



No. 30, January 2012

CONTENTS OF THIS ISSUE

Early Warning Issues for January	1	Country analysis: Somalia	7
Country Analysis: Egypt	2	PSC Retrospective: The military Staff Committee	13
PSC Retrospective: Reinforcing AU mechanisms on democracy, good governance and human rights in Africa	6	Important Forthcoming Dates	15

This Report is an independent publication of the Institute for Security Studies. It is also available on the ISS website and can be viewed together with Thematic Reports on the work of the PSC at www.issafrica.org. All documents referred to in this Report can also be found on the ISS website

Peace and Security Council Protocol

'The PSC shall encourage non-governmental organizations to participate actively in the efforts aimed at promoting peace, security and stability in Africa. When required such organizations may be invited to address the Peace and Security Council' – Article 20 of the Protocol Relating to the Establishment of the PSC of the African Union

Early Warning Issues for January

The scheduled Rotating Chair of the African Union (AU) Peace and Security Council (PSC) for the

month of January is the Republic of Kenya. In the absence of a country's representation at ambassadorial level, an alternate member will chair the Council for the month. Member States currently represented on the AU Peace and Security Council include Benin, Burundi, Chad, Côte d'Ivoire,

Djibouti, Equatorial Guinea, Kenya, Libya, Mali, Mauritania, Namibia, Nigeria, Rwanda, South Africa and Zimbabwe.

BIO DATA:

Current posts:

H.E. Dr Monicah Kathini Juma

Kenya's Ambassador to Ethiopia, Permanent Representative to the AU and Chair of the PSC for the month of January

Egypt

The November parliamentary elections in Egypt took place in the aftermath of a violent crack-down on protestors and while protestors continue to occupy Tahrir square. Although the voting attracted a huge voter turn-out, its early outcome that delivered victory to the party of the Muslim Brotherhood and the ultraconservative Salafist party prompted concerns over the risks

of Islamisation of the state. As the parliament will be responsible for electing the constituent Assembly that will draft Egypt's new constitution, the liberal groups and the military are concerned that religious extremists might exert too much influence undermining the secular character of Egypt and the rights of minorities. Although it retreated later, the situation prompted the Supreme Council of the Armed Forces (SCAF), the interim authority of Egypt, to announce that the

election results did not fully represent the public and that the military would have a role of oversight in the drafting of the new constitution. As these developments entrench mistrust and division between the major political actors in Egypt, the drafting of a new constitution is expected to be a battleground for the military, liberals and Islamists who have serious differences over what role Islam and the army should play in Egypt's future.

>>page 2

Livingstone Formula

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

Somalia

Although Al Shabaab ceded the territories under its control in the capital Mogadishu, it seems that this only marked a transition in the tactic of Al Shabaab from ground battle to guerilla style operations. The lack of territorial control in Mogadishu does not seem to hamper Al Shabaab's operations in the city. While renewed fighting between AMISOM supported Transitional Federal

Government (TFG) forces and Al Shabaab took place in October, the regularity and intensity of Al Shabaab bombing attacks in the city exponentially increased during the following two months. Between late November and mid-December, there have been 17 bomb attacks in Mogadishu blamed on Al Shabaab. Clearly, despite its withdrawal from Mogadishu, its capability to carry out attacks remains significantly intact and the city is

far from secure. Conflict was also continuing unabated in south and central Somalia with Kenyan forces reinforcing their aerial and ground operations. The need for reinforcing TFG forces and the military capabilities and the force strength of AMISOM – both to consolidate control over Mogadishu and gain further territories in other parts of the country – has thus become much more acute today than at any other time before.

COUNTRY ANALYSIS

Egypt

Previous AU/PSC Communiqués and Recommendations:

The third week of November 2011 witnessed escalation of tension in Egypt following the biggest protests since the revolution that toppled Hosni Mubarak. At its 299th meeting held on 22 October 2011, the Peace and Security Council of the African Union received a briefing from the Commissioner for Peace and Security Ambassador Ramatne Lamanra and the Permanent Representative of Egypt on the situation in Egypt. The subsequent press statement **PSC/PR/BR.(CCXCIX)** by the Council expressed serious concerns over the violent incidents and the loss of lives, and requested for highest restraint from the various parties of Egyptian politics especially the authorities of the transition and the security forces.

Referring back to a communiqué **PSC/PR/COMM.(CCLX)** adopted on 16 February 2011 and a press statement **PSC/PR/BR.3(CLVIII)** dated 23 March 2011, the Council reaffirmed its recognition to the 'profound aspiration of the Egyptian people especially the youth, to change and the opening of the political space in order to be able to democratically elect institutions that are truly representative and respectful of fundamental freedoms and human rights'. The Council further urged all forces in Egypt to work jointly in completing the transitional period

on the path to democracy in a way that satisfies the aspirations of the Egyptian people. The Council also requested the Chairperson of the AU Commission and the Panel of the Wise to continuously monitor the developments in Egypt and provide every possible support to facilitate the completion of the transition to democracy.

Crisis Escalation Potential:

The tension and differences between the Supreme Council of Armed Forces (SCAF), which has been running the country since the ouster of former President Hosni Mubarak in February, the Islamists and the secular liberal groups has deepened over the course of the past several months. The elections held in November further manifested the entrenching mistrust, suspicion and disagreements of the political actors in Egyptian politics as scores were killed and thousands wounded in the eve of the elections.

The crisis reached its peak, following the announcement on 7 December by the military rulers declaring their intention to set up an advisory board over the drafting of a new constitution and insisting that the early results of parliamentary voting do not represent Egyptian society. The SCAF stated that it took the decision to protect the supra-constitutional principles and protect minority rights following the high gains by Islamist parties on the elections held on 28 November 2011. Gen. Mukhtar al-Mulla of the Council said that the election results did not fully represent the public. He also noted that the military would have a role of oversight in the drafting of the new constitution.

In a statement on 8 December 2011 a spokesman for The Muslim Brotherhood's political arm, the Freedom and Justice Party (FJP) fiercely condemned the decision, accused SCAF of undermining the elected legislature and withdrew from the new advisory council in protest. The statement called the move 'almost humorous and leaning towards calling for a new dictatorship.' The party, which won more than a third of the seats in the parliamentary election, further observed that SCAF's move can derail the transition to democracy. Some liberal and secular elements of the revolution however have supported the decision by SCAF stating that the constitution, which is a document far bigger than any single parliament or government, should not be dictated by a short-term political interest.

In a retreat from earlier statements and with the intention to ease the pressure, on 9 December 2011 Gen. Mamdouh Shahin, a member of the SCAF, announced that the new Parliament would have the sole responsibility for selecting the members of the Constituent Assembly, which will draft the constitution. This was a clear reversal of the SCAF's earlier announcement that it would name 80 of the 100 members of constituent assembly.

The liberal groups and the military are concerned that religious extremists might exert too much influence and could try to enshrine strict Islamic law, or Sharia, as the only guiding principle for state policies. However, the liberal/secular movement has also been very critical of the generals and expressed at different occasions that the various decisions by SCAF implied that the military may not intend to cede power in the near

>>page 3

future. On 18 November youth movements organized a massive demonstration named 'The Friday of Protecting Democracy' that lasted for days. Several youth and grass-roots movements joined the demonstrations and continued with sit-ins, insisting on a specific timeframe for transitioning authority. The security forces brutally cracked down on the protesters, igniting further clashes between protestors and security forces and further widening the rift between SCAF and the liberal youth movement. Some figures put the dead more than forty while more than three thousand were reported wounded across the nation.

