

Peace and Security Council Report

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Current members of the Peace and Security Council: Angola, Cameroon, Congo, Côte d'Ivoire, Djibouti, Egypt, Equatorial Guinea, the Gambia, Guinea, Kenya, Lesotho, Libya, Nigeria, Tanzania and Zimbabwe

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 July 2012

During July the Egyptian elections and their aftermath, developments in the relationship between Sudan and South Sudan and developments in Sudan, events in Somalia, Mali, Libya, Guinea

Bissau, the Democratic Republic of Congo and Madagascar are among early warning and ongoing issues that require close attention.

► Current PSC Chair

Bio data: H.E. Mr. Georges Aboua
Current posts: Côte d'Ivoire's Ambassador to Ethiopia, Permanent Representative to the AU and Chair of the PSCC

Democratic Republic of Congo

The resurgent insecurity in the East of the DRC since April 2012 has already resulted in the displacement of an estimated 100000 citizens, the realignment and repositioning of negative forces, attacks on civilians and peace keepers from the United Nations Organisation Stabilisation Mission in the Democratic Republic of Congo (MONUSCO), civilian and fighter casualties and deteriorating bilateral relations between the DRC and Rwanda.

The main actors in the on-going insecurity situation in Eastern DRC are FARDC and ex-CNDP deserters from FARDC as well as their supporters, now operating under the banner of M23. FARDC troops have the support of MONUSCO whose key mandate

includes civilian protection, support of military operations and security sector reform. The backing of M23 by other armed groups, such as elements from the Mayi Mayi Cheka, has been reported by the media, alongside allegations by MONUSCO and Human Rights Watch about the involvement of Rwanda. Although FARDC has put up a spirited fight against M23 thus far, the ripple effect of insecurity created by the M23 movement has triggered further emerging insecurity dynamics, which will present new challenges for FARDC in responding to realignment, repositioning and restructuring of these negative forces. While FARDC is fighting M23, armed groups in the region could take advantage to launch attacks in new

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.

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areas that they wish to control, making it difficult for FARDC to sufficiently respond to all emerging security threats.

Egypt

The political/ideological divisions that the popular uprising unleashed have been deepening. Recent judicial and political developments have also further exacerbated the situation. Many Egyptians expressed disillusion and disappointment following the court judgement in the trial of Hosni Mubarak, inviting questions about the impartiality and credibility of the judiciary.

The manipulation of the transitional process by the Supreme Council of the Armed Forces (SCAF), the body that took over power from Mubarak, has undermined the verdict of the electorate and intensified the anger and frustration of the public. The apparent determination of SCAF to ensure that it remains in ultimate control is also exacerbating the volatility of the political and security situation.

Whichever candidate became the president, he could not have escaped daunting political challenges. While a Morsi presidency is now likely to be frustrated by a lack of cooperation from the military and other institutions from the old regime, a Shafiq presidency could have become the spark that ignited a political fire in Egypt.

Following a recent court ruling, the SCAF announced that it would exercise

legislative power until new parliamentary elections could be held under a new constitution yet to be drafted and adopted.

Although it is one of the most important issues in post-Mubarak Egypt, the constitution-making process has been accompanied by a great deal of uncertainty and controversy. The constitutional declarations issued by SCAF lack clarity regarding the timeline

and process for constitution making. Article 60 of the declaration simply stipulates that the parliament, at the invitation of the SCAF, will elect a 100-person constituent assembly to draft the constitution within six months, followed by a public referendum. It does not say much about the intended composition of the constituent assembly.

Country Analysis

DEMOCRATIC REPUBLIC OF CONGO

Previous PSC and AU communiqués

In a meeting on 21 June 2012, the Peace and Security Council (PSC) discussed the situation in the North Kivu province of the Democratic Republic of Congo (DRC) and the council condemned the violence by armed groups, calling for the immediate cessation of violent attacks and the reintegration of deserters into the Congolese army.

Crisis escalation potential

The resurgent insecurity in the east of the DRC since April 2012 has already resulted in the displacement of an estimated 100 000 citizens, the realignment and repositioning of negative forces, attacks on civilians and peacekeepers from the United Nations Organisation Stabilisation Mission in the Democratic Republic of Congo (MONUSCO), civilian and fighter casualties and deteriorating bilateral relations between the DRC and Rwanda.

A series of recent events has led to the current situation. Following the 2011 presidential and legislative elections, local and international observers expressed doubt regarding the credibility of the electoral process and the resultant outcome. On 14 March 2012 the International Criminal Court (ICC) indicted Thomas Lubanga (co-accused with Bosco Ntaganda) for his role in recruiting child soldiers during the war. Despite a similar ICC arrest warrant, Ntaganda had been in

the east of the DRC due to his role in bringing the National Congress for the Defence of the People (CNDP) (*Congrès national pour la défense du peuple*) to the negotiating table in 2009. On 23 March 2009, the CNDP signed an agreement to cease hostilities and integrate its troops into national security forces and work jointly with the government towards reconciliation. Based on this agreement, the CNDP subsequently integrated into FARDC (*Forces Armées de la République du Congo*) and assumed key military positions in the eastern part of the country, maintaining their own parallel structures of command with the army. On 1 April 2012 a spate of desertions by ex-CNDP soldiers took place due to service terms and security concerns related to Ntaganda in the light of Lubanga's indictment. In response to these desertions, Kabila's government redeployed more troops to the eastern DRC, suspended key army operations and sought to reorganise the army command with the possible redeployment of ex-CNDP elements outside of the eastern DRC. Kabila also called for the arrest of Ntaganda based on the ICC warrant, but with the intention of trying him in the DRC. These desertions have culminated in a new rebel movement referred to as M23 in reference to the 23 March 2009 agreement between the DRC government and the then CNDP. The M23 mutineers appeared, at first, to be motivated by the unsatisfactory implementation of the March 23 agreement, yet the timing of the mutiny indicates a variety of causes, including Ntaganda's changed security status in the DRC and the potential redeployment of ex-CNDP from their base in the eastern DRC.

