Peace and Security Council Report

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 September 2012

During September, continuing turmoil and division in Mali and the Sahel, post-revolutionary divisions in Libya and Egypt, developments in Sudan and South Sudan, events in Somalia and neighbouring Kenya, the DRC and Rwanda, attacks on security outposts in Côte d'Ivoire and outbreaks of disease in Uganda (Ebola), Sierra Leone and Senegal (Cholera), as well as the unresolved constitutional crisis in Madagascar, are among early warning and ongoing issues that require close attention.

▶ Current PSC Chair

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Since elections by their very nature are highly contested processes, Kenya's forthcoming elections will certainly polarise the country, since politicians will no doubt fuel their campaigns on emotional rhetoric to gain leverage, but there is also debate as to whether or not the election will lead to political violence as was the case in 2007-2008. Critical factors that are likely to militate against extreme cases of electoral violence include Kenya's experience with the ICC as well as reforms of the electoral body and the judiciary. This will, however, not totally eliminate political mobilisation along ethnic lines and sporadic incidents of violence.

Egypt

On 24 August as many as 3 000 Egyptians protested against President Mohamed Morsi in Cairo, challenging the Islamist president and his Muslim Brotherhood party and accusing them of monopolising state power, Islamising the nation and threatening the secular state. The protestors claimed Morsi had exceeded his authority when he assumed legislative powers. The group that was composed of military supporters, the secular and liberal youth and Coptic Christian organisations and activists, protested against what they called monopoly of power by the Islamists in the absence of a constitution or a parliament. However, despite their reservations about other issues, liberal groups like the April 6 youth movement, which organised and led the revolution, described Morsi's move as the 'first step towards establishing a civilian state', and stated that the movement 'wants a strong, national army to protect the nation and that does not intervene in politics'.

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.

Country Analysis

KENYA

Previous PSC and AU communiqués

At its 10th Ordinary Session held in Addis Ababa, from 31 January to 2 February 2008, the Assembly of the African Union (AU) adopted decision Assembly/AU/Dec.187(X) on the situation in Kenya following the presidential election of 27 December 2007. In that decision, the Assembly, inter alia, stressed the need to initiate a collective reflection on the challenges linked to the tension and disputes that often characterise electoral processes in Africa, including the strengthening of African capacities at national, regional and continental levels to observe and monitor elections. At its 109th and 115th meetings held on 21 January and 14 March 2008 respectively, and devoted to the situation in Kenya, the AU Peace and Security Council also stressed the need to initiate such a reflection.

In response to these decisions, and as part of its work programme for 2008 as endorsed at its 3rd meeting held on 18 February 2008, the Panel of the Wise decided to devote that year's reflection to a thematic issue relevant to conflict prevention, specifically the problem of election-related conflicts. Subsequently, the Peace and Security Council (PSC) at its 191st meeting held on 5 June 2009, received the draft report (PSC/PR/2(CXCI) of the panel of the wise on strengthening the role of the African Union (AU) in preventing, managing and resolving election-related disputes and violent conflicts in Africa. The report outlined a five-pronged AU framework and approach to responding to election-related conflicts, namely (a) Early Warning and Preventive Diplomacy; (b) Election Observation and Monitoring; (c) Post-Election Mediation; (d) Technical and Governance Assistance; and (e) the Post-Conflict Reconstruction and Development (PCRD). The draft report emphasised the need for the PSC to give particular attention to election-related crises.

Crisis escalation potential

Kenya's 2007 general elections recorded the worst post-election violence in the country's history with more than 1 300 people losing their lives and 600 000 being displaced. The Independent Review Commission (IREC) that investigated all aspects of the 2007 elections underscored the need to address structural causes of the post-election violence, which, it said, entailed limiting the president's powers, setting up a land commission to settle land ownership disputes, reviewing historical injustices, decentralising the political system, implementing comprehensive police and judicial reforms, addressing youth unemployment, establishing a Truth, Justice and Reconciliation Commission (TJRC), resettling Internally Displaced Persons (IDPs) and ensuring justice for the post-election victims. On balance, while the Kenyan government has done relatively well in implementing some of the recommendations, including the promulgation of a new constitution and the initiation of judicial reforms, several of the recommendations have not been fulfilled. The land commission, for instance, was only set up recently (August 2012), the police reforms are yet to take place, unemployment has not been adequately addressed, not all IDPs have been resettled, the TJRC report has not been made public and only a few local cases against perpetrators of post-election violence have been prosecuted, meaning that the majority of the victims are yet to receive justice. In addition, Kenya's Parliament has come under scrutiny for attempting to amend and dilute certain chapters of the new constitution, which was ratified on 27 August 2010.

The intervening period following the 2007-2008 election-related violence has witnessed the re-emergence of ethnic groupings and exacerbation of tensions between most communities, especially the minority ones. In April 2012 the Gikuyu, Embu and Meru communities held meetings to revive the Gikuyu, Embu, and Meru Association (GEMA), an organisation created to advance and 'protect' the said communities' social and political interests. Following these meetings, the Kalenjin, Maasai, Samburu and Turkana communities met to reinvigorate KAMATUSA (acronym for the said communities), an organisation representing the socio-political interest of pastoralist communities. The two groupings were, however, denounced especially by other communities that had been excluded as setting a dangerous precedent that was serving to effectively balkanise the country. Another concern has been the re-emergence of the Mombasa Republican Council (MRC), a secessionist group whose aim is to 'liberate the coastal people from marginalization by successful Kenyan governments'. This group has stirred anxiety in the Coastal region with its campaign to boycott the next general elections unless its grievances are addressed. Declared illegal in 2010 by the Kenyan Government, along with 33 organised criminal groups, the MRC challenged the ban in court with the court ruling in the group's favour by lifting the ban on 25 July 2012. The government has, however, appealed the decision of the high court through the Attorney General, maintaining that the group is a threat to Kenya's security and peace. Overall, security reports from different regions in Kenya are portraying a worrying image. In May 2012, a conflict-county baseline report by the Constitution and Reform Education Consortium warned that more than 80 per cent of the country's 47 counties need close monitoring to avoid chaos during the elections.

With regard to the upcoming elections, the Court of Appeal, on 31 July 2012, upheld a decision by the

Independent Electoral and Boundaries Commission (IEBC) to schedule the next general elections for 4 March 2013 after the two principals, President Mwai Kibaki and Prime Minister Raila Odinga, failed to give guidance on the matter. This decision was a relief for Kenyans as there had been increasing concern and uncertainty over the election date. As Kenya moves towards these much-anticipated elections, however, a number of developments could actually threaten the peace and security of the country. There is the issue of the International Criminal Court (ICC) and arguments by some Kenyans that those accused by the ICC should not campaign for the presidency. A group of people has gone to court over this matter, arguing that those indicted fail the integrity provisions of the new Constitution. The possibility of locking out some of the presidential candidates from contesting the elections is creating anxiety in certain sections of society, particularly the two communities that are home to the indicted presidential candidates and from whence they draw the bulk of their support. Historically, Kenya's presidential elections have, since the advent of multiparty politics, been keenly contested because of their 'winner takes all' nature and the way incumbents have used their leverage to skew the distribution of national resources in favour of their respective communities. It is for this reason that any decision to exclude certain candidates from the election process might spark protests and resistance from their supporters.

