

Peace and Security Council Report

ISSUE 40,
November 2012



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 November 2012

During November, risks related to the envisaged deployment of a military operation in northern Mali, terror attacks and sectarian violence in Nigeria, the ongoing violent activities of rebels in the eastern DRC and the continuing threats of famine in the Sahel and the Horn are among Africa's many peace and human security issues that could become more difficult to bring under control if not addressed promptly and effectively. In addition to these causes for concern, the unresolved issue of piracy off the west and east coasts of Africa and the rising threat posed by al-Qaeda's terrorist alliance

with Boko Haram, Al-Shabaab and al-Qaeda in the Maghreb, must be addressed. In addition, an impending court decision in Kenya as to whether those indicted by the ICC may contest future elections could raise political temperatures and spark violence later this month. Events in the Sahel and unresolved issues in Sudan and South Sudan, as well as the tenuous peace in Côte d'Ivoire and the ongoing constitutional crisis in Madagascar, also still require the close attention of the African Union and relevant RECs.

► Current PSC Chair

Bio data: H.E. Momodou Sajo Jallow
Current posts: The Gambia's Ambassador to Ethiopia, Permanent Representative to the AU and Chair of the PSC

Madagascar

With the continued stalemate in Madagascar, there is a concern that the country could see a further

deterioration in the political and security situation if the roadmap is not diligently and fully implemented. Meanwhile, in spite of the numerous meetings, no solution seems

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.

IN THIS ISSUE

Early warning issues for November 2012	1
Country Analysis: Madagascar	2
PSC Retrospective: The PSC's response to the threat of terrorism in Africa	4
Country Analysis: Mali	7
PSC Retrospective: The AU civilian standby roster	11
PSC Retrospective: The transformation of the Pan-African Parliament (PAP)	14
Important dates to diarise	16

imminent. In a context of socio-economic hardship, deep divisions within the armed and security forces and lack of consensus among key domestic and external actors, the crisis in Madagascar might last a decade with disastrous consequences for sustainable peace and stability in the region.

Mali

At the regional and international level, the threat of a military intervention and the consequences of this future intervention in both the north and south of Mali holds significant potential for escalating

the crisis at present. Moreover, this risk of escalation goes beyond the context of Mali alone, which again underlines the importance of taking collective national, regional and international action; the necessity of

relying on strong cooperation with the neighbouring countries, namely Niger, Mauritania and Algeria; and the importance of putting strategies in place to reduce the risks. In addition, the planned intervention

will have to provide for strategies to avoid a military campaign with unforeseeable consequences and limit acts of intercommunity retaliation or vengeance, especially against civilians.

Country Analysis

MADAGASCAR

Previous PSC and AU Communiqués

During the 32nd Session of the Summit of the Heads of State and Government of the Southern African Development Community (SADC) held in Maputo, Republic of Mozambique on 17 and 18 August 2012, regional leaders reiterated their previous decision taken during the Luanda Summit in August 2011. They also mandated the SADC Mediator in coordination with the Organ Troika to intensify the dialogue with the main Malagasy political stakeholders to implement the Road Map in full and urgently take the necessary measures to ensure a full and urgent implementation of the Road Map as well as to creating a favourable environment for free, fair and credible elections.

Crisis escalation potential

With the continued stalemate in Madagascar, there is a concern that the country could see a further deterioration in the political and security situation if the roadmap is not diligently and fully implemented. Meanwhile, in spite of the numerous meetings, no solution seems imminent. In a context of socio-economic hardship, deep divisions within the armed and security forces and lack of consensus among key domestic and external actors, the crisis in Madagascar might last a decade with disastrous consequences for sustainable peace and stability in the region.

Key issues and internal dynamics

Africa has seen many complex situations of unconstitutional change of governments resolved through pressure and understanding among key political actors. In March 2009, former President Marc Ravalomanana was forced out of power in a coup-style take-over by Andry Rajoelina, then freshly elected mayor of Antananarivo. In September 2011, under the mediation of the Southern African Development Community (SADC), 10 out of 11 major Malagasy political movements signed an agreement to carry out the SADC Road Map's provisions. The goal of this road map is to guide Madagascar's transitional process and to establish a democratically elected government. This would mark the fourth attempt to implement an agreement to restore political normalcy in Madagascar. To date the country is still without a democratically elected government that is recognised by all in the international community. Significantly, the agreement also provided for the return of all political exiles, including the former president, Marc Ravalomanana. However, the persistent divergences between Ravalomanana and the president of the Haute Autorité de Transition (HAT), Rajoelina, have led to the political crisis becoming intractable.

One of the key issues impeding the quick return to constitutional order revolves around the judiciary process against Ravalomanana. Ravalomanana was convicted in

absentia of complicity in the shooting of approximately 30 pro-Rajoelina protesters in 2009. Subsequently, a draft amnesty law preventing 'murderers' from contesting elections was passed. This law raised questions among Ravalomanana's supporters, who argued that it was clearly politically motivated and directed at Ravalomanana.

In July 2012, direct talks took place between President Rajoelina and Ravalomanana. These talks were hosted by the Government of the Seychelles, as Ravalomanana risked arrest should he return to Madagascar. During the Seychelles talks, President Rajoelina said he was willing to pardon the convictions against Ravalomanana if the latter agreed not to return to contest the elections. However, this is not what SADC or the international community required, as democratic elections would not be possible if Ravalomanana were barred from contesting them. Besides the personal antagonism between the two men, the fact that Ravalomanana's Tiako i Madagasikara (TIM) party could still mobilise a lot of support and prove a real challenger to President Rajoelina, is another reason why President Rajoelina wishes to prevent Ravalomanana's return.