Subsequently, the security situation in the east has worsened with three

immediate major impacts. First, there is the obvious humanitarian crisis deriving from the displacement of a large segment of the population, possibly 100 000. The Office of the UN Human Rights Commissioner for Refugees (UNHCR) estimates that many of these refugees have fled to Rwanda and Uganda, where they will confront many of the challenges that accompany forced displacement.

Second, there have been emerging alliances and renewed attacks to gain new territory by other negative forces. For example, on 27 April 2012, Mayi Mayi Cheka elements, fighting alongside ex-CNDP deserters, attacked FARDC positions in Masisi, prompting FARDC to redeploy troops for recovery. Meanwhile, following an attack on a village in South Kivu by the Democratic Forces for the Liberation of Rwanda (FDLR) that killed six people, there was an angry protest against MONUSCO for its failure to protect civilians, which resulted in 11 peacekeepers being injured. Given the suspension of key army operations targeting FDLR and other negative forces and with the renewed fighting between FARDC and M23, these negative forces will likely take further advantage of the ensuing security hiatus to advance their control of key areas in the Kivus.

A third impact has been a thawing of the bilateral relations between the DRC and Rwanda with blame and denial regarding allegations recently appearing in official reports by MONUSCO and Human Rights Watch (HRW) about the involvement of Rwanda in the DRC's evolving insecurity situation. Some of the claims in these reports refer to allegations by fleeing M23 rebels that they were recruited and trained in Rwanda before deployment to join M23, and reported sightings of

Ntaganda in a meeting with a Rwandan military officer in Kingi, Rwanda. The DRC government responded with estimates that 200-300 of the M23 rebels had been trained in Rwanda, prompting Rwanda to categorically deny these allegations. Relations between the two governments, which had improved in recent years, now face the threat of descending into hostility, which will be an obstacle for both countries, given their enmeshed security challenges.

Outstanding issues in this conflict remain about the fate of Ntaganda and the sustainability of the DRC's military command structures and troop deployment in the east, particularly in regard to past agreements over integration and the repositioning and realignment of armed groups fomenting renewed threats to security. The negative and disruptive impact of external actors on security in the eastern DRC is an additional concern. Consequently, there is an enduring need to secure the eastern region of the DRC.

Key issues and internal dynamics

The main actors in the on-going insecurity situation in eastern DRC are FARDC and ex-CNDP deserters from FARDC as well as their supporters, now operating under the banner of M23. FARDC troops have the support of MONUSCO, whose key mandate includes civilian protection, support of military operations and security sector reform. The backing of M23 by other armed groups, such as elements from the Mayi Mayi Cheka, has been reported by the media, alongside allegations by MONUSCO and Human Rights Watch about the involvement of Rwanda. Although FARDC has put up a spirited fight against M23 thus far, the ripple effect of insecurity created by the M23 movement has triggered further emerging insecurity dynamics, which will present new challenges for FARDC in responding to realignment, repositioning and restructuring of these negative forces. While FARDC is fighting M23, armed groups in the region could take advantage to launch attacks in new areas that they wish to control, making it difficult for FARDC to sufficiently respond to all emerging security threats.

Depending on the continued supportive alliances from other armed groups in eastern DRC and potential access to finances and arms from across the region and beyond, M23 will, at the very least, intensify insecurity and the humanitarian crisis in eastern DRC. The worsening security conditions will also allow armed groups and conflict opportunists to profit from the vast natural resources in the east through illegal exploitation and trafficking in order to sustain their illegal activities. The 29 November 2011 UN Group of Experts report highlighted the influence of natural resources such as timber, gold and the mineral ores of tin, tungsten and tantalum, in sustaining the conflict in the eastern DRC. As was the case previously during Congo's last war (which ended in 2003) the spill-over effects of this insecurity will be experienced regionally with the forced displacement of civilians, the enhanced vulnerability of the east to the increased presence of local and foreign illegal armed groups and associated security threats such as the trafficking of illegal arms and ultimately a downturn in the social, economic and political prospects of the Great Lakes region.

Although the M23 movement is recent, it has familiar aspects such as territorial control and trans-boundary nationality issues that will need to be addressed to effectively deal with the recurrent theme of rebellion in the east. Conflict over land ownership, historic injustices over wealth distribution, a distrust of Rwanda and Kinyarwanda-speaking Congolese, competition to control mineral rich areas, socio-economic and political disenfranchisement of the local population as well as past participation of neighbouring states in the DRC conflict, all lie at the root of current insecurity in the eastern region of the DRC.

Geopolitical dynamics

Following the outbreak of violence in eastern DRC and alleged Rwandan involvement, the DRC and Rwanda set up a joint verification taskforce to investigate these claims. This taskforce was established after a meeting in May 2012 between the defence representatives of both

countries. The later stance of the DRC that M23 activities were being planned in Rwanda, led to denial of the same by Rwanda before the taskforce report was signed. However, bilateral meetings between the DRC and Rwanda are still underway with the recent visit to Kinshasa on 18-19 June 2012 of a high-level delegation from Rwanda. In addition, future visits are envisioned between the defence representatives of DRC and Rwanda.

Africa and RECs

On 21 June 2012, the Peace and Security Council of the AU discussed the situation in eastern DRC, calling for M23 to immediately lay down arms and re-integrate into FARDC. The council urged member countries of the International Conference on the Great Lakes Region (ICGLR) to collaborate for peace in the DRC under the ICGLR pact for security, stability and development. The council also pledged support for the efforts of the DRC government in regaining full state authority.