To compound the issue, more recently, a civil society group went to court to try and bar three other key presidential contenders, Prime Minister Raila Odinga, Deputy Prime Minister Musalia Mudavadi and Vice President Kalonzo Musyoka, from contesting the presidency, over various allegations relating to their integrity and linkages to graft. The possibility of all key presidential candidates not contesting the

elections had, thus far, not been envisaged and this could be a major test for the judiciary, which only recently underwent major changes that included a number of judges being removed from office. Overall, an assortment of issues presents a potential escalation threat to Kenya as the country heads towards another competitive general election.

Key issues and internal dynamics

The 2013 presidential election promises to be one of the most complex and highly contested in Kenya's history. The electorate will be expected to vote for a president, senators, Members of Parliament, governors, women representatives and members of county assemblies. With the incumbent, Mwai Kibaki, not running again since he has served his two constitutional terms as per the constitution, the elections are provoking discussions about political succession. Many of the recent opinion polls indicate that Prime Minister Raila Odinga remains ahead in the presidential race, followed by Deputy Prime Minister Uhuru Kenyatta, who has been indicted by the ICC. Given the new constitutional requirement that a president has to garner 50% plus one of the votes to be declared validly elected, a situation compounded by Kenya's ethnic voting patterns, it appears the presidential vote will result in a run-off as none of the presidential candidates is likely to fulfil the 50% plus one requirement in the first round. A run-off is likely to bring about new permutations with many opinion polls favouring three key contenders, Raila Odinga, and his two deputies Uhuru Kenyatta and Musalia Mudavadi. However, there is the ICC matter that is also playing a role, not only in shaping the agenda for the upcoming elections, but probably also in determining the electoral outcome. Two of the key presidential contenders, Uhuru Kenyatta and former Minister William Ruto, have been accused (with others) of bearing the greatest responsibility for the 2007-2008
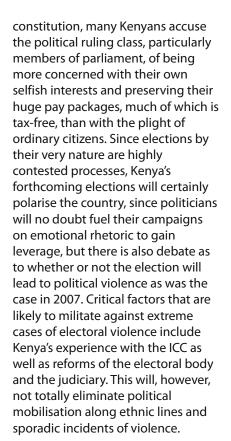
post-election violence. While the ICC has indicated that it will not play any part in determining whether the two should run or not, there have been calls from various quarters that the two candidates should not run because they have been accused of committing serious crimes against humanity. As observed earlier, there are also cases instituted by civil society groups against the two contenders on the basis that their candidature violates Chapter Six of the Constitution on leadership and integrity. Also, as observed earlier, three other key presidential candidates, Odinga, Mudavadi and Vice President Kalonzo Musyoka, have been enjoined in this case over allegations of graft, among other issues. What this means is that Kenya's judiciary and the ICC could play both a direct and indirect role in determining who ultimately ends up on the ballot.

Although President Kibaki is not contesting the election, and has not publicly announced his preferred candidate, there is speculation that he favours either Uhuru Kenyatta or Musalia Mudavadi. Mudavadi is seen to be the biggest potential beneficiary should Uhuru and Ruto be barred from contesting the election because of the ICC indictments as both are said to be willing to mobilise their constituencies to support him (Mudavadi) rather than the Prime Minister, with whom they have had political differences.

On the whole, the forthcoming elections are evoking both optimism and unease, not only because of the surrounding uncertainty, but also because of the events that followed the 2007 presidential elections. The last few months have witnessed the creation of new alliances and the rebranding of a number of political parties in a clear sign that the political race is about to head into the home stretch. While the coalition government has exhibited resilience and done relatively well in implementing various reforms, including the passing of a new

constitution, many Kenyans accuse the political ruling class, particularly members of parliament, of being more concerned with their own selfish interests and preserving their huge pay packages, much of which is tax-free, than with the plight of ordinary citizens. Since elections by their very nature are highly contested processes, Kenya's forthcoming elections will certainly polarise the country, since politicians will no doubt fuel their campaigns on emotional rhetoric to gain leverage, but there is also debate as to whether or not the election will lead to political violence as was the case in 2007. Critical factors that are likely to militate against extreme cases of electoral violence include Kenya's experience with the ICC as well as reforms of the electoral body and the judiciary. This will, however, not totally eliminate political mobilisation along ethnic lines and sporadic incidents of violence.

There is also the case of the controversial Mombasa Republican Council (MRC), which has in the recent past stirred controversy in Kenya with its demands for secession and campaigns to mobilise the Coastal people not to participate in the forthcoming general elections. The group has variously been linked to incidents of violence and should it not be managed properly, it could easily create a big security problem for the country during the election period. In addition, there are a number of other areas, especially in the arid and semi-arid regions of the country, that have witnessed conflicts over resources (water and grazing land among other causes for dispute) and these issues could easily form an election campaign agenda and become the source of violent conflict during the election period.

Due to Kenya's intervention in Somalia, the country has witnessed a number of bomb attacks blamed on Al-Shabaab. These attacks have threatened the security of Kenya, with fears of further attacks taking place during the elections. This on-going threat remains a key concern for the security forces in Kenya.

With regard to the election and election-related process, the IEBC has in the recent past been entangled in a stand-off over the procurement of biometric election kits, which threatened to delay the voter registration process. Due to this dispute, the IEBC decided to revert to the manual registration system, a move that was not well received by sections of Kenyan society due to previous experiences relating to the manipulation of the manual system. The government, however, intervened and with the help of the Canadian government, the procurement of the biometric kits is, at the time of writing, under way.

As the electoral process gathers momentum, it is important to understand that election-related violence in Kenya has been a function of the decay in socio-economic and political order where issues of marginalisation, the sharing of resources, and historical grievances, among other issues, are often violently contested during elections. This situation demands greater attention being devoted to addressing the broader structural challenges relating to governance and to ensuring a sense of justice and fairness within Kenya's diverse society.

Geo-political dynamics

Africa and RECs

On 30 May 2012, the East African Community (EAC) Secretariat announced its intention to deploy a team of observers to monitor Kenya's general elections. EAC Secretary General Richard Sezibera said that EAC member states had been managing their general elections poorly, something that the EAC would work to change. He said local leaders had acted above the law, and the EAC was working to close loopholes relating to the rigging of elections.

United Nations

United Nations (UN) human rights experts have called on Kenya to denounce the climate of impunity that still shields the suspects of the 2007-2008 post-election violence. The UN has urged Kenya to pursue all cases of post-2007 election violence to ensure that the perpetrators are brought to justice and that victims are adequately compensated. In March 2011, the Kenyan government failed to get the support of the United Nations Security Council (UNSC) for deferring the prosecution of individuals indicted by the ICC for masterminding post-election violence in 2007-2008.

International community

The international community has maintained the need for Kenya to hold credible elections. On 4 August 2012 United States Secretary of State Hillary Clinton, during her tour of Africa, visited Kenya and warned Kenyans not to repeat the deadly violence that followed the 2007 elections. According to unconfirmed reports, Clinton also hinted about sanctions if any of the Kenyans indicted by the ICC were elected president. The British High Commissioner in Kenya, Christian Turner, also urged Kenya to ensure credible and peaceful polls. Turner has indicated that his government supports the ICC process to ensure that victims of the 2007/2008-post election violence receive justice.

Civil society

Civil society in Kenya has played a fundamental role in checking attempts to dilute the implementation of the country's new constitution. It has variously approached the courts to challenge decisions by the executive and parliament that seemed to undermine the constitution. Kenya's civil society has also held demonstrations and extensively used social media to rally Kenyans into holding the legislative and executive branches of government accountable to ensure free and fair elections.