The army and the Malagasy population remain divided on the issue of Ravalomanana's return. In July, there was an unsuccessful mutiny, allegedly aimed at disrupting a meeting between President Rajoelina and Ravalomanana. In addition to this, there are many other grievances within the military,

especially regarding working conditions and pay. There is also great discontent over the prison sentences received by some of the military leaders who were involved in the coup against Ravalomanana. The lack of leadership and the divisions within the military continue to threaten political stability.

Given the relatively recent misappropriation of power, electoral integrity may remain elusive at the 2013 polls as planned by Malagasy authorities. The way in which President Rajoelina acquired power in the first place is indicative of him not respecting the democratic process. In order to hold successful elections, Madagascar will first have to overcome a number of challenges, including procuring the financial resources and establishing a political climate in which elections will not be sabotaged or boycotted. The main challenge, however, remains Ravalomanana's candidacy.

Geopolitical dynamics

Africa and RECs

The situation that has developed in Madagascar since 2009 may have a detrimental effect on the region. The current situation indicates that it is entirely possible to stage a coup and face very few consequences, which may encourage disaffected groups in other countries to emulate President Rajoelina. In 2009, the AU Peace and Security Council suspended Madagascar from participating in AU activities due to the unconstitutional power change. Soon afterwards, SADC also suspended Madagascar. Madagascar's readmission hinges on the implementation of SADC's road map. While the road map requests SADC to be the guarantor of the transitional process, authorities in Madagascar seem to be far from the necessary political consensus to resolve the crisis. SADC leadership, through South Africa's involvement in the mediation, has created the momentum to iron out the persistent disagreements. However,

South Africa's role has come under pressure since three Malagasy radio journalists took refuge from government forces in its embassy in Antananarivo. Moreover, in acknowledging Madagascar's judicial sovereignty, SADC seems to be indicating that Ravalomanana's fate remains in the hands of Malagasy authorities whose legitimacy is still contested.

United Nations

The UN has been involved in the crisis in Madagascar since 2009 and has made a relatively substantive contribution to the mediation process. However, according to a report published by Charles T. Call of the International Peace Institute, 'the UN's role became diminished politically after the breakdown of talks, although it continued to play a role bridging the Malagasy parties and SADC after the Maputo Agreement fell apart.' In late September 2012, President Rajoelina called on the General Assembly to support Madagascar during its time of transition. A contentious issue here is likely to be about the UN role in the electoral process, mainly in regard to the funding and the certification of the results. Indeed, the UN has earmarked US\$35 million in support of the elections, provided that the HAT agrees to the UN providing technical assistance in finalising the voter rolls and other steps to guarantee a free, fair and transparent electoral process.

International community

When President Rajoelina took power in 2009, the donor community, in disapproval of his coup-style appropriation of power, cut its funding to Madagascar. The cut in funds has not only diminished Madagascar's capacity to respond to disasters, but also increased economic hardship. If the 2013 polls achieve at least some level of electoral integrity, the donors may decide to release their funds once again.

If Madagascar adheres to the road map and holds elections, now set for 8 May 2013, the international community will have to decide whether it views the process as legitimate. Madagascar has already missed the original deadline to hold elections, negotiated by SADC as within the year ending September 2012. The September agreement, provided it is adhered to, will go a long way in determining whether Madagascar will once again enjoy international cooperation and donor assistance. This will also have a direct impact on the human security situation for Madagascar.

The AU, SADC, the EU, the UN Security Council, the Organisation internationale de la Francophonie and the Common Market for Eastern and Southern Africa (COMESA) formed an International Contact Group on Madagascar (ICG-M) to keep the pressure on Madagascar.

Civil society

The Madagascar Council of Christian Churches (FFKM) collaborated with the UN, AU and SADC to continue to play an important role in the mediation between Ravalomanana and President Rajoelina. The CSOs also believe they have a responsibility in ensuring that an eventual electoral process is free and transparent. They are currently campaigning on the disastrous consequences of contested electoral outcomes.

Scenarios

Scenario 1

There could be a consensus among key political actors, which would facilitate the holding of free and fair elections with enough guarantees to avoid post-electoral violence. This depends on agreement about Marc Ravalomanana's return and authorisation for him to take part in the elections.

Scenario 2

The manipulation of the transition process could continue, which could result in popular disenchantment

and revolt. There are calls for both Ravalomanana and Rajoelina to be excluded from the process.

Scenario 3

The electoral process could be rigged to favour Andry Rajoelina who relies on the army to rule. This would only perpetuate the cycle of political violence and rivalry seen in Madagascar since the early days of independence.

Options

Option 1

SADC mediation team and regional leaders could maintain their pressure on the political actors to implement the road map, mainly by allowing Ravalomanana to participate in the political process.

Option 2

Each step of the electoral process needs to be monitored carefully to

avoid any post-electoral crisis that could be detrimental to the country and the region.

Option 3

In case of persistent deadlock due to the personal antagonism between the two leaders, they could be forced to exclude themselves from the electoral process.

PSC Retrospective

THE PSC'S RESPONSE TO THE THREAT OF TERRORISM IN AFRICA

Recent years have witnessed the growth in visibility and capacity of terrorist groups in Africa with links to similar organisations outside the continent. On 24 October 2011 the Nigerian militant Islamic group Boko Haram officially declared its cooperation with Al-Qaeda in the Islamic Maghreb (AQIM). The statement by one of the leaders of the extreme group heightened the fears of regional leaders as collaboration between the different terrorist groups on the continent could intensify their attacks and enhance their operations by diversifying their financial and recruitment sources. There are also reliable reports connecting Boko Haram with the Somali Al-Shabaab militia. Such reports claim that some fighters and leaders of the Nigerian sect were trained by Al-Shabaab. Citing intelligence documents recovered from the Abotabad house of the late al-Qaeda leader, Osama Bin Laden, reports have also concluded that there was some form of regular communication

between Bin Laden and Boko Haram. Boko Haram, which claims to fight for a Sharia legal system in Nigeria, has become a feared and powerful force of instability in Nigeria, raising tensions between the country's religious groups. In one of a series of attacks targeting the Christian community, the group attacked a Catholic church in northern Nigeria on 28 October 2012, killing eight and wounding many more.