The ICGLR issued a press release on 18 May 2012 condemning the resumption of violence in the North Kivu province of DRC. It condemned the attack by the Democratic Forces for the Liberation of Rwanda (FDLR) on a South Kivu village and the retaliatory attack against MONUSCO forces in Kanamiga. The ICGLR also called for the arrest of Ntaganda and others committing human rights abuses in eastern DRC. Following a request to the ICGLR by the DRC government to convene a special session of the Regional Inter-ministerial Committee on the situation in North Kivu province, the ICGLR Executive Secretary met with the chair of the inter-ministerial committee on 14 June 2012. A future special session is now anticipated.

United Nations

The United Nations Security Council (UNSC) issued a couple of press statements regarding the situation in North Kivu and the attack on MONUSCO peacekeepers. On 3 May 2012, in response to enhanced insecurity in North Kivu, the UNSC issued a statement calling for an end to the hostilities by ex-CNDP deserters led by Ntaganda against

(FARDC). Council members also called for a cessation of violence by all armed groups, particularly the FDLR, and encouraged the DRC government, with the support of MONUSCO, to proceed with comprehensive security sector reform. On 14 May 2012, acknowledging the intensification of insecurity in eastern DRC, the UNSC condemned the retaliatory attack against MONUSCO in South Kivu that resulted in serious injuries to 11 peacekeepers.

The UN Secretary General's report of 23 May 2012 detailed specific incidents related to the insecurity in eastern DRC and cited a lack of cohesion in FARDC as a cause of the volatility. The report underlined the need for sustainable security sector reform and recommended a strengthened role for MONUSCO in providing support in the security and justice sector. It also recommended an extension of MONUSCO's mandate at the current level.

International community

On 6 June 2012, the US issued a press statement expressing concern about

the M23 mutiny and encouraged the DRC and its neighbours to work towards ensuring that M23 and FDLR did not receive external support. In separate statements on 7 June 2012, the European Union and Canada condemned the violence in Eastern DRC and encouraged neighbouring countries to collaborate for peace and stability.

Civil society

Civil society has been adversely affected by the deteriorating insecurity situation in Eastern DRC with the displacement of up to 100,000 people.

Scenarios

Scenario 1

M23 will sustain and/or escalate its rebellion, benefiting from new alliances with armed groups in the East to intensify insecurity in the DRC and the region

Scenario 2

FARDC, with the help of regional states and MONUSCO, will minimize and/or eliminate the threat of M23

Scenario 3

The fighting between FARDC and M23 will be overtaken by the advances of other armed groups who will take advantage of the security gap to increase their power and control over areas in the East, leading to intensified, more volatile, insecurity in the region

Options

Option 1

The PSC could issue a communiqué stating that it supports the bilateral and regional initiatives towards resolving the situation in Eastern DRC

Option 2

The PSC could establish and dispatch a fact-finding mission to the DRC and Rwanda to independently investigate and verify causes of insecurity in order to inform and plan relevant follow up interventions

Country analysis

EGYPTIAN UPDATE

Previous PSC and AU Communiqués

The Peace and Security Council's press statement PSC/ PR/ BR. (CCXCIX) of 22 November 2011 expressed serious concern about the violent incidents and loss of lives in Egypt, and requested maximum restraint from the various parties involved, especially the transitional authorities and the security forces. The council also requested the Chairperson of the AU Commission and the Panel of the Wise to continuously monitor the developments in Egypt and to provide every possible support to facilitate the completion of the transition to democracy.

Despite troubling developments in the country, particularly since

November 2011, the PSC did not reflect on the situation in Egypt. Recent events in Egypt will make it increasingly difficult for the PSC to ignore the concerns of Egyptians and continued political instability.

Crisis escalation potential

The transition that immediately followed the fall of President Hosni Mubarak was turbulent. Now, the transition process is in jeopardy and the political stability of the country is under a great deal of strain. The political/ideological divisions that the popular uprising unleashed have been deepening. Recent judicial and political developments have also further exacerbated the situation. Many Egyptians expressed disillusionment and disappointment following the court judgement in the trial of Mubarak, inviting questions about the impartiality and credibility of the judiciary.

The manipulation of the transitional process by the Supreme Council of the Armed Forces (SCAF), the body

that took over power from Mubarak, has undermined the verdict of the electorate and intensified the anger and frustration of the public. The apparent determination of SCAF to ensure that it remains in ultimate control is also exacerbating the volatility of the political and security situation.

The second round of Egypt's presidential elections was not free of controversy. The elections were held on 16 and 17 June. On 18 June, the candidate for the Muslim Brotherhood's Freedom and Justice Party (FJP), Mohamed Morsi, prematurely declared victory. Initially, former Prime Minister Ahmed Shafiq, running as an independent candidate, rejected the declaration of victory by Morsi as an attempt at pre-empting the official announcement of the outcome. On 19 June Shafiq himself declared that he had won the election. Amid deepening political uncertainty in the country, on 20 June 2012 Nile TV reported that Egypt's electoral

committee had decided to delay the release of the official results of the election.

Whichever candidate became the president, he could not have escaped daunting political challenges. While a Morsi presidency is now likely to be frustrated by a lack of cooperation from the military and other institutions from the old regime, a Shafiq presidency could have become the spark that ignited a political fire in Egypt.

Confrontation between protestors and the army has become more likely since the run-off elections. While there have been tens of thousands of protestors in Tahrir Square since 19 June 2012, the Muslim Brotherhood announced it was ready to mount a campaign of street protests until the generals backed down. The following day, in a show of power, the SCAF deployed tanks and troops on the outskirts of Cairo along routes leading into the city. Although the resultant imminent confrontation between the Muslim Brotherhood and other opponents of the military on the one hand and the SCAF on the other eased with the official announcement of the victory of Morsi, the underlying tension between the two remains unresolved.

Key internal dynamics and recent developments

June 2012 has been one of the most dramatic months for Egyptians since the ouster of Mubarak in February 2011. It was during this month that some of the least expected judicial and political developments took place. These developments placed the transitional process in jeopardy and precipitated the return of citizens to Tahrir Square to express their anger and dismay and continue to protest against the military rulers.

