclusions of the Retreat **PSC/PR/2(LXXXIII)** on 30 July 2007. The Council reviewed the working methods of the PSC and considered a number of issues pertinent to the effective functioning of the PSC.

Article 8 (6) of the PSC Protocol states that the Chair of the Peace and Security Council shall be held in turn by the members of the PSC in the alphabetical order of the names of individual countries, for a period of one calendar month. The Article further states that the provisional agenda of the Council shall be determined by the Rotating Chairperson of the PSC at his or her own discretion, but with input from the Chairperson of the AU Commission through the Secretariat of the PSC. AU member states can also submit agenda items to the Chairperson of the PSC. The inclusion of any item in the provisional agenda may not be opposed by an AU Member State. This is significant in the sense that the PSC is empowered and mandated to address virtually any issue on the continent that it deems worthy of consideration. The PSC Dakar Retreat clarified a number of points regarding the issues of the rotation of the Chairmanship, the functions of the stand-in Chairperson, the role of the chairperson, and requirements regarding the presence of the chairperson in Addis Ababa. These are assessed briefly below.

(i) The Rotation of the PSC Chairperson

On the basis of the provisions stated above regarding the Chair of the PSC, following each election of PSC members, the existing members and the new members will be seated according to the alphabetical order of the names of their countries and the rotating Chairmanship will continue according to the established sequence prior to the addition of new members. The new members take up office on the first day of April after their election, which typically takes place earlier during

the AU Summit in January of the same year. The new list of PSC Members and incoming Chairperson of the PSC has to be communicated to PSC Members and other AU Member States before the end of February of the same year.

(ii) Stand-in Chairperson

The Chair of the PSC is occupied by the Permanent Representative of the country that is designated to chair the Council. The Permanent Representative has to be duly accredited to the AU Commission. In his or her absence, the Chair is occupied by the incoming Chairperson or the next in line down the list of incoming Chairpersons. This rule does not prevent the interim Chairperson from assuming his or her office as Chairperson of the Council when it is his or her turn to do so. If a potential Chairperson represents a member state of the Council which is barred from participation in the discussion or decision-making process during the Councils deliberations (for any reason but specifically with reference to Article 23 of the AU Constitutive Act and Article 8(9) of the PSC Protocol) the Chairperson is compelled to vacate the PSC Chair. The Chair is then assumed by the next chairperson in line for the duration of this situation. In exceptional cases where a Chairperson voluntarily renounces his or her obligation for any reason, which is typically not encouraged, the individual loses the right and their turn to Chair the Council (for a given PSC meeting or the month of his or her mandate).

(iii) Role of the Chairperson of the PSC

As stipulated in the Conclusions of the Dakar Retreat, the Chairperson of the PSC has the responsibility to:

- establish, in consultation with the AU Commission and the members of the PSC, a provisional monthly program of work;
- deliver a briefing on the activities of PSC and other security situations in Africa to the Permanent Representatives Committee (PRC) when the need arises;

- participate in Commission-initiated and led consultations at Headquarters on issues of peace and security and to obtain a report from the Commission when such consultations take place away from the Headquarters in Addis Ababa;
- lead PSC field missions whenever it is so decided by the PSC, provided that his or her country is not involved in the conflict situation;
- brief, together with the Commissioner for Peace and Security, the media as may be necessary at the end of PSC meetings;
- make contributions towards the Report of the PSC on its Activities and the State of Peace and Security in Africa.

(iv) Presence of the Chairperson at AU Headquarters

In view of the increasing workload of the PSC, there is a need to develop the capacity of the Council to respond in a timely manner to threats to peace. This necessitates the regular and continuous consultation between the Council Chairperson and the Commission, as well as between the Chair and the other Council members. This enables the PSC to focus on priorities and initiate and maintain the momentum for a timely response to crisis. The Chairperson of the PSC is therefore expected to remain in Addis Ababa during his or her chairmanship.

The Chairperson has the mandate to request briefings from the different committees of the PSC and other organs and institutions of the AU. In addition, through the Livingstone Formula the Chair of the PSC can engage directly with civil society organizations on a range of early warning, peacemaking, peacekeeping and peacebuilding issues.

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