One of the oldest terrorist groups in Africa, Al-Qaeda in the Islamic Maghreb (AQIM) officially joined Al-Qaeda central in September 2006. The declaration of allegiance by the group, which has Algerian origins, was welcomed by the leadership of Al-Qaeda as the first of its official chapters on the continent. On 11 September 2006 the then second in command of Al-Qaeda, Ayman al-Zawahiri, approved the merger and described the group as 'a source of chagrin, frustration and sadness' for the region and called the merger a 'blessed union'. The group, which gained much from the Libyan civil war and the uprisings in North Africa, is linked with groups that control much of northern Mali and currently operate in more than seven countries in the Sahara-Sahel region.

The third African group to officially join the international terrorist network was the Somali extremist

group, al-Shabaab. The group, which still controls much of Somalia, released a joint video with al-Qaeda on 10 February 2012, announcing that the two groups had officially merged. Al-Shabaab's leader, Mukhtar Abu Zubair, said he 'pledged obedience' to the al-Qaeda head, Ayman al-Zawahiri. Al-Qaeda's influence on al-Shabaab has been profound as the radical group has since forged ties with al-Qaeda in the Arabian Peninsula to obtain foreign fighters, expertise and money. The group shifted from a local agenda, then launched attacks in Kenya and Uganda, and also trained Boko Haram militants. According to analysts the danger of al-Shabaab having a safe haven in Somalia is that it can train and host other like-minded radicals in the use of its tactics on the continent as in the case of Boko Haram.

The realisation of an effective collaboration network between the three terror groups would create a dangerous alliance of terrorist groups from the western to the eastern tip of the continent. This trend of 'al-qaedisation' of Africa and localisation of international jihadism has posed a significant security threat to countries in the region and on the wider continent. In the absence of coordinated regional and continental initiatives and efforts, the network could grow to be the biggest security threat to the continent in the near future.

There are questions about the AU's capacity to deal with this growing challenge.

The PSC has repeatedly discussed, proposed and decided about the above terrorist groups in the context of peace and security on the continent. On a few occasions, the Council has also discussed the AU's capacity to combat terrorism. One such meeting was held on 28 August 2008, where the Director of the African Centre for Study and Research on Terrorism (ACSRT) briefed the PSC about the AU and the UN Global Counter-Terrorism Strategy. The PSC issued a statement PSC/PR/1(LXCIX) following the meeting, in which it 'condemned unreservedly acts of terrorism, wherever they occur' and stressed that the fight against terrorism relies on the full implementation of all continental and international counter-terrorism instruments. The PSC further called on member states that had not ratified the Organisation for African Unity's (OAU) Convention on the Prevention and Combating of Terrorism and its Protocol, to do so.

In an effort to institutionalise and operationalise policies and decisions regarding terrorism in Africa, the Peace and Security Council of the AU also considered a report of the then Chairperson of the Commission, Jean Ping, entitled 'Report of the Chairperson of the Commission on Measures to Strengthen Cooperation in the Prevention and Combating of Terrorism' PSC/PR/2(CCXLIX) at its 249th meeting held on 22 November 2010.

The issue of terrorism was also on the agenda of the 15th Ordinary Session of the African Union, held in Kampala, Uganda, in the wake of the 11 July bombings in that city which killed more than 80 civilians. The Assembly of the Union identified terrorism as a serious concern for peace, security and stability in Africa and consequently adopted decision Assembly/AU/

Dec.311(XV) on the prevention and combating of terrorism. The Assembly of Heads of States and Government also emphasised the need for renewed efforts and increased mobilisation to combat the threat of terrorism and requested the Commission to submit to the PSC concrete recommendations aimed at strengthening the effectiveness of Africa's actions in seeking to prevent and combat terrorism.

The report by the AU Chairperson on November 2010, divided the terrorist threats on the continent into five major categories:

- Terrorist attacks on African interests
- Terrorist attacks on Western interests
- Use of African territory as a safe haven
- Africa as a terrorist breeding ground and source of recruits and financing
- Africa as a transit point for terrorists and fund-raising tied to other illicit activities

The Chairperson's report stated that the vulnerability to terrorist attacks of the different regions of the continent varies and at present North and West Africa and the Horn of Africa receive the most attention. At present these regions are suffering from the activities of AQIM Boko Haram and Al-Shabaab, all having established official operational relations with al-Qaeda central. The notoriously brutal Lord's Resistance Army (LRA) was also mentioned in the Chairperson's Report as a serious threat to civilians in East and Central Africa. During the past few years the LRA has committed atrocities against innocent civilians in its region of operations.

On 26 December 2011 the AU Commission released a strong statement condemning Boko Haram's continued acts of terror and cruelty and absolute disregard for

human life. The Chairperson further reaffirmed the AU's total rejection of all acts of intolerance, extremism and terrorism. The AU also released yet another press statement following the deadly wave of attacks by the group on January 20-21 that killed around 200 people in the nation's second biggest city of Kano. The AU pledged to support the efforts by the government of Nigeria to bring an end to 'all terrorist attacks in the country' and combat terrorism in all its forms. However, there is a growing feeling that the AU and the PSC could and should do more to deal with the increasing threat of terrorism in Africa

In an effort to implement existing African instruments and decisions in the fight against terrorism, the AU has taken a number of initiatives in recent years. One such move was the decision by the Assembly of the Union taken at its 13th Ordinary Session, held in Sirte, Libya, from 1 to 3 July 2010, Assembly/AU/Dec.256(XIII), rejecting any payment of ransom to terrorist groups in exchange for the release of hostages. The decision stressed that the payment of ransom constitutes one of the main methods of financing international terrorism and urged the international community not to pay ransom and to consider the act of terrorism as a crime. However millions of dollars are still being paid as ransom.