On 2 June 2012, the Cairo Criminal Court, presiding over the trial of Mubarak, delivered its controversial judgement. In its 118 page judgement, the Court sentenced Mubarak and his notorious interior minister, Habib Al-Adly, to 25 years imprisonment. A serious anomaly in the trial was the Court's curious decision to acquit six top interior

ministry generals. Even the guilt of Mubarak and Al-Adly was not directly related to the deaths of peaceful protestors. Their guilty sentence was for failing to take action to end the violence. Consequently, no one was found guilty for directly causing the deaths of peaceful protestors. Many observers believe that this weak and anomalous verdict, at least by objective international judicial standards, is attributable to the fact that the criminal justice system itself remains compromised by its lack of impartiality and lack of independence.

The result of the unpopular verdict was that Tahrir Square was once again filled with angry protestors. People from diverse political groups joined in expressing their disappointment at the ruling. Some candidates who had participated in the race for the presidency also joined protestors in Tahrir Square. Among them were the left-wing revolutionaries, Hamdien Sabahi and Khalid Ali, the moderate Islamic candidate, Abdel Moneim Aboul Fotouh, and also the Muslim Brotherhood candidate, Mohamed Morsi. Morsi pledged to demand a retrial if he were to be elected Egypt's president.

In an attempt to reverse the democratic gains of the popular uprisings, the SCAF interim government also introduced draconian rules reminiscent of Mubarak-era repressive laws. On 31 May, the public prosecutor announced the end of the notorious Emergency Law, which had been in force since 1981. However, within days a new decree by the Justice Ministry granted military police and intelligence officers the right to investigate and arrest citizens suspected of offenses relating to national security and public order. While announcing the decree, Justice Minister Adel Abdel Hamid said that these procedures would be in place until a new constitution was approved.

The judiciary contributed its part to the political drama that the SCAF had orchestrated. Two days before the second run-off elections were held, the Supreme Constitutional Court of Egypt handed down two major

judgements. In one of these judgements, the Court held that the political disenfranchisement law that the newly elected parliament had adopted was unconstitutional. This cleared a legal challenge directed at disqualifying Ahmed Shafiq, whose service as Mubarak's former prime minister identified him too closely with the former regime.

More significantly, the judgement on the constitutionality of the parliamentary election also resulted in the Court dissolving the newly elected parliament, in which the Muslim Brotherhood held the plurality of seats; more seats than any other party, but less than fifty per cent of all the seats in parliament. The Court, comprising judges appointed under Mubarak, found that the 2011 parliamentary polls were unconstitutional because party members had been allowed to compete for seats reserved for independents in the Lower House. Previously, in terms of the parliamentary law, two-thirds of seats in the lower house of parliament had been reserved for party candidates and one-third for independents.

Unsurprisingly, this decision was received with a great deal of opposition from most sections of Egyptian society. It effectively reversed the outcome of the first genuine democratic election in Egypt.

Egypt's parliamentary elections were organised in three rounds between the end of November 2011 and mid-January 2012. Despite concerns on the part of the liberal and leftist political groups about the lack of a level playing field for competitive elections, nearly 30 million Egyptians, from all walks of life, took to the ballot box, participating for the first time in a free and fair election. Political parties of all ideological stripes, new and old, liberal and conservative, participated and the initial results were astounding, giving the Freedom and Justice party, al-Nour and Wafd al-Jadid about 40 per cent, 30 per cent and ten per cent of the votes respectively.

It was this important democratic process that the Court ruling erased. As one expert commentator observed, 'What is decided by voters

in multi-stage elections goes up in smoke. It makes a mockery of the democratic process and throws the entire future of democratic transition in the Arab region in disarray.' Back to where you were,' read a huge red headline in the Friday edition of the independent daily newspaper, *Al-Shorouk*.

Understandably, the effect of this judicial ruling is particularly significant for the Muslim Brotherhood, which held most of the seats in the new parliament. In a statement it issued following the judgement, the group stated that the progress made since Mubarak was ousted was being 'wiped out and overturned'. It also warned that the court's decision would lead to more dangerous days than those experienced under the Mubarak government.

Following the court ruling, the SCAF announced that it would exercise legislative power until new parliamentary elections could be held under a new constitution yet to be drafted and adopted.

Although it is one of the most important issues in post-Mubarak Egypt, the constitution-making process has been accompanied by a great deal of uncertainty and controversy. The constitutional declarations issued by SCAF lack clarity regarding the timeline and process for constitution making. Article 60 of the declaration simply stipulates that the parliament, at the invitation of the SCAF, will elect a 100-person constituent assembly to draft the constitution within six months, followed by a public referendum. It does not say much about the intended composition of the constituent assembly.

The first attempt by the new parliament to name the 100 members of the Constituent Assembly in March 2012 stirred controversy. Following the election of 50 members of Parliament to the Assembly, with most of them coming from the FJP or the Salafist Nour Party, and others affiliated with or sympathetic to Islamist politics, many Egyptians started to challenge the representativeness of the proposed constituent assembly. Within days, most of the non-Islamist members of

the assembly resigned in protest. On 10 April 2012, after a legal challenge by some Egyptian legal experts concerning the constitutional composition of the assembly, a court ruling suspended the assembly.

During June 2012, some progress was made in resolving this controversy. Following consultation and agreement between various political actors, Egypt's parliament created a new Constituent Assembly on 12 June. However, this development was short lived. The Supreme Constitutional Court's decision to dissolve the new parliament once again left the constitution-making process uncertain.

It was also during this month that the SCAF adopted sweeping new laws entrenching its grip on power. While counting of votes cast on 16 and 17 July for electing Egypt's President was underway, the SCAF issued various amendments to the Constitutional Declaration that is now serving as the transitional constitution of Egypt.

One of these amendments enables SCAF to effectively control the constitution-making process that is intended to result in a final constitution for Egypt. According to Article 60 of the amended Constitutional Declaration, SCAF has been given the power to form a new body 'representative of all social groups' for making the final constitution. The provision states that the new body will be expected to draft the constitution within three months. Thereafter, within two weeks of the finalisation of the draft constitution, it will be presented to a general referendum.