Scenarios

Scenario 1

All presidential candidates are allowed to contest the elections and the 1st round of the poll does not produce a clear winner. The elections go to a run-off where one of the presidential candidates emerges as the winner in a free and fair election. There is no violence and the process is hailed as free and fair locally and internationally.

Scenario 2

There are protracted political and court disputes about the eligibility of several presidential candidates to contest the presidential elections. Ultimately, because of political sensitivities all the candidates are allowed to run. The election process is accompanied by intermittent incidents of violence. There is no clear winner in the first round. Elections go to a second round where the election is closely contested. A winner is declared and although there are political statements faulting the process, the outcome is said to be generally acceptable both domestically and internationally.

Scenario 3

Some or all of the top five presidential candidates are barred from contesting the elections. There are demonstrations throughout Kenya and attempts to postpone the elections. The elections go ahead but there is apathy and low turn-out in areas/communities whose leaders have been excluded. The outcome creates serious political fault lines and is contested through the courts. However, the new president manages to serve out his term.

Scenario 4

The court bars all key presidential candidates from contesting the elections. This move brings about widespread national acceptance and support fuelled by the belief that some of Kenya's current problems are caused by those currently in power. Kenyans participate in elections with high hopes. A relatively new politician is elected president amid renewed expectations.

Options

Option 1

As part of the Panel of the Wise report, the AU PSC should encourage Kenya to embark on systematic and continuous efforts to address the structural conditions that cause political violence and also promote voter and civic education in order to ensure a culture of political tolerance, peace and democratic ethos throughout all layers of society.

Option 2

The Panel of Eminent Persons led by Kofi Annan under the authority of the PSC should visit Kenya's political hotspots to diffuse potential conflicts as the country prepares for elections. The PSC has the moral authority to intervene in an impending crisis without invitation by national authorities.

Option 3

The PSC should deploy a pre-election assessment team with a clear mandate to assess both the technical preparedness of electoral stakeholders and the overall political climate for elections and to promote dialogue among election candidates.

PSC Retrospective

19ᵀᴴ AFRICAN UNION SUMMIT ANALYSIS

Post-summit analysis

The 19th summit of the Assembly of Heads of State and Government of the African Union (AU) was held on 9-16 July 2011 in Addis Ababa, Ethiopia. Initially, the summit was scheduled to take place in Lilongwe, Malawi. The summit was moved to Addis following the announcement by Malawi's President, Joyce Banda, that Malawi was not ready to welcome Sudan's President Omar al-Bashir to the summit on account of her country's commitment as a state party to the ICC. While President Banda's action was understandably necessary for mending the country's relations with donor countries, it also highlighted that AU member states comply with AU decisions only when it is convenient to do so and may defy them with almost no repercussions. The only response from the summit, Assembly/AU/Dec.419(XIX), was to reiterate its call upon African states parties to the ICC to 'balance, where applicable, their obligations to the AU with their obligations to the ICC'.

As in the January 2012 summit, the theme of the July summit was 'boosting intra-African trade'. As in the January summit, the issue that took the centre stage during the July summit was the AU Commission elections and specifically the election for the position of the AU Commission Chairperson. Although the AU sought to overcome the deadlock on the AU Commission Chairperson election through an *ad hoc* committee of eight presidents, the efforts of the committee achieved little. When AU Heads of State and Government came to Addis, the divisions among AU member states about continental leadership, that the election highlighted, had not changed significantly. Consequently, many observers expressed concerns that there

would be a repeat of the outcome of the January 2012 elections.

However, these fears were not born out by the outcome of the elections held on 15 July 2012. After four rounds of voting, South Africa's Home Affairs Minister, Dr Nkosazana Dlamini-Zuma, received the required two-thirds majority of votes, thereby winning the AU Commission Chairperson election. The results of the election showed that Dr Dlamini-Zuma had effectively reversed the lead that the incumbent, Jean Ping, had enjoyed in the January election. In January 2012, Mr Ping succeeded in leading the first three rounds of voting with 28 votes to 25, 27 to 26 and 29 to 24 respectively. In the latest series of elections, Dr Dlamini-Zuma led Mr Ping in the first three rounds with 27 votes to 24, 29 to 22 and 33 to 18 respectively. In January, after the fourth round, in which only the leading candidate participated, Mr Ping had secured only 33 votes, three votes short of the two-thirds majority, whereas Dr Dlamini-Zuma obtained 37 votes in the fourth round of votes.

The election of Dr Dlamini-Zuma settled the debate about the so-called 'gentlemen's agreement'. It was argued that this agreement among major African states had precluded countries such as Nigeria, Egypt, South Africa and Algeria from contesting the position of AUC Chairperson. The election also inaugurated a new era, by installing at the helm of the continental body the first female Chairperson. The result of this election promises some important changes in the future administration and management of the AUC. While she will assume the position of AUC Chairperson after what has been a divisive election process and at a time when the continent is facing multiple challenges, Dr Dlamini-Zuma has the advantage of having the required diplomatic experience (as a former South African Foreign Minister) as well as managerial skills, for improving and reforming the

AUC (she is credited with having successfully improved service delivery at South Africa's Home Affairs Ministry).

If she can effectively reassure those countries that did not vote for her that she is the Chairperson of the AUC, not on behalf of South Africa or SADC, but on behalf of all member states of the AU, Dr Dlamini-Zuma has an opportunity to offer decisive leadership for addressing the multiple peace and security challenges currently confronting the continent. Other major challenges facing the AU, that Dr Dlamini-Zuma would need to address and which would require strong leadership, include the need to reinvigorate the economic and political integration of the continent and mobilise funds for the AUC from within the continent. The AU has been heavily dependent on the support of its external partners for the financing of its activities. AU member states contribute less than half of the AU budget. In terms of the 2013 budget that the AU adopted at the 19th AU summit, out of the total budgeted amount of US$ 278,226,622, AU member states would need to contribute only US$ 122,866,637. The remaining amount, accounting for more than half of the total budget, would be expected to come from external sources. This imbalance is clearly unsustainable.

The summit decided, Assembly/AU/Dec.444(XIX), that the theme for the two summits in 2013 will be 'Pan-Africanism and African Renaissance'. The issues highlighted in the preceding paragraph are some of the major concerns that will be addressed under this theme.

There is no doubt that the theme of the 2012 summits, 'boosting intra-African trade,' was very important. In this age of globalisation, such a theme is also very timely. Importantly, increased intra-African trade is instrumental in facilitating the eventual economic integration of African states. It is to be recalled that at the time of the establishment of

the AU in 2002, South Africa's former President, Thabo Mbeki, famously declared that 'the African Union will be an economic union, or it will be nothing … there can be no meaningful African Union that is based on unity in poverty.'

As part of this theme, in January 2012 the AU Assembly agreed upon the establishment of an African Free Trade Area by 2017, as a means for deepening Africa's market integration. While there is little disagreement on the need to boost intra-Africa trade, it is not clear that the required infrastructural, institutional, legal and policy conditions have been put in place by AU member states in order to achieve this ambitious goal in a matter of five years. Currently, about 80 per cent of African trade is conducted with the EU, the US and, increasingly, with large rising economies such as China and India.