In a televised press conference on 11 December 2011 Kamal el-Ganzouri, the third temporary prime minister since February, broke into tears in front of journalists as he spoke about the state of the country's economy. The PM said that the state of the economy is 'worse than anyone imagines' and stressed that stability and security are vital for economic recovery. The Egyptian economy suffered significantly from months of unrest and instability and reports on the first week of December 2011 shown that the annual inflation rate in urban parts of Egypt rose to 9.1 percent from 7.1 percent in October. Such developments are raising the frustration of the general public.

The divide between the Islamic parties and other political forces in Egypt is wide and is widening through time. Polarized views dominate the public, political and media spheres as the major parties have a deep rooted mistrust about the intention of the other. They also hold fundamental difference on what values and how to build the future of democratic Egypt. In the absence of meaningful dialogue and willingness to compromise such differences could further destabilise the nation.

Key Issues and Internal Dynamics:

The November 2011 elections saw the rise of the Islamic parties in to prominence and many supporters of liberal and secular parties are concerned that Islamist parties will have too much power in the next parliament. The most known Muslim Brotherhood's FJP won 36 percent of the votes in the first of

three rounds of elections while a smaller bloc of ultraconservatives Salafist Al-Nour party won around 24 percent. The secular Egyptian Bloc came third with 13.4% of the vote, followed by the liberal Wafd Party with 7.1% and the moderate Islamist Wasat Party with 4.3%. The result was a devastating blow for the mostly secular and liberal youth who drove the uprising as 'The Revolution Continues', a group formed by youth activists behind the uprising that ousted Mr Mubarak in February, won only 3.5% of the votes. Forty of the sixty parties in Egypt participated in the elections to set up a new parliament that will be entrusted with forming a 100-member assembly to write the constitution.

The voting on 28 November covered nine out of 27 provinces, which will elect about 30% of the 498-seat lower house of parliament. Two-thirds of the seats are decided by party lists under a proportional system. The final third are chosen through individual lists under an absolute majority system in which a candidate needs more than 50% to win a seat. Elections to the 270-strong Shura Council (upper house) will take place from 29 January 2012 to March 2012, while the presidential elections are scheduled for a later date in 2012.

The unexpected outcome of the elections and the rise of the Salafis was a surprise to many and an alarm for secularists, as well as Egypt's large Christian minority, which constitutes ten percent of the population. The movement, which calls for a return to the way Islam was practised during the time of the Prophet Muhammad and his companions, in the 7th Century gained ground in Egypt in the 1970s by a group of Alexandria University students. The group wants to ban bank interest, exclude women and non-Muslims from executive positions, segregate the sexes at work and revise Egypt's peace treaty with Israel. The Salafis, who want to construct a distinct identity to their party, also promised to outlaw alcohol, public displays of affection and the wearing of bikinis on beaches in Egypt where tourism is a lifeline for the economy.

The Muslim Brotherhood has tried to portray a much more moderate

image and General Guide of the group Mohammed Badie, has announced that the FJP would form a broad coalition if it won the elections. However the Salafis made it clear that they will not compromise their views to ally with the more moderate Muslim Brotherhood, after a first-round vote put the two rival groups in a position where no one has a majority. Leader of the Salafi Al-Nour party Emad Abdel Ghaffour announced that he would not play second fiddle to the Brotherhood stating that 'we hate being followers'. Al-Nour had abandoned an electoral alliance led by the FJP before the elections as they couldn't agree on quotas for candidates. FJP deputy Essam el-Erian voiced his concerns before the vote that a tie-up with the Salafis would complicate the creation of a functioning government.

Following the deadly protests in the third week of November, the head of Egypt's ruling military council Field Marshal Mohamed Hussein Tantawi accepted the resignation of Prime Minister Essam Sharaf and pledged that presidential elections would take place by July 2012. He also vowed that the military council would hand over power back to a civilian government before 1 July 2012. On 7 December 2011 a new cabinet sworn in under the leadership of interim PM Kamal al-Ganzouri and the Supreme Council of the Armed Forces delegated presidential powers to the new government while retaining the armed forces and the judiciary. In the wake of the November deadly unrest the new interior minister has pledged not to use tear gas on demonstrators.

The dynamics of alliance formation in the current Egyptian politics is complicated. Liberals support the military's attempt to protect the constitution from overzealous Islamist tendencies while the Islamists have more or less the same view with the military council on the pace of the transition. The secular liberal movement is in dilemma to choose between a democratically elected Islamist parliament, which can threaten the secular nature of the state, and the undemocratic control of power by the not democratically unelected secular

>>page 4



armed forces. The serious differences between the Islamic parties FJP and Al-Nour which together won close to two thirds of the votes in the first round of polls is another challenge to create an effective and representative government. The drafting of a new constitution is expected to be a battleground for the military, liberals and Islamists who have serious differences over what role Islam and the army should play in Egypt's future.

Geo-Political Dynamics:

Pan-African and RECs Dynamics:

The Panel of the Wise of the African Union (AU) has been one of the most visible institutions of the Union engaging in the transition process in Egypt. The Panel visited Egypt in April and May 2011 and held talks with various members of the Egyptian community. In its 11th meeting held in Zanzibar, Tanzania, from 6 to 7 December 2011 the Panel has also discussed the developments in Egypt. In a meeting chaired by Dr. Salim Ahmed Salim, former Secretary-General of the Organization of African Unity (OAU), and attended by Ambassador Ramtane Lamamra, AU Commissioner for Peace and Security the Panel exchanged views on the ongoing transitions in Egypt in light of its previous visits. The Panel commended progress made in Egypt, particularly the organization of the November 28 elections that would pave the way for the establishment of democratically-elected and accountable governments. It has also called on all stakeholders to persevere in their efforts to ensure that the expectations generated by the popular uprisings in Egypt are fulfilled. In a meeting held on 22 October 2011 the PSC has also requested the Panel to continuously monitor the developments in Egypt and provide every possible support to facilitate the completion of the transition to democracy.

At the beginning of December in a decision that affects the security landscape of the Middle East, Hamas announced the relocation of its Damascus headquarters to Cairo following the continued brutality of the Syrian regime on protests in Syria. Hamas reached the decision following strong pressure from Turkey

and Qatar, two regional allies trying to isolate Syrian President Bashar al-Assad amid an eight-month crackdown on anti-regime protests. The move is a clear shift from the Mubarak era policy where Hamas was considered a threat by the regime. The unprecedented gains by the Salafist party and the overall dominance of Islamists in the first round of Egypt's parliamentary elections and the growing relations of Egypt with Hamas worries the Israeli government and some western powers, as it might threaten Israel's peace deal with Egypt.

UN Dynamics:

In a statement dated 23 November 2011 the United Nations High Commissioner for Human Rights Navi Pillay condemned the 'clearly excessive use of force' against protesters. The High Commissioner cited reports of tear gas, rubber bullets and live ammunition being fired on demonstrators in Tahrir Square, as well as arbitrary detentions. The UN human rights chief called on Egypt's military leaders to stop operations against demonstrators and conduct an impartial investigation into the violence that has left at least 30 people dead and injured thousands more.

Pillay emphasized that the actions of the military and security forces would complicate transition to democracy and inflame the situation, resulting in huge numbers of people taking to the streets to demand their rights. Pillay said Egyptian protesters have good reason to be angry at the country's military leaders, who have been slow, and in many cases failed, to implement reform measures they had promised. The lifting of the state of emergency, the implementation of an effective monitoring system during the elections, the full eradication of torture and ill-treatment, the adoption of a comprehensive approach to transitional justice and a comprehensive reform of the security sectors, are among the key future steps identified by the fact-finding mission the United Nations High Commissioner for Human Rights sent to Egypt in April 2011.