Other constitutional amendments introduced by SCAF have sought to define the powers of the new president and expand the authority of the army. Accordingly, under Article 53 of the amended Constitutional Declaration, the president is stripped of some crucial executive powers. The new president will not have the status of Commander-in-Chief of the Army. This is an authority now assigned to the president of SCAF until Egypt's final constitution is adopted. In a move that will further subject the president to the authority of the

military, Article 53 (1) stipulates that the president of the republic may only declare war with SCAF's approval. Once again, subject to approval by SCAF, Article 53 (2) states that the president may command the armed forces to help maintain public order and protect vital installations.

In a further blow to the power of the incoming president, Sameh Ashour, the head of SCAF's advisory council, said that the president would remain in power until a new constitution could be adopted. 'The upcoming president will occupy the office for a short period of time, whether or not he agrees,' he told *Al Jazeera*. 'His office term will be short despite the huge efforts exerted in the election campaigns.'

The run-off presidential elections took place on 16 and 17 June 2012. Both candidates initially claimed victory. On 18 June 2012, the FJP declared that their candidate, Mohamed Morsi, had won 52 per cent of the vote. Subsequently, Ahmed Shafiq's supporters announced he had won 51,5 per cent of the vote. The official result was expected to be released on 21 June 2012. On Wednesday night 20 June, Nile TV reported that the Supreme Presidential Electoral Committee had postponed the announcement of the official results of the presidential elections. According to the Committee, it decided to postpone the release of the official results to allow a panel of judges to look into 400 complaints of voting fraud submitted by both campaigns, including lawyers for Shafiq claiming fraud in 14 of Egypt's 27 provinces. Although the Committee did not say when it would announce the winner of the run-off elections, its secretary-general, Hatem Begato, told the state newspaper *Al-Ahram* that the winner would be announced on Saturday or Sunday.

Based on a public vote count confirmed by official news media, it was expected that Morsi would be declared the winner of the run-off elections. This delay in releasing the official result heightened the rising tension between the supporters of the Muslim Brotherhood and Egypt's military establishment.

Finally, on Sunday 24 June 2012, the Electoral Committee announced the

official results of the presidential run-off elections. According to the official result, Mohamed Morsi won 51,7 per cent of the votes, while Shafiq received only 48,3 per cent of the votes. The victory by Morsi avoided an imminent riot that a Shafiq victory would have triggered. On the other hand, Morsi has ascended to the presidency without a constitution and with the military establishment retaining major executive and legislative powers.

Geo-political dynamics

Africa and RECs

At the recent 17th Assembly of the AU Heads of State and Government held in Malabo, Equatorial Guinea, the Assembly in its decision, Assembly/ AU/ Dec.369 (XVII), requested 'the Commission to spare no efforts in supporting and accompanying the transition, building notably on the outcome of the visits undertaken by the Chairperson and the Panel of the Wise to Egypt, on 26 and 27 March 2011 and from 4 to 6 June 2011, respectively'. The next summit of the AU Assembly is scheduled to take place on 11-16 July 2012 in Addis Ababa. Acting on this request and having regard to the ongoing developments in Egypt, there is a strong likelihood that the AU Commission will report on the situation in Egypt as part of the AU summit agenda concerning the Report of the Peace and Security Council and the State of Peace and Security in Africa.

It is questionable whether the various measures taken by the SCAF, most notably entrenching its hold on power by reducing the powers of the

popularly elected president, are entirely compatible with the AU's rule on unconstitutional changes of government.

International Community

The United States, a country that invests generously in the Egyptian military establishment, has been following developments in Egypt very closely. The US was the first country to express serious concern about the tense political situation in Egypt. On 19 June 2012, both the US State Department and Department of Defense voiced concerns over moves by Egypt's generals to tighten their grip on power. US State Department spokeswoman, Victoria Nuland, said the US was 'concerned by decisions that appear to prolong the military's hold on power'. Similarly, Press Secretary George Little said the Pentagon was urging Egypt's generals 'to relinquish power to civilian-elected authorities and to respect the universal rights of the Egyptian people and the rule of law.'

Scenarios

Given the above analysis, any of the following scenarios, or a combination of them, may unfold:

Scenario 1

FJP presidential candidate Morsi is declared winner of the run-off election, thereby setting the stage for a power struggle between the democratically elected president and the armed forces.

Scenario 2

To avoid confrontation and secure their electoral success, President Morsi and the Muslim Brotherhood reach an agreement with the armed

forces. While the army secures assurances that its privileges will be protected, Morsi receives the army's support.

Scenario 3

Egypt needs to face its socio-economic and security challenges, including the polarization that has deepened within the country and the high expectations of democratic transformation. Such challenges, together with the lack of representation by revolutionary forces, are likely to trigger popular protests that demand more fundamental changes.

Options

Given the above scenarios, the early response options that the PSC may consider include:

Option 1

The PSC could issue a press statement expressing its concern about the power struggle between various political forces in Egypt and resultant rising tensions.

Option 2

The PSC could request the various political forces in Egypt, and more specifically the military leaders, to respect the transfer of full government power to popularly elected institutions.

Option 3

The PSC could remind the authorities in Egypt that the AU doctrine prohibiting unconstitutional changes of government requires them to refrain from actions that undermine electoral democracy and interfere with the authority of the newly elected president.

PSC Retrospective

THE PEACE FUND

The Peace Fund is one of the mechanisms the African Union inherited from its predecessor, the Organisation for African Unity (OAU). The OAU created the Peace Fund in June 1993 to support the work of its Mechanism for Conflict Prevention,

Management and Resolution, the predecessor of the African Peace and Security Architecture (APSA). Following the institutional transformation of the continental body in 2002 the Peace Fund evolved to fit in to the operation of the AU's new mechanisms and organs and support its activities on conflict prevention, peace-making and peace-building within the APSA framework.