According to the United Nations' Economic Commission for Africa, in 2010 only 11 per cent of Africa's total trade took place among African states. Much of the exports from many African countries still include primary commodities, for which much of the demand is outside Africa. Consequently, there is a need for diversifying the economies of AU member states. Creating and enhancing the capacity of African states to produce value added goods is imperative.

One of the key factors for boosting intra-African trade and achieving economic integration is the free movement across borders of people, goods and services. Unfortunately, most African borders are less welcoming for African passport holders than for non-Africans. Many ordinary African travellers, as well as traders, often go through humiliating experiences when they cross the borders of other African countries. Clearly, AU member states need to look into standardisation and liberalisation of border controls.

It is also critical that the required physical transportation and

communications infrastructure, such as roads, rail networks, aviation corridors, airports and cargo services, sea ports and marine cargo facilities as well as telecommunications networks, is developed in order to facilitate enhanced intra-African trade. Equally, African states need to introduce standardised trade regimes covering labour practices, import regulations, and cross-border security frameworks. The question of building on the experiences of regional blocs such as ECOWAS in the establishment of a common trading system has also to be looked into.

In the recently concluded summit, the decision to establish the Continental Free Trade Area (CFTA) was reaffirmed. However, the Heads of State and Government acknowledged 'the critical importance of continuing to address the inadequacy of infrastructure including Roads, Rail, Ports, Energy, ICT, Transport *inter alia* and productive capacity by promoting value added products in order to exploit the larger economies of scale prospects and opportunities offered by the CFTA'.

Apart from the need for an effective display of political will by all member states, the level of progress that the AU has achieved in addressing the various infrastructural and institutional challenges of the continent will determine whether or not AU member states will succeed in establishing the CFTA by 2017.

In the area of peace and security, the major issues addressed during the summit were the constitutional crisis and the Tuareg rebellion in Mali, continuing conflict and dissension between Sudan and South Sudan and the recent conflict in the eastern Democratic Republic of Congo (DRC). On Mali, the AU Assembly adopted a declaration endorsing the communiqué, [PSC/AHG/3(CCCXXVII)], of the 327th summit level meeting of the PSC.

Concerning the rebellion in northern Mali, member states reaffirmed 'the

unflinching commitment of the AU and that of all its Member States to the national unity and territorial integrity of the Republic of Mali.' The communiqué also recalled the AU's earlier communiqué authorising ECOWAS, in collaboration with the region's core countries, to deploy a military mission to Mali after necessary preparations. Responding to the views of some of Mali's neighbouring countries that a political solution needed to be sought for the crisis in northern Mali, the PSC encouraged dialogue for resolving the crisis, but on the basis of 'respect (for) the unity and territorial integrity of Mali, and the total rejection of armed rebellion, terrorism and related criminal activities'.

On the constitutional crisis, two important decisions were taken. First, the PSC demanded 'an end to the unacceptable interference by the military junta and their civilian supporters in the management of the transition and the effective dissolution of the National Committee for the Recovery of Democracy and the Restoration of the State (CNRDRE)' or *Comité National de Redressement de la Démocratie et la Restauration de l'état*. This decision is backed by a threat of sanctions by both ECOWAS and the AU. Second, the PSC mandated 'the Chairperson of the AU Commission and the President of the ECOWAS Commission, in close consultation with the Mediation (sic) and with the support of the Special Representative of the United Nations Secretary-General for West Africa and other partners, on the basis of the communiqué of the Ouagadougou Contact Group meeting, to facilitate the holding, as soon as possible, of consultations among the Malian stakeholders, in Bamako, for the formation of the Government of national unity by 31st July 2012'. The PSC also requested the Gambian-based African Commission on Human and Peoples' Rights 'to investigate the human rights situation in northern Mali, including

the atrocities committed against the Malian military and their families in Aguel'hoc, in January 2012, and to submit a comprehensive report with concrete recommendations on the way forward.'

Regarding, the Sudan and South Sudan, two major issues addressed both in the summit level PSC meeting and at the AU Summit were the ongoing negotiations between the two countries on the resolution of outstanding post-secession issues and the situation in the two states of South Kordofan and Blue Nile. With regard to the talks the two countries have been holding within the framework of the 24 April 2012 communiqué and Security Council Resolution 2046, the summit noted that the progress made thus far had 'been slow and uneven, and (needed) to be significantly speeded up'. Accordingly, while the Assembly welcomed the commitment expressed by the governments of the two countries 'to promote their new spirit of strategic partnership in the negotiations and to ensure their completion, including the expeditious resolution of the issue of the definition of the Safe Demilitarized Border Zone (SDBZ), by 2 August 2012', it emphasised the need of the parties to fulfill their obligations fully and expeditiously and to fulfill their obligations under the Roadmap (outlined in the 24 April 2012 PSC communiqué) bearing in mind the timelines contained therein'.

Although the talks between the two countries have been held with renewed vigour since the adoption of the roadmap, they have also been suspended twice. Following reported air raids conducted by Sudan's armed forces in the territory of South Sudan, on 21 July 2012 the latter suspended the direct talks with Sudan that were being held in Ethiopia. While the talks have continued through the AU High Implementation Panel (AUHIP), it was subsequently reported that it was necessary to extend the 2 August 2012 deadline for finalising the negotiations.

Concerning the situation in the South Kordofan and Blue Nile states of Sudan, the summit stressed 'the urgent need for the two parties to immediately cease hostilities, as well as facilitate humanitarian access to all populations in need (as well as) the return of IDPs and refugees'. Additionally, it requested the AUHIP 'to expedite the launch of negotiations between the Republic of The Sudan and SPLM-N (Sudan Peoples Liberation Movement-North) in Blue Nile and South Kordofan States in conformity with the AU roadmap and UN Security Council Resolution 2046'. On 23 July, the AUC announced that the Government of Sudan (GoS) and the SPLM-N had resumed discussions under the auspices of the AUHIP about the modalities for the delivery of humanitarian assistance to affected territories and populations within the framework of the February 2012 tripartite (UN, AU and League of Arab States) proposal on humanitarian access in the two regions, which was recently accepted by the Government of Sudan. To allay the perceived concerns of Sudan, the AUC further stated its readiness to deploy an assessment team, including eminent African personalities, to this end, and to deploy monitors to ensure that 'assistance (would be) delivered to those in need in a neutral, impartial, transparent and accountable way.' By late July, these discussions were underway.

The recent upsurge in violence in eastern DRC also received the attention of the AU Assembly. On the margins of the summit, an extraordinary meeting of the Ministerial Committee of the International Conference on the Great Lakes Region (ICGLR) was held. The meeting adopted a decision in which the countries of the region, including Rwanda and the DRC, agreed to the deployment of a neutral international force 'to eradicate M23, FDLR and all other negative forces in eastern DRC, and patrol and secure the border zones'. Responding, albeit vaguely, to allegations of Rwandan support for the rebel group M23, the document stated 'no support should be given to any negative forces'. At the AU Assembly summit, the President of Rwanda, Paul Kagame, and his DRC counterpart, President Joseph Kabila, held a rare meeting to discuss the crisis in eastern DRC. The AU assembly strongly condemned 'the armed group and all other negative forces in the DRC, (including) the perpetrators of attacks against the Congolese Government in North Kivu'. The Assembly also expressed its full support for the efforts of the DRC government to restore peace in the affected region and called on countries of the region to lend their full support to the DRC.