The Protocol to the OAU Convention on the Prevention and Combating of Terrorism was adopted by the 3rd Ordinary Session of the Assembly of the African Union, held in Addis Ababa, in July 2004, in pursuance of Article 21 of the Convention. The main purpose of the Protocol is to enhance the implementation of the Convention and to give effect to article 3(d) of the Protocol Relating to the Establishment of the Peace and Security Council on the need to coordinate and harmonise continental efforts in the prevention and combating of terrorism in all its aspects, as well as in the

implementation of other relevant international instruments. The relevant Protocol was subsequently signed by 41 member states. Whereas ten states have since ratified the protocol, fifteen ratifications are required for its entry into force.

In October 2004, the African Center for Study and Research of Terrorism (ACSRT) was established in Algiers, in response to the proposals in paragraphs 19 to 21 of the AU Plan of Action. The ACSRT serves as the technical arm of the AU on matters relating to terrorism and the implementation of the Union's counter-terrorism programme. The Centre also strives to harmonise the African perspective and definition of terrorism and the obligations of key actors and role players. In its 15th Ordinary Session held at Sirte, Libya on July 2010, the AU appointed Francisco Caetano Jose Madeira, from Mozambique, the Special Representative of the Chairperson in charge of Counter-Terrorism Cooperation, as the Director of the ACSRT with effect from December 2010. ACSRT aspires to become the continental hub for the study of terrorism and works towards the implementation of the UN Global Counter-Terrorism Strategy. The Centre is also mandated to develop analyses on the underlying conditions conducive to the spread of terrorism. The ACSRT has provided a forum for interaction and cooperation among member states and the various regional mechanisms, through their representatives. It has also taken steps to provide technical assistance to member states by developing technical expertise in a number of counter-terrorism areas, through the organisation of training courses and seminars.

The PSC is empowered by Article 7(n) of its Protocol to promote and encourage the implementation of OAU/AU, UN and other relevant international conventions and treaties. The PSC statement, referred to above, acknowledged that the

threat of terrorism would only be reduced by the genuine implementation of the existing array of African and international provisions for the combating of terrorism. The PSC is also required to present an annual report to the Assembly of the African Union about the prevalence of terrorism on the continent, in addition to monitoring, evaluating and making recommendations on the implementation of the Algiers Plan of Action. The Council could also continue urging member states that did not sign and ratify the protocol, to do so.

The 2002 Plan of Action is in the process of finalising the African Model Law on the Prevention and Combating of Terrorism. The draft was presented by member states to the meeting of experts in Algiers from 15 to 16 December 2010. The main purpose of the African Anti-Terrorism Model Law is to promote national implementation of the continental and international instruments for the prevention and combating of terrorism. According to the Chairperson's report, the Model Law further serves as a template to guide member states in developing, strengthening and updating their existing national laws, to better meet their international and regional obligations. The PSC could call for the implementation of the 2002 Plan of Action in the process of finalising the African Model Law on the Prevention and Combating of Terrorism. The Council could also call for the updating and harmonisation of legal systems, both national and regional, to uniformly apply investigations into terrorist activities, and the prosecution of terrorists, on the continent.

The Solemn Declaration on a Common African Defence and Security Policy (CADSP) could also be used by the PSC as a catalyst for achieving coherence and harmony in the defence and security policies and perspectives of African states.

The PSC could also include terrorism on its agenda and critically examine recommendations by the AU 2010 assessment panel, which noted that the continental peace and security architecture lacks mechanisms to fight threats like terrorism. Moreover the PSC could take tougher measures against individuals and organisations supporting terrorism and support provisions allowing investigation into, and the seizure of, properties and cash belonging to terrorist groups and their financiers. The PSC could also request the ACSRT to facilitate cooperation among states as well as the effective implementation of regional, continental and international legal instruments.

Regional cooperation and active involvement of RECs is key to dealing with the threat posed by terrorism. The Council could emphasise strong regional cooperation between countries and regions affected by the activities of terrorist groups and could assign a special envoy to coordinate and oversee continental efforts in the fight against terrorism with a special focus on al-Qaeda and its affiliates in Africa. The PSC could also hold an exclusive meeting focusing on terror in the Maghreb, Sahel, West Africa and the Horn to raise continental and international awareness about the issue and enhance regional cooperation that could lead to a comprehensive and collaborative approach to help combat terrorism in Africa.

Country Analysis

MALI

Introduction

The last country analysis pertaining to Mali was published in the Peace and Security Council Report of August 2012. As the present analysis covers events that occurred between August and October 2012, readers who are interested in previous events are invited to consult the August issue.

Previous AU and PSC communiqués and decisions

At its 339th meeting at ministerial level, which took place on 24 October in Addis Ababa, the Peace and Security Council (PSC) of the African Union (AU) adopted the Strategic Concept for the resolution of the crises in Mali and lifted the suspension of this country's participation in the organisation's activities, which had been decided at its 315th meeting held on 23 March 2012. In addition, the PSC asked that the Malian authorities take steps to 'reinforce cohesion between the transitional institutions in order to facilitate the implementation of the two principal transitional tasks, namely the restoration of the State's authority in the northern part of the country and the organisation of free, fair and transparent elections during the first quarter of 2013'. It reiterated the need to 'elaborate, in consultation with ECOWAS and the AU and with the support of the United Nations and other international partners, through extensive national consultations, a detailed roadmap with concrete measures and accompanied by a clear timetable on the implementation of the two main transitional tasks'.