The Peace Fund resulted from the realisation that irregular contributions by member states were not sufficient for the OAU to undertake its growing responsibilities and plans. According to the AU, the Peace Fund is currently made up of financial appropriations from the regular AU budget, including voluntary contributions from member states and from other sources within Africa such as the

private sector, civil society and individuals, as well as through appropriate fundraising activities.

The Peace Fund of the African Union, as a component of the APSA, assumed its present form in 2002. The fund was further strengthened after an agreement was reached between the European Commission and the AU in July 2002, following the AU Summit in Durban, to support the Peace Fund. The two institutions had a series of meetings to explore the scope for building a new relationship between the two continental bodies with the objective of enhancing the capacity of the then newly established African Union. The two parties identified peace and security as a key sector for cooperation. Subsequently, at its summit held in Maputo in July 2003, the AU formally requested the EU to establish the African Peace Facility (APF) to support peace operations. The proposal envisaged the APF as being available to the AU and RECs for their various activities on peace and security with a specific focus on peace support missions run by the African Union or the regional mechanisms. The APF was established with an amount of 250 million euros of which 200 million were earmarked for peace support operations, 35 million for capacity building and the remaining 15 million to cover audits, evaluations and contingencies. Since then the major contributions for the Peace Fund comes from the APF.

Despite the often repeated phrase of 'African solutions for African problems', major contributors to the Peace Fund are the European Union and its individual member states. The EU allocated 350 million euros (\$452 million) to the African Peace Facility for the prevention, management and resolution of conflicts during 2008-2013. The EU has also donated some 240 million euros (\$310 million) to support the AU Mission in Sudan. An amount of 7 million euros was also allocated for monitoring, auditing, evaluation, technical assistance, lessons learned and visibility, while a further 13 million euros has been reserved for contingencies.

At present the APSA, which comprises several components and structures intended to prevent,

manage and resolve conflicts in Africa, relies on financial support from the Peace Fund. The AU's peace architecture, with the AU Peace and Security Council (PSC) at its heart, includes a Continental Early Warning System (CEWS); a 'Panel of the Wise', with a mandate for conflict mediation, prevention and resolution; and an African Standby Force (ASF) to be deployed in peace support operations. African regional organisations (Regional Economic Communities and Regional Mechanisms, RECs/RMs) are pillars of the overall security architecture and key elements of the Continental Early Warning System and African Standby Forces.

The AU's report on the contributions received by the African Union Peace Fund from member states and donors in the years 2008-2011 shows that AU member states contributed only two per cent of the total amount of US\$ 779,158,791. The EU through its African Peace Facility covered more than two-thirds of the costs needed to run the various peace and security projects and missions of the AU. The UK contributed twelve per cent followed by the Netherlands and Canada, which contributed five and three per cent respectively. Most of the money (66 per cent) provided in this period was spent on the African Union Mission in Sudan (AMIS) while the African Union Mission in Somalia (AMISOM) received 27 per cent. However, the share of the budget allocation changed radically in 2011 when AMISOM received more than 80 per cent of the fund. In 2012 it has become clear that AMISOM will continue to receive the biggest share of the fund, some \$196 million. In contrast the REC and AU capacity building programme received only \$15 million, with an allocation of \$13 million to conflict prevention and the cost of running AU liaison offices.

Besides lacking strong shared values and political will, the member states of the African Union and its predecessor, the OAU, have suffered from a consistent shortage of funds for the day-to-day activities of the secretariat and the various African-initiated peace support missions. The issue of sustainable financing for the peace and security activities of the AU was discussed and debated when

the continental peace and security architecture was planned. During the Special Summit held in Tripoli in August 2009, AU member states agreed to increase their contributions to the Peace Fund from 6 per cent to 12 per cent of the AU regular budget. During the 16th ordinary session of the Executive Council held in Addis Ababa, Ethiopia in January 2010, it was also agreed that contributions would be increased from 6 per cent to 12 per cent over a period of three years, beginning in 2011. However, many AU member states are yet to commit to this decision.

Many member-states of the African Union are in default or are behind in their financial responsibility to the organisation and specifically to the Peace Fund. Delays in the payment of contributions by member states, coupled with the difficulty in accessing partnership funds, are increasingly impacting negatively on the pace of the intended implementation of the AU's activities, projects and programmes.

The African Union has acknowledged that its current financial resources are dependent on the assessed contributions of member states and that partnership funding is no longer adequate, sustainable and reliable to meet the organisation's growing financial needs, including its various peace support missions. The African Union has also repeatedly stated that the existing funding mechanism for its peace and security activities is no longer adequate and sustainable. However, there is also a growing belief that too much reliance on outside funding compromises the independence and ownership of the Union. Such concerns, coupled with the Eurozone and global economic crisis, has compelled the AU to look for alternative funding sources and ways to enhance access to existing African sources.

The Executive Council of the African Union, at its Ordinary Session held in January 2011, endorsed the proposal by the AU Commission to support the consultations on alternative sources of funding through a high-level panel of eminent personalities with a view to engaging with member states and coming up with definitive proposals for this long-standing issue.

Subsequently the African Union announced the creation of a panel led by former Nigerian President, Olusegun Obasanjo, as head of a team of eminent Africans to find a solution to the organisation's financial challenges. The AU also discussed the matter at the Malabo Summit in July 2011 and requested that the Panel complete its work and submit a report to the next Ordinary Session of the Assembly that ultimately took place in January 2012 in Addis Ababa.

The AU Commission listed a number of alternative ways of funding for the AU secretariat and the Obasanjo panel proposed how member states could make such new sources of

funding work in practice. One of their proposals was to widen the financial base of the AU, including levying an air travel tax on all flights in and out of Africa as well as import levies and taxes on insurance premiums.