Other notable decisions of importance included those relating to the proposed protocol to the Constitutive Act of the AU on the Pan-African Parliament (PAP) and the protocol on the criminal jurisdiction of the African Court on Human and Peoples' Rights. With regard to the Protocol relating to the PAP, the Assembly decided that: 'More in-depth consultations should be undertaken on the Draft Protocol to the Constitutive Act of the African Union Relating to the Pan-African Parliament with respect to its Articles 8.1(a) and 8.2 on legislative and oversight powers, which should be deferred to a later date for consideration taking into account the progress accomplished in the integration process.'

This means that until such time as adequate progress is achieved in the integration process, the PAP will continue to operate as a consultative body with no legislative and oversight role.

Regarding the African Court's envisaged criminal jurisdiction, the Assembly requested the AU Commission 'to prepare a study on the financial and structural implications resulting from the expansion of the jurisdiction of the African Court on Human and Peoples' Rights and submit the study' together with the draft protocol at the 20th summit of the Assembly. It has to be seen if the upcoming summit will end the ongoing debate on the motivations, wisdom and practicability of adding criminal jurisdiction to the mandate of the African Court.

The next summit is scheduled to take place in Addis Ababa, Ethiopia from 22 to 28 January 2013.

Country Analysis

EGYPT

Previous PSC and AU Communiqués

The Panel of the Wise of the African Union served as the major tool of the Union in dealing with the developments in Egypt in the post-Mubarak period. Members of the Panel made several visits to Cairo, meeting various officials of the government, the opposition and civil society, urging a peaceful, inclusive and democratic transition in Egypt. Subsequent to a request PSC/ PR/BR. (CCXCIX) by the PSC, the Panel is continuing to monitor developments in Egypt to support and facilitate the completion of the transition to democracy.

Egypt featured on the agenda of the AU PSC on different occasions at the time of the popular protests and subsequent developments that followed the revolution. The Peace and Security Council, at its 299th meeting held on 22 October 2011,

received a briefing from the Commissioner for Peace and Security, Ambassador Ramtane Lamamra, and the Permanent Representative of Egypt on the situation in Egypt. The subsequent press statement PSC/ PR/BR. (CCXCIX) by the Council called for the opening of the political space in Egypt in order to be able to establish democratic institutions that were truly representative and respectful of fundamental freedoms and human rights. The Council also urged all forces in Egypt to work jointly to complete the transitional period on the path to democracy in a way that would satisfy the aspirations of the Egyptian people.

Crisis escalation potential

Egypt is yet to have a constitution and a parliament. Currently it is the president, Mohammed Morsi, who holds the legislative powers and oversees the writing of the new constitution. On 12 August he ordered the retirement of the powerful head of the country's armed forces, Field Marshal Mohamad Hussein Tantawi, his deputy and Egypt's head of intelligence services. The removal of Tantawi was accompanied by a presidential announcement annulling the constitutional declaration that curbed the powers of the president. These decisions ended six decades of de facto military rule that had been in place since army officers seized power in 1952. However, many observers doubt that the shakeup will weaken the role of the military establishment in Egyptian politics and fear that it may heighten tensions between military role players and the Muslim Brotherhood government. Groups that see the army as a defender of secularism perceive the removal of Tantawi and the strengthening of presidential power as a consolidation of power by the Islamist president in the absence of a constitution and a parliament.

In the first anti-Muslim Brotherhood rally since President Morsi was sworn in, protestors rallied in different cities on 24 August, accusing President Morsi of controlling many branches of the state in order to pursue a predominantly Islamic agenda. Although the protests in Cairo were generally peaceful, protestors in Alexandria were attacked by a mob of hundreds, wielding knives and sticks, who injured several protestors. Despite the relatively small turnout, the demonstrations in Cairo and Alexandria, and the attacks against anti-Morsi demonstrators manifested the deep-rooted divisions and mistrust in Egyptian society over the country's future.

In the biggest military operation in the region since Egypt's 1973 war with Israel, the Egyptian army deployed hundreds of soldiers in the Sinai region to fight radical Islamist groups that had attacked and killed 16 Egyptian border guards on 5 August, 2012. On 13 August Egyptian troops killed five militants after storming their base near the border with Israel. The military deployment and operation threatened to create tension between Israel and Egypt and might also have affected the improving relations between Egypt and Hamas, as some of the militants were based in Gaza. These attacks and further responses by Cairo threatened to change the security dynamics of the region.

Key issues and internal dynamics

President Morsi's decision on 12 August, 2012 to remove Tantawi, his deputy and the head of the intelligence services, was described by some observers as a revolution. The move by President Morsi surprised many observers and signifies a shift in the civil-military balance of power that favours the civilian side. It also redefines the landscape of Egyptian politics in which the military establishment has been very active during the past six decades. A large crowd in Tahrir square supported the move as a significant step forward in consolidating Egypt's young democracy and a step toward establishing a civilian state.

President Morsi has said his decision was taken for the benefit of Egypt and that he 'didn't intend to target certain persons or embarrass institutions.' He also guaranteed that the move would not curtail freedoms. The President appointed Abdel Fattah al-Sisi, a younger member of the Supreme Council of Armed Forces (SCAF), as the new defence minister of Egypt, and emphasised that the military establishment should focus 'on the holy mission of protecting the nation.' The reshuffle took place days after the attack in which Islamist militants killed 16 Egyptian border guards in Sinai.

The decision to remove Tantawi did not strip the armed forces of all their powers and privileges. The armed forces, with access to vast resources in Egypt's economy as well as significant funding by the United States, remain among Egypt's key institutions and the process of establishing full democratic control over the military establishment has only just begun. General Mohamed el-Assar, a member of SCAF, said that the decision to remove Tantawi followed consultation with the field marshal and the rest of the military council. Tantawi, Egypt's acting head of state after Hosni Mubarak resigned from the presidency, had served as Egypt's defence minister for twenty years and is likely to serve as a presidential advisor in the new administration. The military establishment still owns vast economic assets, including chains of hotels, resorts and other businesses that produce more than ten per cent of the country's GDP.

However, the secular/liberal forces and other political rivals of the Muslim Brotherhood have voiced concerns at the growing power of the president and his party. A significant portion of Egyptian society still looks at each move by the Muslim Brotherhood government with fear and suspicion and considers the army to be the guarantor of secularism. It should be remembered that more than 48 per

cent of Egyptian voters rejected Morsi and the Muslim Brotherhood in the most recent presidential elections.

On 24 August as many as 3 000 Egyptians protested against President Morsi in Cairo, challenging the Islamist president and his Muslim Brotherhood party and accusing them of monopolising state power, Islamising the nation and threatening the secular state. The protestors claimed President Morsi had exceeded his authority when he assumed legislative powers. The group that was composed of military supporters, the secular and liberal youth and Coptic Christian organisations and activists, protested against what they called a monopoly of power by the Islamists in the absence of a constitution or a parliament. However, despite their reservations about other issues, liberal groups like the April 6 youth movement, which had organised and led the revolution, described President Morsi's move as the 'first step towards establishing a civilian state', and stated that the movement 'wants a strong, national army to protect the nation and that does not intervene in politics'.