On 29 November the UN Secretary-General Ban Ki-moon hailed the

first round of Egypt's parliamentary elections as 'an important step towards the establishment of civilian rule.' The Secretary-General congratulated the people and the authorities of Egypt for 'their determination to achieve a democratic change in their country and for their contribution to the overall democratic transformation in North Africa and the Middle East.' Ban further called on the parties to continue holding the elections in a credible and peaceful manner.

Wider International Community Dynamics

On 20 November the European Union's foreign policy Chief Catherine Ashton urged interim authorities in Egypt to halt violence against protesters and ensure a democratic transition. The statement noted that the EU was 'extremely concerned' about violent clashes and called for calm and restraint and condemn the use of violence in the strongest terms. The U.S. State Department also condemned the violence and called on the SCAF to transfer power to civilians as soon as possible.

Following big wins by Islamic parties in Egypt many are questioning the future of US-Egypt relations as the credibility of the US is low among the Islamic parties because of America's record of three decades of support for Mubarak. President Barack Obama's top officials have announced that the U.S. is ready to work with whichever parties emerge victorious admitting that Egypt's immediate support for isolating Iran and promoting Arab-Israeli peace may not continue as it was in the past. On 10 December former democratic presidential candidate Sen. John Kerry visited Cairo and met with members of Egypt's Muslim Brotherhood. The Muslim Brotherhood announced that three of its top officials attended the meeting with Kerry, who was accompanied by US Ambassador to Egypt Anne W. Patterson. Brotherhood officials vowed to respect civil rights and international treaties that have been signed in the past, possibly an attempt to allay fears that the group may try to re-examine Egypt's peace treaty with Israel.

>>page 5

On December 9 Egypt has announced a 25 million-euro grant for development projects with the European Union and World Bank. The grant will be allocated to development projects in five Upper Egyptian governorates over the next four years.

Civil Society Dynamics

The Supreme Council of the Armed Forces at different occasions challenged the legitimacy of civil society organizations who receive funding from abroad, especially from the U.S questioning if their agenda is Egyptian. The council claims that foreign funding constitutes interference in Egypt's affairs and a threat to its stability. Egypt's Ministry of Social Solidarity also announced the establishment of a committee to reassess Egypt's Associations and Foundations Law, with a focus on funding from abroad. The move was criticized by a number of civil society organizations including the April 6 Youth which condemned the SCAF's statement and announced that the campaign is directed 'to accuse the movement of treason and incite against it.' The movement said that statements by the council are 'an attempt to put an end to the demands of the revolution instead of heeding them and meeting them immediately.' Institutions like The Arab Network for Human Rights and the Cairo Institute for Human Rights Studies also voiced their serious concern on the way the SCAF treats the civil society.

In a report released in December 2011 Amnesty International criticised the US government for allowing arms shipments to Egypt despite its security forces' record of harsh crackdowns on protesters. The international group said that the shipments must be stopped until there is certainty that tear gas and other munitions, weaponry or other equipment are not linked to bloodshed on Egyptian streets. According to the report the most recent shipment for the Egyptian Ministry of Interior arrived from the United States on November 26, carrying at least seven tons of ammunition smoke, which includes chemical irritants and riot control agents such as tear gas. The US also shipped 35,793 pounds of ammunition on August and 42,035

pounds of ammunition in April.

Scenario Planning:

The situation in Egypt could take a number of courses based on the actions taken by the various parties of the crisis in the coming months; these are the possible scenarios

Scenario 1:

The peaceful and free organization of the remaining rounds of the parliamentary and presidential elections and meaningful dialogue between the various stakeholders could lead to consensus and consolidation of the democratization process in Egypt.

Scenario 2:

The continuation of mistrust and tension between the polarized parties of the Egyptian politics could lead to another unrest further damaging the economy and the security. Failure to reach on an agreement to form a unity government could raise tensions with a potential to derail the process. Such scenario could give ground for SCAF to extend its control of the state.

Scenario 3:

The exclusion of the liberal and secular elements of the Egyptian society and the under representation of minorities and women in the drafting of the new constitution and the government could widen the grievances leading to further unrest and instability. Such measures could also cause international isolation of Egypt.

Scenario 4:

An attempt by the SCAF to undermine the powers of democratically elected parliament could pose a huge threat to the transition.

Early Response Options:

Given the above scenarios the following options could be considered by the PSC to support the democratic transition in Egypt:

Option 1:

The PSC could request the AU Commission to follow the developments in Egypt closely and

undertake a fact finding mission to assess the challenges facing the transition to democracy and make recommendations on how the AU contributes in helping Egypt overcome the challenges.

Option 2:

The PSC could urge SCAF to ensure that maximum restraint is exercised in responding to protests and to institute an independent inquiry into the violence that resulted in the deaths of a number of peaceful protesters.

Option 3:

In the wake of popular uprisings in North Africa the PSC could assign a special envoy to follow up the transition to democracy in the region.

Documentation:

Relevant AU Documents:

PSC/PR/BR.(CCXCIX)
(22 October 2011) press statement on the situation in Egypt

PSC/PR/COMM.(CCLX)
(16 February 2011) Communiqué on the situation in Egypt

PSC/PR/BR.3(CLXVIII)
(23 March 2011) press statement on the situation in Egypt

>>page 6

PSC Retrospective: Reinforcing AU mechanisms on democracy, good governance and human rights in Africa

During the PSC's 275th meeting held at the level of ministers of member states of the PSC, it noted in a declaration, **PSC/MIN/BR.1(CCLXXIV)**, that the events that happened in North Africa called for the evaluation and strengthening of existing frameworks and instruments, so as to efficiently and effectively anticipate, prevent, manage, and resolve those events, as well as appropriately assist the countries concerned. To this end, the Council requested the AU Panel of the Wise to undertake a comprehensive review, including the early convening of a workshop bringing together relevant stakeholders, of the existing mechanisms relating to democratisation and governance in Africa, and making recommendations to Council.

In response to this call, the Panel of the Wise held its 4th thematic workshop under the theme, 'Strengthening Political Governance for peace, security and stability in Africa'. The workshop was held in Zanzibar, Tanzania on 5 and 6 December 2011. The workshop deliberated on the implications of the uprisings for the rest of the continent and ways for strengthening AU commitments relating to democracy, good governance, rule of law and human rights. The communiqué issued by the Panel at the end of the workshop, stated that the Panel had reviewed the initial recommendations of the workshop and agreed to deepen its reflection, through broader consultations with all stakeholders, including the Pan-African Parliament, the African Commission on Human and Peoples' Rights, the RECs, African think tanks, academic institutions and civil society organizations.

This process was prompted by the popular uprisings in North Africa, which not only revealed the limits of the AU's emerging normative and institutional frameworks, but also presented the organization with a critical dilemma. The events brought into sharp relief the tension between the AU's commitments to both human

security and state security, with the latter being expressed by the AU's preoccupation with stability, which emphasises state-centric norms rather than any commitments to democracy and human rights. As former South African President Thabo Mbeki recently observed, the North African uprisings presented Africa with a painful dilemma about how to resolve the tension. In Mbeki's words - the stark choice Africa faced was: 'Should we (have sided) with the demonstrators or with the governments they demanded should resign!'