In addition, the PSC requested the Malian authorities to initiate concrete measures to combat lawlessness and to ensure respect of human rights, as well as to adopt measures to facilitate the efforts of

the international community aimed at responding to the request to deploy an international military force. It also ratified the decision by the Support and Follow-up Group aimed at punishing terrorist and criminal networks, as well as Malian rebel groups and individuals who do not distance themselves from terrorist organisations and/or refuse to engage in a process of negotiation.

This meeting of the PSC was preceded by that of the Support and Follow-up Group on Mali in Bamako on 19 October 2012, during which the Chairperson of the AU Commission, who had just assumed office, announced the imminent nomination of a High Representative for Mali and the Sahel. The former president of Burundi, Pierre Buyoya, was appointed on 25 October. This meeting, which built on Resolution 2071, confirmed the international commitment to the Malian cause and reiterated the expectations of external role players toward the Malian authorities, on the one hand, which concerns the development of a roadmap for transition, and, on the other, toward ECOWAS, which concerns the development of an operational concept with a view to international support for the reconquest of the occupied territories in the north.

An International Experts' meeting was held from the 30 October to the 4 November to firm up plans for an armed intervention to wrest northern Mali from the hands of Islamic radicals. The Bamako meeting also reaffirmed the importance of putting Malian role players at the centre of the decision-making process and the availability of international role players to work with the transitional Malian authorities. Nevertheless, several questions remain, particularly with regard to practical arrangements for the implementation of the planned intervention mechanisms; the mobilisation and role of the principal role players involved; and logistic and financial support for a possible

military operation. The planning conference in Bamako could indeed provide an opportunity to shed some light on these issues.

During its 332nd meeting, which was held on 4 September 2012 in Addis Ababa, the AU Peace and Security Council reaffirmed its unwavering commitment to the territorial integrity of Mali and condemned the use of terrorism or a rebellion to further demands of any kind. The Council also upheld the suspension of Mali from participating in any activities of AU organs and meetings held under the aegis of the Council.

Potential for an escalation of the crisis

'We must not lose even a second. There is a degree of urgency; we are racing against time.' This statement by the interim president, Diancounda Traoré, made during the meeting of the Support and Follow-up Group in Bamako on 19 October 2012, underscores the risk that the crisis in Mali poses to international peace and security. The risks of an escalation of the crisis centres on two major issues: (1) at the national level, the tensions at various levels within the junta and the problem of rebuilding the army with a view to the campaign in the north; (2) at the regional and international level, the progressive realisation of an international military intervention that will permit the use of force carries certain risks and will obviously lead to increased radicalisation among the armed groups and terrorists in the north.

At the national level, tensions and divergences within the junta and resentments between the Green Berets (who predominantly formed the junta that carried out the coup d'état) and Red Berets (who formed the security detail of former president Amadou Toumani Touré) persist. Above all, this state of affairs underscores the urgency of restructuring, training and equipping the army, re-establishing the chain of command, and placing the army back under civilian control, as well as the pertinence of viewing the immediate

rebuilding of the Malian army as the starting point of a process to reform the security sector. The Malian military medical services have also detected cases of soldiers suffering from post-traumatic stress syndrome due to the acts of violence that they witnessed in the north. They report on the difficulties encountered by the military services in taking charge of these cases due to a lack of resources, particularly specialised resources in this field. The strengthening of customary disciplinary mechanisms and military justice also appear to be key elements in transforming the army into an efficient command and control structure.

In addition, the planned intervention will have to provide for strategies to avoid a military campaign with unforeseeable consequences and limit acts of intercommunity retaliation or vengeance, especially against civilians, while providing humanitarian assistance to collateral victims. At the regional and international level, the threat of a military intervention and the consequences of this future intervention in both the north and south of Mali holds significant potential for escalating the crisis at present. Moreover, this risk of escalation goes beyond the context of Mali alone, which again underlines the importance of taking collective national, regional and international action; the necessity of relying on strong cooperation with the neighbouring countries, namely Niger, Mauritania and Algeria; and the importance of putting strategies in place to reduce the risks.

The progressive implementation of steps leading to the deployment of an international force have already prompted the chief of the terrorist group Al-Qaeda in the Islamic Maghreb (AQIM) for the Sahel and the Sahara, Yahia Abou al-Hamam, to react after the meeting of the Support and Follow-up Group on Mali. 'I want to say to the families of the hostages that the war option, which has apparently been decided

by Mr Hollande, will necessarily mean that he will have signed the death warrant of the French hostages. [...] Mr Hollande alone will bear the responsibility for this,' he said on 20 March. The armed groups who are not involved in the negotiations will also not let themselves be caught off guard by a military operation and have already intensified their recruitment.

Key problems and internal dynamics

Subsequent to ECOWAS's decision pertaining to the extension of the interim presidency and the attack on President Traoré by protesters hostile to this decision, a second, so-called government of 'national unity' which is fundamentally only slightly different from the one formed in April, was announced on 20 August. Despite initial, discreet protests, the international partners henceforth appeared willing to go forward with the authorities in place. At bottom, this government reveals the fragmentation within the political class, the antagonism between political and military role players, and, finally, power relationships that are always clearly in favour of the military junta.

This reshuffle only served to reproduce a kind of three-headed power structure, dominated by three role players: captain Amadou Haya Sanogo, chief of the military junta, Prime Minister Cheick Modibo Diarra, and, finally, interim president Dioncounda Traoré. Even if he has slipped out of view, captain Sanogo remains influential within this transitional structure. It is also clear that the interim president, whose decisions are often challenged by partisans of the Prime Minister, in particular the High Islamic Council (HIC), still has only very little room to manoeuvre. Contrary to the show of cohesion at the Bamako meeting on 19 October, the centres of power in Mali remain multiple and the risk of tension, or even a new institutional crisis, cannot be completely dismissed.