The Muslim Brotherhood has become the most dominant force in Egyptian politics. However President Morsi has been prudent in asserting that he will be a president for all Egyptians and that the state will be secular and democratic. He appointed a diverse cabinet including a Coptic Christian, women and individuals from the Mubarak era. However, the Egyptian Coptic Christians, who make up about 10 per cent of Egypt's 85 million people, are disappointed that the new cabinet includes only one Christian. Many are of the view that the cabinet and presidential team is much less inclusive than promised, referring to his previous address where he promised that women and Christians would be appointed to his presidential team, possibly including a vice-presidential post.

On August 27 President Morsi announced the appointment of a Christian intellectual, a woman university professor, as part of his four-person presidential assistant team. The liberal Coptic writer Samir Murqus was given the position of assistant for democratic transition while Pakinam al-Sharkawi, a professor of political sciences at Cairo University, has been appointed to assist the president on political affairs. Despite his pledge that he would appoint Copts, possibly also as vice-president, Morsi has named Mahmoud Mekki, a veteran judge who campaigned for judicial independence under Hosni Mubarak, as his deputy.

The strongest test for the presidency will be to successfully revive the economy and convince the public that the policies of the new government effectively fight corruption and address the socio-economic grievances that have accumulated for decades. Egypt's economy is facing numerous challenges following the revolution and only grew 2 per cent in the 2011/12 financial year, down from 5 per cent or more in previous years. The revolution and subsequent developments startled foreign investors and tourists, two main sources of foreign exchange for Egypt. A series of strikes has also affected the economy. Since the revolution, Egypt also spent more than half its foreign reserves to support its currency, allowing the Egyptian pound to weaken only by about 5 per cent. Recent reports show that Egypt is also finding it increasingly difficult to import fuel as foreign banks and traders refuse to finance such purchases. This situation could exert a domino effect on the price of other goods. Based on government figures, the 2012/13 budget deficit will represent 7.9 per cent of gross domestic product (GDP), down from 8.2 per cent a year earlier. However, most economists have predicted a gloomy economic future and lower GDP growth for Egypt than the government has estimated.

The constitution-drafting process in Egypt is in the final stages. The constitution is expected to be completed and presented for public discussion in mid-September, and is scheduled for a public assessment through a referendum in October 2012. The process has seen the participation of more than 30 000 citizens who offered their opinions during a month-long public campaign to involve citizens in drafting the new constitution. Members of the constituent assembly also attended the public sessions, which drew participants from various civil society groups and unions, as well as activists and local leaders. According to reports the assembly received a total of 22 000 proposals online.

Despite such massive popular participation, many Egyptians are wary of seeing the final draft amid the growing fear that the Muslim Brotherhood may curb some religious rights and civil liberties. It is reported that the ultraconservative Salafists have insisted that the text of Article 2 of the constitution should be amended so that the state will be run in terms of 'Islamic Sharia (law) rather than (that) the principles of Islamic Sharia should be the main source of legislation in Egypt.' Reports also stated that the liberal members of the assembly were being harassed by Islamists to approve drafting several religious articles in a way that goes against liberties and human rights and the democratic ideals of the January 25 Revolution.

Egypt is at a crossroads and it remains to be seen if the new government, its laws and institutions, will reflect the ideals of the revolutionaries and a commitment to universal human rights and democratic principles, in particular religious freedom. The challenge of fulfilling the socio-economic expectations of Egypt's masses will also determine the stability of the state. As the US Secretary of State, Hillary Clinton, said, Egypt is 'navigating its unprecedented democratic transition.'

Geo-political dynamics

Africa and RECs

In a symbolic gesture of regaining its regional role after the revolution, Egyptian President Morsi put forward a plan at an Islamic conference in Saudi Arabia during early August aimed at resolving the crisis in Syria. On 27 August, Egypt's foreign minister announced that his country was seeking a meeting between Saudi Arabia, Turkey, Iran and Egypt to discuss and forward solutions for ending the Syrian crisis. In a situation where countries like Turkey and Saudi Arabia want regime change in Damascus, while Iran supports the current Syrian government. Egypt is keen to play a role to reconcile these opposing views and create regional consensus on how to deal with the crisis in Syria.

During the last week of August 2012, Israeli Defence Minister Ehud Barak and his Egyptian counterpart Abdel-Fattah al-Sisi communicated for the first time since the latter was appointed to his post. In a gesture that could ease growing regional tension, al-Sisi attempted to convey a reassuring message to his Israeli counterpart, confirming Egypt's commitment to honouring the peace agreement between the two nations. Their telephone conversation followed claims by Israel that the Egyptian military had moved forces into the Sinai Peninsula without coordinating with Israel. Apparently, al-Sisi affirmed Egypt's commitment to maintaining the 1979 Camp David peace treaty with Israel in the phone call, ahead of a meeting with President Mohamed Morsi.

International community

President Morsi was scheduled to visit China and Iran at the end of August 2012. The visit to Iran was prompted by the Egyptian leader's attendance at the Non-Aligned Movement (NAM) Summit in Tehran. As the incumbent Chair of the NAM, President Morsi was required to officially hand over the role of Chair to his Iranian counterpart. Despite being described by some observers as a shift in Egypt's foreign policy toward Iran, since Mubarak was overthrown, President Morsi's visit was scheduled to last no more than a few hours. Egypt has not established an embassy in Tehran. President Morsi's visit to Tehran would make him the first Egyptian president to visit Tehran for more than 30 years. However, Egyptian authorities announced that Egypt and Iran would not be reinstating normal diplomatic relations any time soon. President Morsi was also scheduled to visit China on 28 August for two days and meet with Chinese President Hu Jintao. The two leaders planned to discuss crucial issues facing the Arab world, such as the Syrian situation and the Palestinian issue. The two presidents were also to discuss ways of enhancing trade and commercial exchanges between their respective countries, in addition to increasing Chinese investment in Egypt.

International organisations and individual countries are being generous in supporting President Morsi's government. Egypt has requested a US$4.8 billion loan from the International Monetary Fund and hopes for a positive response by the end of the year. The Jeddah-based Islamic Development Bank agreed to give Egypt US$2.5 billion in financing. In addition, Qatar is depositing US$2 billion in the Central Bank of Egypt aimed at alleviating Egypt's foreign exchange shortage. Last year, in May 2011, Saudi Arabia pledged aid to Egypt totaling US$4 billion in 'soft loans, deposits and grants'.

On 13 August 2012 the United States announced that it was partnering with Egypt to put together a new security assistance package to address the worsening situation in the Sinai Peninsula. The US Department of Defense had talks with Egyptian military officers about a series of options for sharing intelligence with Egypt's military and police forces in Sinai. Reportedly, such cooperation will include the interception of hostile cell phone or radio conversations and aerial surveillance by piloted aircraft, drones, and satellites.

Civil society

Members of civil society and the press are concerned about some of the new president's decisions that have had negative impacts on Egyptian civil society and media freedom. On 11 August an Egyptian court ordered the Saturday editions of *Al-Dustour* newspaper confiscated over allegations that it insulted President Morsi and instigated sectarian discord. Editions of *Al-Dustour*, a privately owned daily newspaper, were seized after several individuals filed lawsuits accusing the journal of 'fueling sedition' and 'harming the president through phrases and wording punishable by law.' It was not clear whether the paper was barred from publishing completely. However, on 24 August 2012 Egypt's president passed a law banning the pre-trial detention of journalists, after coming under fire over the arrest of two critics. The order reversed a decision by a court in Cairo to detain Islam Afifi, a newspaper editor. Mr Afifi and a TV station owner, Tawfiq Ukasha, were both charged after allegedly insulting President Morsi.