At present donors fund some 98 per cent of the Peace Fund. However, donor fatigue is increasing as the economic woes of the EU deepen. The AU Commission aspires to raise the contributions of member states from 2 per cent to more than 12 per cent. The membership of the panel charged with finding alternative ways of funding the AU, includes Dr Salim Ahmed Salim, former Secretary General of the Organisation of African Unity, and Dr Luisa Dias Diogo,

former Prime Minister and Minister of Finance of the Republic of Mozambique, who is also a member of the United Nations Secretary General's High Level Panel on Global Sustainability. There is consensus that an urgent and viable alternative source of funding must be developed. Members of the Panel are expected to embark on extensive consultations with member states and REC. The viability of the alternatives presented in the High Level Panel's report and the responses by individual AU member states and the AU commission will determine the future of the AU Peace Fund.

PSC Retrospective

ANNUAL CONSULTATIVE MEETING OF THE AU PSC AND UNSC

On 13 June 2012, the members of the African Union Peace and Security Council (PSC) and the United Nations Security Council (UNSC) held their annual consultative meeting at the Headquarters of the UN in New York. This was the sixth such meeting that the two bodies held since 2007. Unlike the previous year, when the relationship between the two councils was very tense due to divergent policy positions on some of the crises in Africa, notably in Libya, this year the meeting was held in a much better atmosphere.

Yet, key differences remain between the members of the two councils, and in New York apparently the enthusiasm for the meeting was low. Differences over their respective roles still persist. While members of the AU PSC seek some level of devolution of authority to achieve a more responsive framework and support from UN-assessed contributions for AU-led peace operations, UNSC members are concerned that any such step would dilute the authority of the UNSC as provided for in the UN Charter.

In the run-up to this year's annual consultative meeting, no adequate preparations were made. Until early June, the final date for the meeting had not been confirmed. As in the past, the meeting was preceded by last-minute and hasty preparations. This is notwithstanding the fact that the UNSC had previously adopted Resolution 2033, outlining ways of deepening its partnership with the AU PSC, including adequate preparations for the annual consultative meeting.

In New York, South Africa circulated a draft communiqué to the members of the UNSC on 4 June 2012. After members of the UNSC agreed on a final draft communiqué on 10 June 2012, the draft was sent to the AU for consideration by the PSC. At that time the members of the PSC traveled to New York for the consultative meeting.

This year's meeting took place against the background of deepening interaction and collaboration between the AU PSC and the UNSC. On 12 January 2012, the UNSC debated the report of the UN Secretary General about his vision of the relationship between the AU and the UN concerning peace and security in Africa. The summit-level debate, chaired by President Jacob Zuma of South Africa as the president of the UNSC, produced the crucially important Resolution 2033, which sought to take the relationship between the two bodies a step

further. The resolution, which was adopted unanimously, envisaged the elaboration of 'further ways of strengthening relations between the two councils, including through achieving more effective annual consultative meetings, the holding of timely consultations, and collaborative field missions of the two councils'.

Following the PSC's communiqué of 24 April 2012, PSC/MIN/COMM/3 (CCCIX), on the situation between Sudan and South Sudan, and its request for UNSC support, the UNSC adopted Resolution 2046. Reflecting the huge potential of an effective partnership between the two, this resolution not only expressed full support for the roadmap that the PSC had outlined in its communiqué but also effectively adopted the decisions of the PSC as UNSC decisions.

The consultative meeting was also held at a time when various countries on the African continent were faced with serious crises. The aftermath of the Libyan crisis resulted in the return of large numbers of people to the proliferation of weapons and arms in the countries of the Sahel, thereby seriously upsetting the precarious security of several countries in the region. More specifically, it triggered a Tuareg rebellion in Mali. Before any meaningful effort for addressing the rebellion was initiated, sections of the Malian army ousted the democratically elected president of the country, precipitating Mali into an

additional political crisis. Mali has yet to overcome the twin crises of the political and constitutional turmoil in Bamako and the rebellion by the Tuaregs who, after taking control of northern Mali, declared their independence.

Despite the regional organisation ECOWAS having initiated various actions, such as mediating between the coup plotters and the civilian political leadership in Mali, the success of its efforts was limited. ECOWAS also took a decision to deploy some 3 000 troops to Mali, mainly to restore the sovereignty of the state of Mali in the territories under the control of Tuareg rebels.

Upon the request of ECOWAS, in a meeting that took place in New York a day before the AU PSC meeting with the UNSC, the AU PSC issued a communiqué, PSC/PR/COMM. (CCCXXIII), supporting the deployment of an ECOWAS force to Mali. This was in expectation of securing authorisation from the UNSC. However, the preparations necessary for such authorisation were not made. First, detailed plans on the proposed intervention force were not presented. Second, despite various avenues available, including those within the framework of Resolution 2033, the AU did not hold any consultations with UNSC members about the issue prior to the meeting.

Other crisis situations that received the attention of the two councils during the New York consultations included the coup in Guinea Bissau, increasing terrorist activities in the Sahel and West Africa, the Somali conflict, and the armed confrontation between Sudan and South Sudan.

Following a now-common approach in the annual consultative meeting, the members of the two councils adopted a joint communiqué of the consultative meeting between members of the Security Council of the United Nations and the Peace and Security Council of the African Union. With respect to the crisis in West Africa and the Sahel, the members of the two councils expressed their concern at the threat to 'international peace and stability' posed by 'transnational organized crime' and about the insecurity and deteriorating humanitarian situation

in the Sahel. They noted, in particular, that the presence of armed groups and terrorist groups and their activities, as well as the proliferation of weapons in the region, were continuing to threaten the peace, security and stability of states in the Sahel.