If the rebellion launched by the MNLA succeeded in showing what is at stake, going as far as proclaiming the independence of the northern region of Mali, it should be stressed that this movement actually had neither the resources nor the strategy to defend its position or gains. Its allies, including the Movement for Oneness and Jihad in West Africa (MOJWA) and Ansar Dine, all of whom are affiliated with AQIM, have ended up abandoning it to pursue their own objectives. In this way, with the financial, military and logistic support of AQIM, and not without committing their share of atrocities, MOJWA and Ansar Dine have established their control over the three northern regions of Mali.

What is worrying about the ambitions of these groups is the constant threat of spreading the 'holy war' to other people in the region, where poverty and the State's inability to respond to the basic needs of the population render them vulnerable to fundamentalist ideologies. It is no exaggeration to argue that these groups have been able to profit from the dithering of local, regional and international role players to consolidate their positions, rearm themselves, and recruit from within the local population in order to be prepared for all contingencies. While it is not possible to put an exact figure on the number of combatants under the banner of these groups, their capacity to cause damage must under no circumstances be underestimated. The arrival of foreign jihadists from Africa and the Middle East must not be perceived as an insignificant part of the positioning strategy of the fundamentalists in the north of Mali. Moreover, they take advantage of their control over traditional arms and drug trafficking and smuggling to obtain weapons, ammunition and food.

However, the threat of imposing Sharia law and spreading fundamentalist Islam throughout the region and the world is only a pretext. It is clear that the armed

groups occupying the northern regions of Mali are searching for a stronghold outside the control of the State in order to perpetrate their transnational criminal activities. It goes without saying that no country in the region is immune to the negative consequences of their terrorist and criminal activities; hence the need for a series of coherent actions with exact short-, medium and long-term objectives, supported by major role players in the international community.

Geopolitical dynamics

Africa and RECs

During recent months, issues surrounding the deployment areas of the West African force and mapping out the priorities of the various phases of the intervention have given rise to differences of opinion between ECOWAS and the transitional authorities in Mali. This situation was, however, officially resolved during the visit of the Malian Defence Minister, Yamoussa Camara, to Abidjan on 22 September. On leaving his meeting with the President-in-Office of ECOWAS, Alassane Ouattara, he declared: 'We are in favour of ECOWAS's deployment of forces in Mali [...] with all the structures that go with it. However, in the interest of the operations, it is necessary that it be done with a minimum of discretion in order to guarantee the efficiency that is indispensable for conducting the operations.'

ECOWAS and the organisations on the continent, supported by 'military planning and security experts' since the adoption of Resolution 2071, have been developing the operational concept of the force for several months. The decision to make experts available shows a recognition of both the limitations of the plans submitted by ECOWAS to the United Nations up till now and the complexity of what is at stake. It is also difficult to get around the apparent lack of coordination and collaboration between ECOWAS and the AU. This situation may be

attributed to rivalries between these two organisations dating back at least to the management of the post-electoral crisis in Côte d'Ivoire (the Ivory Coast).

The mandate of the ECOWAS Standby Force, as authorised by the AU Peace and Security Council during its 323rd meeting on 12 June 2012, makes provision for three phases: (1) securing the transitional institutions; (2) restructuring and reorganising the Malian defence and security forces; and (3) restoring the State's authority in the northern part of the country and combating terrorist and criminal networks. In addition, the security and military operations aimed at accomplishing these tasks must be implemented in collaboration with the 'core' countries, namely Algeria, Mauritania and Niger.

With regard to these countries, Algeria has been trying to push through its strategy for the resolution of the crisis in Mali ever since the resurgence of the Touareg rebellion and subsequent incursion by terrorist groups into northern Mali. In fact, its position regarding the crisis in Mali centres on the recognition of the territorial integrity and secularism of the Malian State. Having played a prominent role in the resolution of previous rebellions, Algeria is conscious of the risks associated with a military intervention and has, up till now, insisted on dialogue and negotiation as a way to resolve the crisis.

Mauritania has adopted more or less the same position as Algeria, in line with a peaceful resolution of the crisis, without excluding the possibility of military intervention. The country has even conducted operations against the terrorists on Malian territory on a few occasions.

As far as Niger is concerned, it has adopted a preventative policy since the outbreak of the Libyan crisis. Having experienced numerous rebellions (the last being led in 2007 by the Niger Movement for Justice (MNJ) under the leadership of Ag Ali

Alambo), Niger was one of the first countries to support the idea of a military intervention, because, according to Nigerien authorities, these groups are very reluctant to accept a negotiated settlement.

United Nations

The unanimous adoption of Resolution 2071 on Mali on 12 October 2012 by the United Nations Security Council paves the way for the deployment 'of an international military force', as requested by the transitional authorities in Mali. It also calls for the immediate availability of military planning and security experts to assist ECOWAS and the AU in providing details about the 'resources and arrangements for the planned deployment and, in particular, the operational concept, building the capacity of the force, its strength, and the financial support costs'. The resolution also requests the UN Secretary-General to present a written report pertaining in particular to the deployment of the international force within 45 days of its adoption.

This course of action was made possible by a convergence of views on the threat in the Sahel at the high-level meeting on the Sahel, which took place on 26 September on the margins of the General Assembly. The mini-summit meeting provided the opportunity to present the United Nations Integrated Strategy for the Sahel and to announce the decision to appoint a United Nations Special Envoy for the Sahel. Romano Prodi was appointed a few days later. Above all, this meeting also put the Mali issue back on the Council's agenda and provided an opportunity to analyse the various aspects of the crisis and to outline response mechanisms.

Previously, the very first Security Council resolution on Mali, Resolution 2056 of 5 July 2012, acknowledged that the situation in Mali constitutes a threat to international peace and security and declared the Council 'ready to further discuss the request by ECOWAS as

soon as it obtains more detail about the objectives, resources and arrangements of the planned deployment and other possible measures.