Given the nature and speed of the events, unsurprisingly the AU was forced to improvise. While the AU expressed support for the aspirations of the peoples of these countries for freedom, democracy and better opportunities, its approach towards the governments that such people demanded should go away, was weak and lacking in resolve. The AU did not go further than condemning the indiscriminate attacks against peaceful demonstrators. The view concerning the inadequacy of the AU's response was expressed more powerfully during the ministerial meeting of the 275th session of the PSC, by Rwanda's Minister of Foreign Affairs, who said:

We are all in agreement that Africa should not condone a Head of State who holds his own people in contempt. And that we shall never tolerate a Head of State that intentionally takes lives of (his) ... own people. Despite all this, why has the African Union not responded (in a timely manner and taken) ... a leadership role to put in place practical steps to stop this? ...

[Why has the African Union, in such grave situations prevailing and (the) potential outbreak of violence in member States, not called for an extraordinary urgent conference of Heads of State and Governments for prompt deliberations and actions?]

Coming as it did from a member country of the AU, which is also a PSC member, this view suggests a level of inadequacy or perception of

inadequacy in regard to the AU's response.

It is in this context that the need for strengthening AU mechanisms relating to democracy, human rights and good governance has become critical. This need adds further impetus to the AU's renewed effort as part of its focus on 'shared values' for the implementation of its commitments to democracy, good governance and human rights as well as equitable socio-economic development. Statements that the AU leadership made in recent months give firm credence to the view that this need has now become an imperative. At the opening of the Malabo Summit on 30 June 2011, while hailing the changes in Tunisia and Egypt as a "new advance" in Africa's decades-long march towards democracy, Jean Ping, Chairperson of the AU Commission, urged all African governments to see "the popular uprisings" as an occasion to recommit themselves to the AU's democracy agenda.

With respect to the measures that North African governments took in response to the uprisings, most notably the use of force against civilians, apart from the condemnation of such acts, other measures that the AU needs to consider could range from aggressive diplomatic campaigns against regimes that suppress dissent, use violence against peaceful protestors and expressions of political opposition, *suspension of the country from participation in activities of the Organization, to imposing diplomatic sanctions, including severance of diplomatic relations and even withdrawal of diplomatic recognition*. In cases where there is a risk that grave circumstances, as envisaged under Article 4 (h) of the Constitutive Act, could occur, the AU even needs to consider deploying an intervention force.

Accordingly, as part of its current efforts to strengthen the AU's normative and policy framework to effectively respond to such

PSC Retrospective: Reinforcing AU mechanisms on democracy, good governance and human rights in Africa (continued)

events as occurred in North Africa, one measure that the AU Commission may need to explore is to elaborate credible sanctions to be attached to states' commitments to democracy and human rights, in the same way that AU sanctions can be applied against unconstitutional changes of government. In this regard, the statement by the AU Peace and Security Commissioner, Lamamra, at the 284th meeting of the PSC, is commendable. As he explained,

The AU should have the necessary capacity to enforce compliance by all Member States with all its instruments. This should be coupled with credible deterrent measures against non-compliance and violation of AU instruments and frameworks by member states.

With regard to capacity, the uprisings in North Africa show that the role that the AU plays in facilitating and ensuring the implementation

of the norms of democracy, human rights and good governance in member states is critical if such uprisings and other crisis situations are to be prevented.

Another important consideration to strengthen democracy, human rights and good governance through the activities of the AU is to calibrate its monitoring and enforcement mechanisms and capability. One consideration would be to operationalize the institutional working relationship that the PSC Protocol envisages between the PSC and AU institutions, with a core mandate on democracy, human rights and good governance.

As far as the mechanism for monitoring compliance of member states with AU commitments is concerned, the Zanzibar workshop of the Panel of the Wise took a specific decision. In this regard the

resultant communiqué stated that the Panel encouraged African civil society organizations to contribute actively to this process by generating debates and discussions at grassroots level, as well as by contributing to the monitoring of the implementation of relevant AU instruments on governance and democracy, including through the development of a compliance index that can leverage information and communications technologies, as recommended by the second High-Level AU Retreat on the promotion of peace, security and stability, held in Cairo, Egypt, from 4 to 5 September, 2011.

It is expected that the Panel of the Wise, after further consultations on the theme of the workshop, will develop its recommendations and submit them to the PSC in early 2012.

COUNTRY ANALYSIS

Somalia

Previous PSC and AU Communiqués and statements

At its 302nd meeting held on 2 December 2011, the PSC issued a communiqué, **PSC/PR/COMM(CCCII)**, on the situation in Somalia. Apart from reiterating its deep concern over the deteriorating humanitarian situation, including the expulsion of humanitarian agencies by *Al Shabaab*, the PSC requested Kenya to consider re-hatting its forces in Somalia as part of AMISOM. Recognizing the ineffectiveness of the military track alone, for achieving security and peace in Somalia, the PSC emphasised the need for joint and mutually reinforcing progress, utilising both the political and security tracks, considering that reliance on a one-track approach had failed to deliver a sustainable solution to Somalia's many peace and security problems. Anticipating the need to adjust the mandate of AMISOM and its force level in the

light of the new situation, the PSC requested the AU Commission to submit recommendations to enhance the mandate of AMISOM and to authorize increasing its strength to a level and size that would be appropriate for the consolidation of peace and security.

The PSC called on the UN Security Council to consider authorizing funding to AMISOM from that organisation's assessed budget, for required mission support, including enhanced personnel, equipment and supplies, as well as allowances for the additional troops and police units provided for in the Strategic Concept. It also reiterated its previous call on the UN Security Council to adopt a resolution that enforces measures to control access to the ports of Kismayo, Haradhere, Marka and Barawe and would impose an air exclusion or no fly zone to cut off arms supplies to *Al Shabaab*.

Crisis escalation potential

Since the withdrawal or expulsion of *Al Shabaab* from Mogadishu

following an offensive by TFG forces, supported by AMISOM, in August 2011, the city has experienced some calm, particularly in September, disturbed only by sporadic bombing attacks by *Al Shabaab* forces. Although the resulting military and territorial gain was hailed as a demonstration of increased security in Mogadishu and other liberated areas, the calm in the capital did not last. While renewed fighting between AMISOM-supported Transitional Federal Government (TFG) forces and *Al Shabaab* took place in October, the regularity and intensity of *Al Shabaab* bombing attacks in the city exponentially increased during the following two months. Between late November and mid-December, there were 17 bomb attacks in Mogadishu attributed to *Al Shabaab*. This is an indication that *Al Shabaab* is changing its tactics, resorting more and more to suicide bombings and guerilla-terrorist warfare. It is feared that *Al Shabaab* still maintains its networks in Mogadishu, which would allow it to easily undertake attacks against TFG and AMISOM forces. Clearly, despite its perceived withdrawal from Mogadishu, its capability to carry out attacks remains

>>page 8

significantly intact and the city is far from secure. Conflict has also continued unabated in south and central Somalia.

Kenya's military operation in Somalia has also continued, albeit while hampered by the rain and flooding that affected southern and central Somalia. Although Somali authorities have welcomed Kenya's military incursion into Somalia since mid October, there are risks that the intervention also compounds the security situation by exacerbating the regionalization of the conflict. While the operation caused displacement of civilians, the security around Dadaab refugee camp also seems to have deteriorated.

The challenge of humanitarian access for communities affected by both on-going conflicts and the famine has shown further deterioration in recent weeks. This is attributable to not only the fighting and local conflicts in many parts of southern and central Somalia, including Mogadishu, but also the restrictions imposed particularly by *Al Shabaab* forces. On 28 November, *Al Shabaab* 'banned' 16 aid agencies, including six UN agencies. Together with the ongoing operation that Kenyan forces are undertaking in the region and various localized conflicts, this development is certain to further threaten an already difficult humanitarian situation, depriving millions of Somalis from access to the humanitarian assistance on which many of them rely.