The members of the two councils addressed the twin crises of unconstitutional changes of government and the Tuareg armed rebellion in northern Mali. They condemned the forcible seizure of power from Mali's democratically elected government and called upon Malians to support, within the framework of the agreements signed in April 2012, all political and legitimate efforts to restore constitutional and democratic governance. There have been differences between the members of the two councils over the proposed approach of ECOWAS for resolving the crisis in northern Mali. While ECOWAS proposed the deployment of an intervention force to address the rebellion and sought UNSC authorisation through the PSC communiqué adopted a day before the consultative meeting, members of the UNSC expressed concerns about the lack of clarity regarding the preparations made for such a mission, the mandate for such intervention, the cooperation from authorities in Mali, and the means and modalities for such a course of action. Another consideration was the anticipated limitation of an exclusive military approach and the need for a political and diplomatic process for achieving any lasting solution.

The joint communiqué thus stated that the members of the two councils 'took note of the Communiqué of the meeting of the AUPSC held on 12 June 2012 and (would) examine proposals for future appropriate steps to assist ECOWAS in its efforts in Mali.' On the fundamental question of Mali's territorial integrity, it was important that the members of the UNSC and the AUPSC 'reaffirmed the need to uphold and respect the sovereignty, unity and territorial integrity of Mali and reject categorically any declarations to the contrary.'

Following this communiqué, on 18 June 2012 ECOWAS announced that Nigeria, Niger and Senegal had pledged to contribute the core of a 3 270-strong force envisaged for deployment to Mali. ECOWAS also stated that it was sending military officers to Mali to work out more detailed planning. Although in a statement issued on 18 June, the UNSC reaffirmed its willingness to consider the ECOWAS request for authorisation, it is a prerequisite that ECOWAS submits detailed military plans including details of force generation, the concept of operations, available and required resources and cooperation with Malian authorities.

With regard to Sudan and South Sudan, the members of the PSC and the UNSC deliberated on the recent armed confrontation and the deadlock in the negotiations between Sudan and South Sudan, the conflicts in South Kordofan and Blue Nile and the situation in Darfur. In their joint communiqué, the members of the two councils reaffirmed that 'the Government of Sudan and the Government of South Sudan must comply with all of their obligations under Resolution 2046 (2012) and the AU Roadmap to ensure peace and stability and to create conditions necessary for (the continuing existence of) two viable and prosperous states.' Among others, this demand for compliance was directed to Sudan, which, despite withdrawing its soldiers and most of its police from the disputed Abyei territory, continued to maintain scores of police personnel in the disputed territory, arguing that this was necessary to protect oil facilities. In the meantime, the talks between the two countries that began after the 24th April AUPSC communiqué and the adoption of resolution 2046, resumed again on 21 June.

With respect to the situation in South Kordofan and Blue Nile states, the members of the AUPSC and the UNSC reiterated two key measures. First, they reaffirmed that 'the Government of Sudan and the SPLM-N must extend full cooperation to the AU High Implementation Panel (AUHIP) and the Chair of the Inter-Governmental Authority on Development (IGAD) to reach a

negotiated settlement on the basis of the 28 June 2011 Framework Agreement on Political Partnership between National Congress Party (NCP) and Sudan Peoples' Liberation Movement- North (SPLM-N) and Political and Security Arrangements in Blue Nile and Southern Kordofan States'. Second, they 'urged the Government of Sudan and the SPLM-N to accept the tripartite proposal by the African Union, the United Nations and the League of Arab States, for immediate humanitarian access to the affected populations in the two areas.'

While expressing their concern about 'the continued violence and insecurity in Darfur', the members of the two councils urged all parties, in particular armed movements that had not signed the Doha Document for Peace in Darfur, to show willingness to negotiate without preconditions or further delays on the basis of the Doha Document for Peace in Darfur and to fully participate in the Joint African Union/ United Nations mediation process.

With regard to Somalia, while much of the focus of the members of the two councils was on the processes leading to the end of the transitional period, they also discussed AMISOM and the continued threat of piracy off

the coast of Somalia. The members of the UNSC and AUPSC underlined that 'there (would) be no further extension of the transitional period.' They urged the Transitional Federal Institutions and all other signatories of the Roadmap to redouble their efforts to complete, on time, the remaining tasks, including the creation of a representative Constituent Assembly, with participation of women and civil society, and the adoption of a provisional Constitution underpinned by respect for human rights and fundamental freedoms and the establishment of a new parliament and indirect elections of a speaker and president.

With respect to AMISOM, some of the issues discussed included the slow process of integration of troops provided by new troop-contributing countries, notably Kenya, into existing AMISOM structures. In this regard, the members of the two councils 'called on new troop contributing countries to fully integrate their forces into AMISOM's command and control structures', in line with Resolution 2036. They also stressed 'the need to expedite the staffing of the Force Headquarters and called on all the countries concerned to extend full cooperation in this respect.'

In their joint communiqué, the members of the two councils reiterated many of the decisions taken under Resolution 2033 for strengthening their methods of work and cooperation. The members of the AUPSC did not seize the opportunity that the consultative meeting presented to discuss mechanisms for following up and implementing the key decisions made under Resolution 2033. As a result, there is no clear framework and timeline for implementing decisions such as following up the communiqués of the annual consultative meetings, holding regular meetings and consultations between the two councils, and conducting analyses of lessons learned from practical cooperation between the AU and the UN, in particular with regard to the AU/UN Hybrid Operation in Darfur (UNAMID) and the AU Mission in Somalia (AMISOM).

The members of the UNSC and the AUPSC agreed that the next consultative meeting would be held in Addis Ababa no later than July 2013.

Important dates to diarise

| | | |
|--------|-----------|--|
| 9 - 16 | July | 19th African Union Summit, Addis Ababa |
| 12 | August | International Youth Day |
| 23 | August | International Day for the remembrance of the Slave Trade and its Abolition |
| 15 | September | International Day of Democracy |
| 21 | September | International Day of Peace |

| Country | Election | Date * |
|---------|-----------------------------------|----------------------------------|
| Libya | Constituent Assembly | 7 July 2012 |
| Angola | Presidential National Assembly | 31 August 2012 31 August 2012 |
| Somalia | Presidential | August 2012 |
| Togo | National Assembly | October 2012 |

**could change, dependent on circumstances*

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