Scenarios

The situation in Egypt could take a number of courses based on the outcome of the constitution-drafting process, parliamentary elections and the reactions of different parties to these developments.

Scenario 1

The continuation of meaningful dialogue between the various stakeholders and the peaceful holding of a referendum on the new constitution and its proper implementation could lead to consensus and consolidation of the democratisation process in Egypt.

Scenario 2

Growing suspicion and mistrust of the government and its commitment

to the secular state could complicate matters. Continuing tensions between the polarised parties of Egyptian politics could lead to increased unrest, further damaging Egypt's economy and security. The under-representation of liberal and secular elements within Egyptian society and the under-representation of minorities and women in the drafting of the new constitution and within government could widen existing grievances, and damage the legitimacy of the constitution and Egypt's aspirant young democracy, thereby leading to further unrest and instability.

Scenario 3

The growing tension in the Sinai region involving local militants, Hamas and Israel could change the security dynamics of the region.

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 Department of Political Affairs of the AU to offer support for the constitution-drafting process and to check that it accords with AU values and principles. The AU could also send an observation team to observe the constitutional referendum.

Option 2

The PSC could urge the new government to ensure the exercise of maximum restraint in responding to future protests. The Panel of the Wise of the AU could continue following events in Egypt to ensure inclusiveness within the new government.

Option 3

In the wake of the popular uprisings in North Africa, the PSC could assign a special envoy to follow up the transition to democracy in the region. This would help the AU PSC follow up events in Egypt and the region and respond promptly when its intervention is required to prevent any reversal of the consolidation of democracy in Egypt and 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

PSC Retrospective

AU GAINS AND GAPS IN PEACE AND SECURITY: AN ANALYSIS OF THE 19ᵀᴴ AU SUMMIT

The 19th African Union (AU) Summit that took place in Addis Ababa, Ethiopia from 9 July to 16th July had as its theme, 'Boosting Intra-Africa Trade'. This theme was a continuation of the January 2012 Summit primarily aimed at pursuing the ambitious task of promoting free trade areas between African states. In the pursuit of this goal, the AU Assembly decided to operationalise the Continental Free Trade Area (CFTA) by 2017 based on specific indicators and milestones [Assembly/AU/Dec.394 (XVIII)]. The Assembly mandated the High-Level African Trade Committee (HATC) to facilitate the process and resolve any potential blockages that might impede the realisation of the CFTA by 2017. The July Summit was therefore supposed to build on this lofty aspiration towards market integration and development through free trade between African states. Unfortunately, six months after the January Summit, the HATC is being operationalised but little progress has been made about how to insulate African states from the imbalance of external trade and financial shocks [cf. Assembly/AU/Dec.426 (XIX)]. It is still uncertain whether any meaningful milestones will be achieved in striving towards addressing infrastructural inadequacy and limited production capacity as well as implementing an appropriate policy and legal framework that will be aimed at boosting intra-Africa trade.

Preparations for the 19th AU Summit were indeterminate and shrouded in limited consensus by AU members especially for two main reasons. First, the Summit, initially scheduled to take place in Lilongwe, Malawi, was re-located to Addis Ababa. This was as a result of the refusal by the newly inaugurated government in Malawi, led by President Joyce Banda, not to allow Sudan's President Omar al-Bashir to attend the Summit in Lilongwe. As a signatory to the Rome Statute, Malawi based its decision on the premise that President al-Bashir had been indicted by the International

Criminal Court (ICC) for alleged war crimes, ethnic cleansing and crimes against humanity. On 11 June (less than a month before the Summit), the AU decided that the 19th Summit would be held in Addis Ababa. This event re-awakened the debate on the embattled relationship between the ICC and the AU. It will also continue to shape the discourse about what appears to be a conflict between the influence of moral solidarity with victims of gross violations of human rights and the pursuit of national interests.

Second, the most discussed and closely observed events during the July Summit were the elections of the Chairperson, Deputy Chairperson and Commissioners of the AU Commission. The electoral impasse about the position of the Chairperson, contested between Dr Nkosazana Dlamini-Zuma and Jean Ping during the January 2012 summit, drew considerable analyses with many analysts suggesting that it had created a 'lame-duck' commission. Accordingly, the opportunity for resolving this electoral deadlock became the most central, contentious and sometimes divisive issue at the Summit. Initial indications, following the arrival of African Heads of State and Governments, appeared to suggest that there could be yet another deadlock. The Committee of Eight, which was constituted to resolve the electoral impasse in January 2012, met on 14 July, but its members were unable to agree on how to arrive at a compromise between both candidates for the position of Chairperson, although they ultimately agreed that the election should proceed irrespective of the outcome reached by the Committee of Eight. It was the eventual outcome of the election that may have surprised several pundits. Dr Dlamini-Zuma emerged as the newly elected Chairperson in the

fourth round of voting, gaining more than 60 per cent of the confidence vote. This certainly represented a watershed moment in the electoral process, was victory for Africa's global commitment to gender equality, and set a precedent for future elections owing to the initially contentious issue about an unwritten rule that the so-called 'Big Five' countries in Africa (which includes South Africa) should not put forward candidates for the position of Chairperson. The eventual resolution of this deadlock paved the way for the election of other Commissioners of the AUC.

The newly constituted leadership at the AUC will now continue to grapple with the old challenges inherent within the AUC and, importantly, the persistent security challenges of Africa. In particular, Dr Dlamini-Zuma will initially have to reconcile the emergent divisions among member states discernible in the voting pattern of AU member states. Therefore, reaching out to the *significant* minorities that either did not vote for, or abstained from voting for, Dr Dlamini-Zuma will be crucial to promoting consensus-building, and embracing effective implementation of AU policies, especially in the area of peace and security.

Beyond the politics of the AUC elections, the summit had to revisit the prevailing peace and security challenges of Africa. Six months prior to the July Summit, two military coups had taken place in Mali and Guinea-Bissau. This clearly reminded West Africa, and indeed the rest of the continent, about the precarious state of democratic transitions. The persistent crises in Sudan and South Sudan; the Democratic Republic of Congo (DRC); and Somalia remained at the forefront of key peace and security challenges in Africa. Therefore, the AU Summit represented yet another opportunity to decide on the path

towards peace, stability and security in various zones of instability. Prior to the summit, the Peace and Security Council (PSC) had met at ministerial level to discuss the situations in Guinea-Bissau and Mali, and also between Sudan and South Sudan [PSC/MIN/3(CCXIX)]. Therefore, the AU Assembly represented an opportunity to build upon some of the recommendations and outcomes of the PSC report on the state of peace and security in Africa. There were some gains in the decisions on peace and security in the following areas:

First, the AU Assembly reinforced the normative and institutional repudiation of unconstitutional changes of government through military coups. Therefore, the Assembly re-affirmed the condemnation of the military coups in Mali and Guinea-Bissau and further underscored the continued partnership between the AU and ECOWAS in ensuring the return of constitutional rule in both countries. The Assembly also noted 'the imperative need for the effective restoration of constitutional order… and reiterate(d) support for the efforts deployed by ECOWAS and the countries of the region' [Assembly/AU/Dec.432(XIX)]. This decision represented continuity in the determination of AU member states to uphold the AU's principles and normative instruments against unconstitutional changes of government. Most significantly, the Assembly's support for ECOWAS appears to have diminished (albeit in principle) the perception of policy dissonance, and limited the practice of the principle of complementarity and division of labour between ECOWAS and the AU as articulated in the *Protocol Establishing the Peace and Security Council of the African Union*.