Key Issues and Internal Dynamics

Following the worst drought and famine in Somalia in over 60 years and the continuing offensive by TFG forces supported by AMISOM, *Al Shabaab* forces withdrew from Mogadishu in August 2011. Although this event was hailed as significant military victory for the TFG and AMISOM, it also created two risks. The first was the danger of the overspread of TFG and AMISOM forces in Mogadishu. While their force strengths remained the same, TFG and AMISOM forces were called upon to secure a territory larger than the area actually under their control. This

entailed exposure to easy attacks from *Al Shabaab* elements that continued to operate in the capital city. The second risk, in the short term, arose as a result of *Al Shabaab's* departure from Mogadishu, which also created a security vacuum. It was reported that Somali warlords sought to take advantage of the situation by deploying their militias in areas that *Al Shabaab* had abandoned. In this regard the report of the AU Commission Chairperson, submitted to the PSC in September 2011, indicated that the militias had started operating illegal checkpoints to extort money from travellers and even disrupt the delivery of aid or to mount attacks against TFG and AMISOM forces attempting to extend the authority of the Government.

As much as it presents an opportunity for the first time in over 20 years to have Mogadishu under the full control of the Somali government, the elimination of *Al Shabaab* from Mogadishu does not immediately translate into effective stabilization and security of the city. Although *Al Shabaab* does not control territory in Mogadishu, its capability to carry out attacks against the TFG and AMISOM remains significant.

First, the terrorist group controls key territories in some of the surroundings of Mogadishu. It still holds most of the Afgoi corridor, to the southwest of Mogadishu, and the K50 airfield near the capital. *Al Shabaab* has maintained the capability to launch an offensive against the TFG from Afgoi, and could conceivably also move forces into the city from the northwest, out of the Middle Shabelle region. Its established networks in Mogadishu may also be largely operational.

Second, *Al Shabaab* claims its withdrawal from Mogadishu marks a transition from more conventional battles to guerilla style operations. In a press statement released on 15 August 2011, *Al Shabaab* stated that 'this change in military tactics, as well as the increased mobility of the *Mujahideen's* forces in all of Mogadishu's districts, will provide them with the ability to inflict maximum damage to the frustrated AMISOM and TFG troops whilst greatly minimizing the losses on the

side of the *Mujahideen*.'

Indeed, *Al Shabaab* has employed increasing use of grenades, Improvised Explosive Devices (IEDs) and other weapons and forms of attacks, including suicide bombings. In August, over 20 incidents involving grenade and IEDs attacks were registered in Mogadishu and surrounding areas. Although Mogadishu experienced relative calm in September, albeit in the midst of a few sporadic attacks, the regularity and intensity of subsequent attacks in the city have increased.

On 4 October 2011, *Al Shabaab* carried out its single bloodiest attack in Mogadishu near the ministry of Education. In the attack, a suicide bomber detonated an explosives-laden truck, killing at least 82 people and wounding many more. Although similar levels of casualties are not common, this is an example of how deadly *Al Shabaab's* new terrorist tactics can be.

On 10 October 2011, AMISOM announced that it had full control of the capital, Mogadishu, for the first time since its deployment in 2007. The commander of the force, General Fred Mugisha, said that the mission would be extending its operation to the central and southern areas of Somalia, including the city.

Notwithstanding this development, the regularity of attacks in the capital has increased. The number of explosives and unexploded bombs that have been defused has shown a sharp increase compared to any previous year. The number of suicide bombs has also been on the increase. Between late November and mid-December, there were 17 bomb attacks in Mogadishu attributed to *Al Shabaab*. In one of several recent incidents, on 6 December 2011 a motorist who was stopped by police detonated a bomb killing at least three people and wounding four others.

Al Shabaab's adoption of terrorist methods perfected particularly in Iraq and Afghanistan makes it more difficult for TFG and AMISOM

>>page 9

forces to defeat Al Shabaab. This reveals the inadequacy of a strategy that relies heavily on a single track military approach for achieving peace in Somalia.

Conflict also continued in other parts of southern and central Somalia. In these areas Al Shabaab is facing increasing military pressure both from TFG and TFG allied forces on the one hand and the Kenyan army on the other. Kenyan military in collaboration with TFG forces has continued to undertake ground and air attacks on suspected Al Shabaab targets. On 31 October 2011, the prime ministers of both countries issued a communiqué stating that Kenya's military operation was being carried out with the support of and in close coordination with the TFG and under the leadership of TFG forces. Increasing its operation in Somalia, on 18 November 2011, an estimated 400 Kenyan troops, supported by helicopters and light aircraft, arrived at the Kenyan town of Liboi on the Somali border. A local Kenyan official reported that the troops would advance toward Afmadow.

Although Kenya's incursion into Somalia is allegedly in response to a spate of kidnappings from Kenya by groups based in Somalia and to establish a buffer zone along its border with Somalia, Kenyan officials stated that their objective includes defeating Al Shabaab. The challenge for any such objective is not just whether it can be realized. Even if Kenyan forces together with AMISOM succeed in defeating Al Shabaab, this does not immediately translate into stability and peace. First, a military track alone is not adequate for achieving peace and stability in any conflict situation, let alone Somalia's. Second, it is imperative that there exists an effective and well-organized Somali authority capable of filling the security and administrative vacuum that the defeat of Al Shabaab would result in. It is doubtful that the TFG has achieved such level of organization and capability.

Following the request from IGAD and AU for Kenya to bring its forces under AMISOM command, on 7 December 2011 Kenya's cabinet and parliament approved the move

for Kenyan forces to join AMISOM. While offering Kenya a suitable exist strategy, this move is also expected to bolster the force strength and capability of AMISOM. For the re-hatting of the Kenyan troops into AMISOM to happen smoothly, it is however necessary that the UN Security Council (UNSC) authorizes an increase in the force strength of AMISOM and the provision of the required logistical and financial support.

The humanitarian situation in Somalia showed no improvement. The severe drought in the country and the famine that affected significant parts of the country compounded the already dire humanitarian situation. The situation left millions of Somalis in desperate need of emergency food aid under conditions of limited humanitarian access particularly in the territories under the control of Al Shabaab. Hundreds of thousands of Somalis were either internally displaced or fled to refugee camps in Kenya or Ethiopia.

Al Shabaab's withdrawal from Mogadishu and its earlier decision allowing humanitarian agencies to operate in areas under its control led to an increase in the humanitarian space. Even then humanitarian access remained to be difficult. The small opening of the humanitarian space did not last long. On 28 November, Al Shabaab imposed a ban and seized property belonging to 16 aid agencies, including six UN agencies operating in southern and central Somalia on allegations of inciting the local population against the Islamic Sharia system. In the aftermath of Kenya's incursion into Somalia, Dadaab refugee camp experienced security challenges involving kidnappings and bomb attacks. This is also affecting humanitarian access.

On the political front, many put emphasis on the recently signed UN brokered road map on the conclusion of the transitional period. The road map signed on 6 September 2011 by major Somali actors including members of the Transitional Federal Institutions, Puntland and Galmudug administrations and Ahlu Sunna wal Jama'a identified four priority areas

for action: security; constitution; political outreach and reconciliation; and good governance. As part of the road map, those who signed the road map agreed to a number of principles. These included Somali ownership of the implementation process under the leadership of the TFG; inclusivity involving the participation of the TFG, the TFP, Puntland, Galmudug, Ahlu Sunna wal Jama'a and civil society; a Resource Mobilization Plan with milestones to be agreed within three weeks; and continuous monitoring of the roadmap with appropriate measures to ensure compliance with the benchmarks and timelines agreed in the Kampala Accord.