International community

French activism with regard to the Malian cause was apparent in the UNSC's adoption of Resolutions 2056 and 2071. As the initiator of these two resolutions, France supports a military intervention against the armed groups and terrorists, in spite of threats to execute French hostages. Nevertheless, it remains in favour of possible dialogue with non-terrorist groups. Moreover, France has resumed its military cooperation with Mali, which was suspended after the coup.

The United States views the establishment of a legitimate government as an important step in resolving the crisis in Mali. During the September 26 meeting on the Sahel, US Secretary of State Hillary Clinton stated that '... only a democratically elected government will have the necessary legitimacy to reach a negotiated settlement in the north of Mali and thus to put an end to the rebellion and restore the rule of law'. According to Clinton, 'it is therefore imperative that the interim government submit to the April 2 deadline to organise fair and transparent elections, free of any influence'. Washington does not, however, exclude the possibility of providing logistic support for an intervention to restore the territorial integrity of Mali.

The EU sent twelve experts on a mission to Mali on 22 October 2012 within the framework of its Common Security and Defence Policy (CSDP). The aim of the mission was to develop a crisis management plan pertaining to the reorganisation and training of the Malian defence force, while taking into account the conditions required to ensure the effectiveness of a possible mission, including the full support of the Malian

authorities and the definition of an exit strategy. The EU Council of Foreign Affairs approved the mission during its 3191st session in Luxemburg, on 15 October 2012.

The International Organisation of the Francophonie (OIF) tackled the Malian issue at its 14th summit meeting, which took place from 13 to 14 October 2012 in Kinshasa, in the Democratic Republic of the Congo. During the meeting on 19 October, it also committed itself to providing support to the Malian authorities with regard to the important question of organising elections to resolve the crisis. This raises a dual issue: the revision of the voter registry in order to re-establish its credibility, and the organisation of elections in a country with two-thirds of its territory outside of State control.

Civil society

On 11 October, on the eve of the planned UN Security Council meeting, a demonstration march was held in Bamako in support of the ECOWAS intervention and the government's demands to regain control of the north. The march, organised by the Front for Democracy and the Republic (FDR), which had denounced the March 22 coup, the Collective of Inhabitants of the North of Mali (COREN), and the Alliance of Patriotic Democrats for Ending the Crisis (ADPS), was a welcoming gesture to ECOWAS troops. The march took place two weeks after a smaller demonstration against the deployment of the ECOWAS troops was held in Bamako by the Coordination of Patriotic Associations in Mali (COPAM).

A demonstration on 21 May, organised by the same organisation, which also includes political forces and had expressed support for the putsch, got out of hand when demonstrators violently attacked the interim president, Dioncounda Traoré, in his office in the presidential palace. COPAM's capacity for mobilisation appears to have declined as a result of the court

appearance of its leaders, who stand accused of disrupting public order during the May 21 demonstration march. The negotiations leading to the formation of the government of national unity on 20 August finally succeeded in dividing this movement.

Scenarios

Three possible scenarios emerge from the preceding analysis:

Scenario 1

The AU and ECOWAS, in collaboration with the Malian authorities and with the support of external partners, delay reaching a consensus on the operational concept to submit to the Security Council, while parallel negotiations are slow in being formalised and showing results. Against this background, the jihadists take advantage of these delays to increase their numbers and obtain more weapons, and gain ground. The territorial integrity comes under increased threat, risking collapse and the expansion of areas where Sharia law is imposed.

Scenario 2

The finalised operational concept is proposed to the UN Security Council, which adopts a resolution authorising the military intervention in the north of Mali in terms of Chapter VII of the United Nations Charter. But the contributing countries delay mobilising and the international community delays making resources available to the intervention force, which further delays the military intervention to flush out the terrorist groups.

Scenario 3

The negotiation process succeeds in isolating the moderates under the pressure of the military action authorised by the Security Council and supported by the international community. This action subsequently helps Mali to regain its territorial integrity. Mali then initiates the electoral process with a view to holding presidential elections.

Options

Option 1

ECOWAS and the AU, supported by the UN and various partners, must present the operational concept of the proposed intervention force as soon as possible for adoption in the Security Council. The option advocated up till now – which consists of seeking peace through negotiation while preparing for war by rebuilding the Malian army and planning a military intervention – offers clear advantages. Military pressure might actually speed up the negotiations. But it also carries risks, especially of stalemate, if the military operation is not meticulously planned. It is therefore imperative that the planning be conducted in a concerted manner, accompanied by clear parameters and a precise schedule, to avoid a stalemate in the situation or a military campaign with unpredictable consequences.

Option 2

With the adoption of Resolution 2071, which accepts the principle of an international force in the north of Mali, reaching a consensus that includes the ‘core countries’ that do not belong to the Economic Community of West African States (ECOWAS), namely Algeria and Mauritania, around the practical

arrangements for an intervention is a matter of urgency. As for the question of rebuilding the Malian army, it must be based on a multidimensional evaluation, as the needs go well beyond the issues of training and equipment mentioned at the start. A rebuilding process that is largely operational in nature, linked to the immediate imperatives of the planned military intervention, must take place as soon as possible. However, it must serve as the departure point for a more classic process of long-term reform of the security sectors.

Option 3

True cooperation, based on the comparative advantages of the various organisations and which is in line with the processes of the African Peace and Security Architecture (APSA) and international procedures, will be required to help Mali break out of the current deadlock. The apparent rivalry that seems to characterise relationships between the various organisational levels represented by ECOWAS, the AU and, more recently, the United Nations, must end, especially as it is based more on questions of institutional positioning than on fundamental differences of opinion. The absence of coordination has contributed to prolonging the delay in reaching

even a partial consensus about measures to resolve the crisis in the south and north alike.