Second, the AU Assembly also continued to support the search for

peace in persistent crisis zones like the DRC and Somalia, and between Sudan and South Sudan. On the DRC, the resurgence of armed rebellion against the Congolese government in North Kivu and continued violence in the eastern DRC has posed a severe security challenge in that country. Therefore, the AU Assembly underscored the relevance of the peace process as laid down in the framework of the Pact on Peace, Security, Stability and Development in the Great Lakes region. Furthermore, the multiple crises within Sudan and South Sudan were also at the forefront of discussions by the AU Heads of State and Government. Specifically, the AU Assembly highlighted progress in the security situation in Darfur through the implementation of the Doha Document for Peace in Darfur (DDPD). Unfortunately, the continued violence in the Blue Nile and South Kordofan states and the consequent humanitarian crisis remained a concern for the AU Assembly. The latter therefore requested the AU High-level Implementation Panel (AUHIP) to resume negotiations between the Sudan and SPLM-N in Blue Nile and South Kordofan states.

Additionally, the AU Assembly highlighted the continued progress made in the quest for peace in Somalia. It remained optimistic about the imminent transition on 20 August and expressed appreciation for the efforts of the AMISOM with the support of international partners ensuring that the achievements towards peace and reconciliation in Somalia would not be undermined [Assembly/AU/Dec.432 (XIX)].

Third, the pre-requisite of achieving durable peace through an African-led approach often referred to as 'African Solutions to African Problems' was at the heart of the AU decision on post-conflict reconstruction. The Assembly launched the African Solidarity Initiative (ASI) designed to generate resources (beyond financial) from African countries through innovative ways that would assist in achieving sustainable and effective post-conflict reconstruction programmes in Africa. It is expected that the ASI will draw support from key partners, including the United Nations (UN), regional economic communities (RECs) and the African Development Bank (ADB). The AU Assembly endorsed the ASI and mandated the AU Commission to put in place measures toward its operationalisation, including identifying both progress made and challenges remaining.

Fourth, the AU Assembly decisions on peace and security may have contributed (albeit, not exclusively) to some positive outcomes since the AU Summit. For example, despite the 'imperfect transition', Somalia was able to elect more than three-quarters of the members of a new parliament. This was contrary to the pessimism of some analysts who foresaw the possibility of potential spoilers. However, the 20 August deadline for the election of a new President could not be achieved. Furthermore, in July 2012 South Sudan and Sudan signed their Agreement on Friendly Relations and Cooperation (AFRC). The AFRC represents a comprehensive post-2011 referendum agreement between both countries that provides for, and is intended to resolve, issues of security, economic relations and other related matters such as a defined common border, the final status of the Abyei region and the protection of nationals of one state resident in the other. The Government of South Sudan presented the AFRC requirements to the AU Peace and Security Council at a briefing on 3 August 2012. One of the most profound achievements of the AFRC was that it put in place a solution for 'transportation fees' which referred to the oil pipeline traffic tariffs to be paid by the Republic of South Sudan for processing and transportation fees. However, it must be underscored that the issue of transportation fees has been a cause of major violent confrontation between both countries. The main challenge for promoting peace through the AFRC resides primarily in the extent of the political will of both states in observing and ensuring the implementation of the agreement.
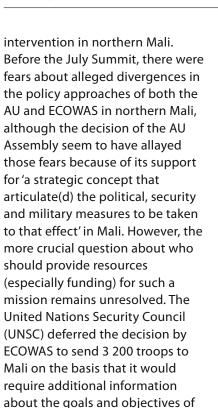
Despite the plethora of decisions that were made by the AU Assembly on peace and security during the Summit, there were still some important gaps. For instance, no decision was made by the AU Assembly about the persistent attacks against civilians by the Boko Haram terrorist group in northern Nigeria. This pattern of political violence has regional dimensions and implications. Ideological and logistical links have been drawn between Boko Haram and Al-Qaeda in the Maghreb (AQIM), as well as other Islamist groups in southern Libya, northern Mali and Niger. Yet, the AU Assembly did not expand on some of its decisions about Boko Haram which stemmed from the January 2012 Summit. During that Summit, the AU Assembly requested the African Centre for the Research and Study on Terrorism (ACRST) and the Special Representative of the Chairperson of the AUC to facilitate a coordinated approach in responding to such terrorist threats. Regrettably, a follow-up decision was not made even though the subject of security threats in Mali was put on the agenda.

Another important omission during the Summit was that there was little progress on decisions of the possible timing and resource mobilisation for a likely military

intervention in northern Mali. Before the July Summit, there were fears about alleged divergences in the policy approaches of both the AU and ECOWAS in northern Mali, although the decision of the AU Assembly seem to have allayed those fears because of its support for 'a strategic concept that articulate(d) the political, security and military measures to be taken to that effect' in Mali. However, the more crucial question about who should provide resources (especially funding) for such a mission remains unresolved. The United Nations Security Council (UNSC) deferred the decision by ECOWAS to send 3 200 troops to Mali on the basis that it would require additional information about the goals and objectives of such intervention. Even though ECOWAS continues to put the military option on the table, there is still a vital gap in sourcing for necessary and sustainable resources (including financial resources) for an anticipated intervention, which might last for a long period of time.

In conclusion, Africa continues to face considerable challenges to peace and security. The AU's commitment to resolving these crises is a mixedbag of achievements, opportunities and gaps. This was clearly reflected in the decisions of the AU Assembly during the 19th AU Summit. It appears, however, that there is a new window of opportunity to address some of these challenges through the administrative leadership of the newly elected AUC, with the support of the technical expertise of existing staff. Above all, the political commitments and will of African states will remain the most important factor to drive the quest for peace on the continent. This may be the real test of Africa's commitment to a rejuvenation of the concept of 'Pan-Africanism and African Renaissance'. The latter has been declared as the theme for the forthcoming 2013 AU Summits, which will feature both the Twentieth Ordinary Summit from 22 to 28 January 2013 and an Extraordinary Summit in May 2013. The purpose of the Extraordinary Summit will be to celebrate 50 years since the establishment of the Organisation of African Unity (OAU).

Important dates to diarise

5	September	Fourth Informal Interactive Dialogue on the Report of the UN Secretary-General on the 'Responsibility to Protect' (R2P), New York, USA
9	September	African Union Day
14	September	UN High Level Forum on the Culture of Peace, New York, US
15	September	International Day of Democracy
16	September	International Day for the Preservation of the Ozone Layer
18	September	Opening of the 67th UN General Assembly, New York, US
21	September	International Day of Peace
23	September	Pan African Women's Day
26	September	Summit on Somalia, New York, US
26	September	High Level Event on the Situation in the Sahel, New York, US
26-28	September	African Green Revolution Forum 2012, Arusha, Tanzania
27	September	High Level Meeting on Sudan and South Sudan, New York, US
24	October	United Nations Day

Country	Election	Date *
Togo	National Assembly	October 2012
	Local	October 2012
Sierra Leone	Presidential	17 November 2012
	House of Representatives	17 November 2012
	Local	17 November 2012
Burkina Faso	National Assembly	December 2012
Ghana	Presidential 1st Round	7 December 2012
	Presidential 2nd Round	28 December 2012
	National Assembly	28 December 2012

could change, dependent on circumstances

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