For each of the four priority areas, key tasks and implementation timeline have been established. With respect to security, it was envisaged that the National Security and Stabilization Plan would be revised and adopted by 19th October 2011. Regarding the constitution, following the appointment of a Committee of Experts, it was envisioned that a High Level Consultative Meeting before 19th October would discuss the process of federation through development of State Governments and Regional and District administrations. Consultations with stakeholders are to lead to amendment of the Transitional Federal Charter by 19th December; and a Stakeholders report on Federalism and a Decentralized System of Administration, and on the resolution of contentious issues, is due by the end of the year. A draft constitution is to be published by 20th January 2012, and a Final Draft Constitution produced by 18th May. The draft is to be adopted by 1st July. A Constitutional Referendum will follow this.

Although some of the timelines in the roadmap have not been met, some progress is being made in the implementation of the roadmap. The Committee of Experts for the Constitution was appointed on 23rd September. As we were preparing to Press during the second week of December, the Committee was reportedly in the process of preparing for the National Consultative Constitutional Conference scheduled to take place in mid December in Garowe, Puntland. The Joint Committee

>>page 10

to prepare for the adoption of the Draft Constitution and for recommendations on the reform of the Federal Parliament was appointed on 20th November.

With respect to security, an important development concerns the finalisation of the National Security and Stabilisation Plan. The National Security and Stabilization Plan 2011-2014 (NSSP) has been drafted and finalized with input from the regional stakeholders and was debated and approved by the Council of Ministers at an emergency meeting on 26th October and then submitted to Parliament. In terms of political outreach and reconciliation, the initiatives undertaken include the successful conclusion of the consultative conference on the roadmap in September, a TFG mission undertaken to Puntland and Galmudug and to ASWJ areas in October 2011, and the civil society organizations consultative meeting on the roadmap held at the end of November 2011.

As for the governance pillar, apart from the arrest and prosecution of two Mogadishu district commissioners in October for diversion of aid, on 17th November, the Select Cabinet Committee on Anti-Corruption reported back to the Council of Ministers on a proposed legislative framework, recommending the reactivation of Law No.10 of 1968 to re-establish the Bureau for Investigation of Corruption. This will now update the relevant laws within 60 days, and in the meantime Interim Commissioners have been nominated and are in the process of being vetted.

While the above show some progress, there are concerns over the pace of implementation of the roadmap in accordance with the timeline originally set. Indeed, concerns are being expressed even about the risk of derailing of the roadmap. While members of the UNSC show growing concern about the pace of progress in the implementation of the roadmap, on 5 December Special Representative of the Secretary-General to Somalia, Ambassador Mahiga, warned

against attempts to undermine the roadmap.

There are at least two issues that face the implementation of the roadmap. First, the tasks to be accomplished and the timeline for accomplishing them do not seem to match. Second, it is not clear if the relevant Somali stakeholders have the requisite political will, unity of purpose and leadership to implement the commitments in the roadmap.

Geo-political dynamics

Pan-African and REC dynamics

As at October 2011, the deployment of AMISOM personnel reached 9,595 comprising 5 battalions and a fire support unit from Burundi, and 5 battalions, with a support unit and marine elements, from Uganda. In terms of additional deployments, Uganda and Burundi have pledged an additional 2,000 and 1,000 troops, respectively. When the deployment of these additional troops materializes, AMISOM will achieve its full mandated force strength. Other countries have also pledged to contribute troops to AMISOM. Djibouti has formally confirmed its commitment to deploy a battalion of 850 troops and 100 trainers and interpreters.

To cater for the new developments in the security situation of Somalia most notably the departure of Al Shabaab from Mogadishu, the AU made further revisions to the revised concept of operations (CONOPS) of AMISOM that the PSC endorsed at its 245th meeting. The newly revised CONOPS envisaged three phases for enhancing AMISOM's operations.

The first phase focuses on meeting the UN mandated force strength of 12,000 troops. The Deputy Special Representative of the Chairperson of the African Union Commission (DSCRCC) for Somalia, Wafula Wamunyinyi, said that AMISOM would increase the number of its troops by an additional 3,000 before the end of 2011. Achieving the full mandated strength of AMISOM is said to be key for the UNSC to consider an AU request for increasing the mandated force strength of AMISOM.

The second phase envisages the expansion of AMISOM's force

strength by additional 8,000 troops as envisaged in the first CONOPS. The idea of this is to expand AMISOM's area of operation gradually to other areas of Somalia, in particular those controlled by groups allied to the TFG, with the intention to concurrently deploy 4,000 troops in Sector 1 and the remaining 4,000 in Sectors 3 and 4. It is also anticipated that as part of this phase Formed Police Units (FPUs) will be deployed to bolster the maintenance of law and order in Mogadishu.

To start implementation of this second phase, the AU requested for an increase to the current mandated force strength of AMISOM. In the communiqué it issued at its 302 meeting held on 2 December, the PSC urged the UNSC 'to review and consider thoroughly the need to adjust the mandated troop levels of AMISOM, as contained in paragraph 5 of resolution 2010 (2011), to accordingly authorize the revision and expansion of the United Nations support package mandated by resolutions 1863 (2009), 1964 (2010) and 2010 (2011), to cater, from United Nations assessed contributions, for the requirements contained in the Strategic Concept, including the provision of force enablers and multipliers, the deployment of AMISOM vessel protection detachments to protect UNSOA supply ships and contribute to the implementation of a comprehensive strategy to fight piracy, reimbursement for troop allowances and contingent-owned equipment and the deployment of Formed Police Units (FPUs), as well as the integration of Kenyan troops into AMISOM.'

Clearly, for this phase to be smoothly and effectively implemented it is a pre requisite that the AU manages to raise the additional forces. This requires not only realizing Sierra Leone's pledge for deploying a battalion of 850 troops and that of the Republic of Guinea for another battalion but also to raise the remainder of the required additional troops. There is a further need for additional capabilities, including air and maritime capabilities and other force enablers, especially combat engineering capabilities, medical equipment, self-sustenance, and enhanced information-gathering capabilities.

>>page 11

UN Dynamics

Finally, the third phase envisages the creation of conditions for the deployment of a UN peacekeeping operation, to take over AMISOM and assist in the long-term reconstruction and stabilisation of Somalia. The proposed timeline for this is 12 to 24 months.

On 25 November 2011, the IGAD Assembly of Heads of State and Government held its 19th extraordinary session. Unsurprisingly, the communiqué the Assembly issued welcomed what it called 'the joint security operation by Kenya Defense Forces (KDF) and TFG forces in pursuit of *Al Shabaab* in South and Central Somalia'. Most notably, the communiqué called on the Ethiopian Government to support the Kenyan- TFG and AMISOM operation. Ethiopia's possible return to Somalia to battle *Al Shabaab* has since been discussed both in the country and within the region.

According to information from Ethiopian Ministry of Foreign Affairs, any troops that do participate in operations at the request of IGAD, AMISOM or the TFG will only be involved for short periods to support TFG forces or assist other Somali forces fighting *Al Shabaab*. Reinforcing this, on Monday 28 November, Somalia's President Sheikh Sharif told the public in Mogadishu that 'Ethiopian officials have been telling us in every meeting we have had that they do not want to send their troops to Somalia, but that they want to strengthen relations and cooperate in the fight against *Al Shabaab*'. According to him, the role that Ethiopia is playing would be to strengthen its border security and to support Somali government forces.

In the meantime, there have been recurring news reports that Ethiopian troops have already entered into Somalia. Without denying these reports, recent information from the Ethiopian Ministry of Foreign Affairs rejected the reports as greatly exaggerated. It stated that 'there have been, as in the past, some reconnaissance missions in border areas.'

On Monday, December 5 the UNSC passed Resolution 2023 by a vote of 13 in favour to none against, with 2 abstentions (China, Russian Federation) further tightening its sanctions on Eritrea. The UNSC expressed its strong condemnation of 'any acts by Eritrea that undermine peace, security and stability in the region'. Determining that 'Eritrea's failure to fully comply with resolutions 1844 (2008), 1862 (2009) and 1907 (2009) and its actions undermining peace and reconciliation in Somalia and the Horn of Africa region, as well as the dispute between Djibouti and Eritrea constitute a threat to international peace and security', the UNSC condemned 'the violations by Eritrea of Security Council resolutions 1907 (2009), 1862 (2009) and 1844 (2008) by providing continued support to armed opposition groups, including *Al Shabaab*, engaged in undermining peace and reconciliation in Somalia and the region.' It also demanded Eritrea 'to cease all direct or indirect efforts to destabilize States, including through financial, military, intelligence and non-military assistance, such as the provision of training camps and other similar facilities for armed groups, passports, living expenses, or travel facilitation'.

Resolution 2023 also condemns the Eritrean government's use of a "Diaspora tax" levied on individuals of Eritrean descent living overseas to destabilize the Horn of Africa region or violate relevant resolutions. It further decided that 'Eritrea shall cease using extortion, threats of violence, fraud and other illicit means to collect taxes outside of Eritrea from its nationals or other individuals of Eritrean descent,' and that 'States shall undertake appropriate measures to hold accountable, consistent with international law, those individuals on their territory who are acting, officially or unofficially, on behalf of the Eritrean Government or the PFDJ contrary to the prohibitions imposed in this paragraph and the laws of the States concerned.'

Expressing concern at the potential use of the Eritrean mining sector as a financial source to destabilize the Horn of Africa region, the resolution decided that 'States, in order to prevent funds derived from the

mining sector of Eritrea contributing to violations of resolutions 1844 (2008), 1862 (2009), 1907 (2009) or this resolution, shall undertake appropriate measures to promote the exercise of vigilance by their nationals, persons subject to their jurisdiction and firms incorporated in their territory or subject to their jurisdiction that are doing business in this sector in Eritrea.' To this end, the resolution urged all states to introduce due diligence guidelines to prevent the provision of financial services, which would contribute to Eritrea's violation of relevant Security Council resolutions.

On Friday December 9, U.N .Secretary General Ban Ki-Moon made a historic surprise visit to Mogadishu. The visit is the first to Mogadishu by a UN Secretary-General in nearly two decades and the first by both a UN Secretary General and President of the UN General Assembly. Underscoring the improved security and the need for closely monitoring the TFG, the Secretary-General announced during his visit that the UN Political Office for Somalia will relocate to Mogadishu from Nairobi, Kenya in January. He told the press that he stressed to the TFG the importance of seizing the opportunity the current situation has offered. He also underscored the need to move quickly in implementing the roadmap to meet the deadline of August 2012 and stated that further extension of the transitional period is untenable.

To contribute to the new momentum for strengthening the security and humanitarian situation in Somalia and to respond to the request of the PSC, it is anticipated that the UNSC would consider the situation in Somalia. The outcome of this would include a revision of the mandate of AMISOM, increasing its mandated force strength to 20,000 and an increase in the provision of the necessary additional financial and logistical support.

Wider international community dynamics

On 5 December 2011, the European Commission decided to provide a further €50 million to the African Union Mission in Somalia (AMISOM), which brings

>>page 12

the EU contribution to a total of €258 million since 2007. Catherine Ashton, EU High Representative for Foreign Affairs and Security Policy and European Commission Vice-President, stated that 'The EU is working with the African Union to bring to an end to the crisis in Somalia. This support to AMISOM is part of the comprehensive approach we have developed in support to the Horn of Africa, in terms of security and the fight against piracy, development assistance and humanitarian aid.'

Earlier, on 14 November, the Council of the European Union adopted a new Strategic Framework for EU engagement in the Horn of Africa, covering the countries belonging to IGAD. The framework envisages that the EU will work specifically in the following areas: democratic and accountable state structures; peace, security, conflict prevention and resolution; mitigation of the effects of insecurity; poverty reduction, economic growth and prosperity; and regional cooperation. It is believed that the framework will enable the EU to cooperate with and support both regional efforts, through IGAD and the AU, and national efforts to achieve lasting peace, security and justice and good governance.

It is anticipated that the EU High Representative will appoint a EU Special Representative (EUSR) for the Horn of Africa, whose work will initially focus on Somalia and the regional dimension of the conflict and piracy. The appointment is also expected to allow the development of action plans to support implementation of the Strategic Framework.

Despite the rise in *Al Shabaab's* attacks, the fall of Mogadishu under the full control of the TFG and AMISOM forces has created a new momentum for enhanced international engagement in Somalia. On 13 October 2011, the Italian foreign Minister, Alfredo Mantica, said that Italy would open its embassy in Mogadishu by the end of 2011. The Minister said the move would take place in coordination with the European Union.

The response to the humanitarian crisis has also continued, despite increasing difficulties in regard to humanitarian access. Early in December, Sweden pledged an additional US\$10 million contribution to the Horn of Africa crisis.

Scenario Planning:

Given the above analysis and depending on the actions of major actors, the following are possible scenarios:

Scenario 1:

TFG forces supported by AMISOM and Kenyan troops will consolidate their control over Mogadishu and increase the pressure on *Al Shabaab* to gain further territories in southern and central Somalia.

Scenario 2:

The prevailing security conditions persist. *Al Shabaab* would continue with its guerilla style attacks, using suicide bombers, improvised explosive devices (IEDs) and grenades, while TFG and AMISOM would struggle to hold on to the territories abandoned by *Al Shabaab*. Unless humanitarian agencies succeed in negotiating with *Al Shabaab* for delivery of humanitarian assistance, the recent 'ban' on 16 humanitarian organizations would further undermine the already precarious access to humanitarian aid and worsen the humanitarian crisis considerably.

Scenario 3:

With the slow delivery of the necessary reinforcement and additional capabilities required by AMISOM and the lack of adequate progress in the implementation of the roadmap, new divisions and sources of insecurity could emerge, thereby undermining gains made in recent months.

Early Response Options

In response to new developments, the PSC could consider any of the following policy options or a combination of them:

Option 1:

The PSC could call on AU partners to support AMISOM in reinforcing its information gathering and bomb-disposal capabilities to detect, defuse and protect itself from the rising spate of suicide bombings and IEDs in Mogadishu.

Options 2:

The PSC could call on those AU member states who pledged troops to AMISOM to quickly make their capabilities available to AMISOM and enable the latter achieve the force level required to increase and secure its area of operations. The PSC could also call on the AU Commission to reinforce and expand AMISOM's strategic management capability to enable it to effectively manage the imminent increase in the number and diversity of AMISOM personnel and troop contributing countries (TCCs).

Options 3:

The PSC could call on the TFG and all relevant Somali actors to maintain a sense of common purpose and ensure that the roadmap for ending the transitional period is implemented in a way that prevents any reversal of the gains achieved. This would also require that the TFG establishes district administrations in the newly liberated areas in Mogadishu and makes the necessary plans for establishing such administrations in other parts of Somalia.

Option 4:

The PSC could reiterate its condemnation against the 'ban' by *Al Shabaab* on humanitarian organizations from operating in the territories under its control and urge the humanitarian community to continue their life saving operations through negotiations and the use of local partners.



Documentation:

Relevant AU Documents:

PSC/PR/COMM (CCCII)

(2 December 2011),
Communiqué on the
situation in Somalia

Press Release (4 October,
2011) The Chairperson of the
Commission of the African Union
Strongly condemns today's
terrorist attack in Mogadishu

PSC/PR/COMM (CCXCIII)

(13 September 2011)

Communiqué on the
situation in Somalia

PSC/PR/2(CCXCIII)

(13 September 2011) Report of the
Chairperson of the Commission
on the situation in Somalia

PSC/PR/2(CCLXXXIX)

(16 August 2011) Communiqué on
the situation in Somalia

RECs Documents:

Communiqué of the 19th Extra-
ordinary Session of the IGAD
Assembly of Heads of State and
Government (25 November
2011)

UN Documents

S/RES/2023, UNSC resolution
reinforcing the sanctions regime
against Eritrea

PSC Retrospective: The Military Staff Committee of the African Union

At its 17th meeting held on 20 October 2004 **PSC/PR/Comm. (XVII)**, the PSC discussed the situation in Sudan and requested the Commission to prepare and submit a comprehensive plan on ways to enhance the African Mission in the Sudan (AMIS), including the possibility of transforming the Mission into a full-fledged peacekeeping mission. The Council also endorsed the proposals [**PSC/ MSC/2(I)**] by the first meeting of the AU Military Staff Committee (MSC) held in Addis Ababa on 18-19 October 2004 at the level of Chiefs of Defense Staff, on the Enhancement of the African Mission in the Sudan..

The MSC also featured on the agenda of the PSC at its 166th meeting **PSC/PR/BR(CLXVI)**, held on 16 January 2009, where the Council was briefed by the Commission on the progress made in the operationalisation of the African Standby Force (ASF) within the framework of Article 13 of the Protocol Relating to the Establishment of the Peace and Security Council. The Council urged its Members to send their representatives at the appropriate level to participate in the Military Staff Committee (MSC).

The progress and success in efforts towards the establishment of APSA have been mixed. Past years have witnessed the operationalisation of the Continental Early Warning

System (CEWS), the establishment of the regional brigades, which are the foundations for the African Standby Force (ASF), and the establishment of procedures and engagement in various peace and security issues of the Panel of the Wise (POW). The Military Staff Committee (MSC) and the Peace Fund also came into being. Forming the basis of the AU security architecture, the PSC relies on the availability and quality of information, expertise, wisdom and power of the various components of APSA. The political decisions and recommendations by the Council cannot be relevant without proper support at the conflict prevention, management and intervention levels.

The MSC of the AU, which is based on the same structure as that of the United Nations, is one of the vital mechanisms of the continental security architecture. The MSC was established under article 13, sub-sections 13.8 to 13.11 of the PSC Protocol, to advise and assist the PSC on issues of military and security requirements for the promotion and maintenance of peace and security in Africa. According to the relevant protocol, the MSC shall be composed of senior military officers of the PSC member states. It can also meet at the level of Chiefs of Defence Staff to discuss questions relating to military and security requirements and to submit recommendations to the Chairperson of the Commission on how to enhance Africa's peace support capacities.

The PSC protocol of 2002 does not detail the mandate and activities of the MSC. The MSC is mandated to advise and assist the PSC on military and security issues to ensure that policies and actions in the fields of conflict prevention, management and resolution are consistent with sub-regional mechanisms. The role of the MSC also extends to supporting efforts in early warning, conflict prevention, peacemaking, peacekeeping and post-conflict peace building. The policy framework for the establishment of the ASF and the MSC which was adopted on 15-16 May 2003 in Addis Ababa also urged strong working relations between the Council and the Committee and that states which were members of the Committee should be informed of all PSC meetings, together with the Council members, in order to facilitate their own deliberations, consultations, and advice, prior to meetings of the PSC. However, such engagements have rarely been translated into action because of the underperformance of the MSC, mainly due to its understaffing.

The AU PSC Protocol framework also states that the MSC should convene as often as required, prior to all meetings of the PSC at the level of the Senior Military Officers. They should also attend meetings of the Council to offer any necessary clarifications and advice when invited to do so.

>>page 14

PSC Retrospective: The Military Staff Committee of the African Union (continued)

The MSC should also convene normally once a year at the level of Chiefs of Defence Staff. This seems to be going well.

The PSC Protocol of the AU proposes that once a country becomes a member of the PSC, it is expected to have a Defence Attaché (DA) attached to the AU. This objective is yet to be achieved fully, as some PSC members do not have DAs on the ground that are able to share military expertise with their ambassadors during PSC meetings. In fact, only six out of 15 PSC member states contributed DAs in 2004; nine out of 15 in 2007; and, again, nine DAs served in the PSC's new April 2010 composition. Some defaulting PSC member states complain of a paucity of funds to maintain such a defence section within their respective embassies. This could be the reason why the Embassy of Côte d'Ivoire closed its defence section in 2009.

In many previous MSC meetings, attendance has been below fifty percent, as only around seven or eight members of the supposed fifteen member-Committee was usually present. This matter was one of the issues discussed at the retreat of the PSC in Dakar, Senegal, on 5 - 6 July 2007. The document which emerged at the conclusion of the retreat emphasised in its section on the MSC that the Council members, according to the PSC Protocol, should ensure that they are represented in the MSC by a Military Officer, either a Defense Attaché or a Special Representative, during the period of their tenure as PSC Members. The outcome of the retreat also emphasized that the PSC should, as much as possible, obtain the input of the MSC when considering issues on pre-deployment or deployment of troops and major military equipment to field missions in accordance with the provisions of the Protocol. Unfortunately, this requirement fell on deaf ears as the issue of staffing the MSC again dominated the PSC agenda its 166th meeting on

16 January 2009, in which the PSC again urged its members to delegate their appropriate representatives to serve in the MSC.

The working relationship between the PSC and the MSC is not nearly what it should be and the anticipated two-way flow and exchange of information and expertise is minimal.

The major challenge of the MSC that needs to be overcome in order for it to perform its functions properly and ensure its support for the PSC is the inadequate representation of PSC member states in the MSC.

Important Forthcoming Dates

8 January: Anniversary of the 100 year foundation of the African National Congress

10 to 13 January: The European African Alliance Conference, Berlin, Germany

23 to 30 January: African Union Summit on 'Boosting Inter-African Trade'

Country	Election	Date
Egypt	Shura Council	29 January
DRC	Provincial Assemblies	25 February
Senegal	Presidential and National Assembly	26 February

Contributors to this Volume:

ISS PSC Report Programme, Dr. Solomon Ayele Dersso, Mr. Hallelujah Lulie and Mr Abebe Aynate

Donors:

This Report is published through the support of the Ministry of Foreign Affairs of the Federal Republic of Germany and the Humanity United Foundation. In addition, the Institute for Security Studies receives core support from the Governments of the Netherlands, Norway, Sweden and Denmark.

As a leading African human security research institution, the Institute for Security Studies (ISS) works towards a stable and peaceful Africa characterised by sustainable development, human rights, the rule of law, democracy and collaborative security and gender mainstreaming.

© 2011, Institute for Security Studies

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

Contact

Programme Head
Peace and Security Council Report Programme
Institute for Security Studies
P.O. Box 2329
Addis Ababa, Ethiopia

Tel: +251-11-515 6320/24/67/98
Fax: +251-11-515 6449
Email: addisababa@issafrica.org

website: www.issafrica.org