Documentation

AU documents

Communiqué PSC/MIN/COMM.2(CCCXXXIX) of the 339TH meeting at ministerial level, 24 October 2012, Addis Ababa, Ethiopia.

Strategic concept for the resolution of the crises in Mali, 24 October 2012.

Communiqué PSC/PR/COMM (CCCXXXII) of the 332nd Meeting of the PSC, 4 September 2012, Addis Ababa, Ethiopia.

Conclusions of the meeting of the Support and Follow-up Group on the situation in Mali in Bamako, 19 October 2012.

UN documents

Resolution 2056 (2012) S/RES/2056 (2012), adopted by the Security Council at its 6798th session, 5 July 2012.

Resolution 2071 (2012) S/RES/2071 (2012), adopted by the Security Council at its 6846th session, 12 October 2012.

PSC Retrospective

THE AU CIVILIAN STANDBY ROSTER

The launch of the African Solidarity Initiative (ASI) during the 19th ordinary session of the African Union (AU)'s Assembly of Heads of State and Government held on 16 July 2012 is one of the latest steps taken by the AU to promote intra-African solutions to conflict management and resolution. The objective of such an effort is

noteworthy: help encourage African reconstruction and development efforts by generating financial and in-kind support to post-conflict situations. It underscores the growing role of civilians within the African Peace and Security Architecture (APSA) in roles such as strengthening state capacity, good governance and rule of law as being among the main needs to ensure a return to durable peace and eventual prosperity. Nonetheless, the need for civilian capacities is not limited to mediation or to the implementation

of the AU's Policy on Post-Conflict Reconstruction and Development Policy (PCRD) adopted in Banjul in 2006. It is now at the core of the APSA, as the civilian dimension has become an integral, if still nascent, part of the multidimensional African Standby Force (ASF), which has begun to establish itself after defining its conceptual framework.

The mobilisation of civilian expertise for mediation, conflict resolution, peace building and reconstruction is now a political priority of the APSA. Nonetheless, the capacity for deploying civilians

and having them conduct peace operations constitutes a weakness of the ASF, as they have not reached the level of efficiency that is visible for military personnel, as shown during the Amani Africa exercise cycle. These two considerations are at the centre of the Njiwa multinational peace and security exercise focussing on police and civilian personnel that is taking place in Addis Ababa from 28 October to 9 November 2012. The growing involvement of the AU in mediation – most notably through the African Union High-Level Implementation Panel on Sudan (AUHIP) chaired by former South African President Thabo Mbeki – also understates the need for mediation envoys and experts. In this regard, the Post-Conflict Reconstruction and Development (PCRD) Unit's gradual operationalisation will require the involvement of civilians in long-term assistance, notably through the ASI. Although operational efforts to enhance civilian capacity for peace and security are quite visible, the establishment of a standby civilian roster focusing on civilian personnel to be deployed in a peace and security context is an initiative of the AU Commission that is commendable, as its establishment will considerably support the AU's civilian capacity.

The case for a more complex architecture to support civilian deployment will be even more relevant if the forthcoming review of the African Standby Force (ASF)'s intervention scenarios favours multidimensional involvement such as humanitarian assistance, as there is a perception within the African Union that the changing nature of threats to continental peace and stability limits the impact of strictly military intervention. Roadmap III of the ASF (2011-2015), which covers the steps towards its full operationalisation in 2015, thus clearly states that while

'peacekeeping was essentially a military activity with other dimensions in support of the military effort', the scenarios in which the ASF could be called upon 'should reflect the multi-dimensional aspects of conflict management and in particular the political requirements.'

The growing need for civilians: the case of AMISOM

The shift in mandate of the African Union Mission in Somalia (AMISOM) is a clear example of the growing need for the AU to structure its civilian deployments in peacekeeping operations as its ad hoc recruitment processes, consisting of short-term personnel within the Commission and the various missions, are not sufficient to deal with a growing number of civilians and the scope of expertise required. In three years, the number of civilians involved with AMISOM will have tripled. Commencing in 2007 as a military endeavour, with only a few civilians needed to help support its security mandate, it required about 50 civilians in 2010. It now employs approximately 70 civilians both in Mogadishu and Nairobi and, with an ongoing wave of recruitment, should reach 100 personnel in early 2013 and 150 in mid-2013.

As detailed in previous issues of the PSC Report, the context in Somalia has changed in the last year with the securing of Mogadishu, the involvement of AMISOM outside of the capital and, most importantly, the end of the transitional period, leading to a new model of government and constitution. The civilian personnel of AMISOM, which only started working from Mogadishu in May 2011, are now notably called upon to get involved in dialogue and reconciliation, in the re-establishment of governance structures and rule of law institutions, as well as in humanitarian aid and coordination.

This is a clear shift from the mostly military nature of AU peacekeeping, as started in Burundi and continued in the Comoros, in Darfur – with the exception of the hybrid UN/AU mission UNAMID – and now with the AU-led Regional Cooperation Initiative for the Elimination of the LRA (RCI-LRA). As experienced by other international organisations involved in peace and security, the traditional tasks of securing agreements and peace processes are now included in wider mandates with peacebuilding objectives. Such mandates, by bringing together a diversity of civilian expertise coming from widely different backgrounds, underscore the need for more robust recruitment structures.

The need for a roster

The identification and availability of key civilian expertise, both for work on the ground and at the AU Commission, is a challenge faced by all organisations involved in peace and security. It is most notably one of the key aspects of the United Nations' initiatives to better provide global civilian capacity in post-conflict settings and in which the AU is one of the key partners. Most recently, this process, launched by the February 2011 Independent report of a senior advisory group headed by former Under-Secretary-General Jean-Marie Guéhenno (A/65/747-S/2011/85), led to the launch, in September 2012, of the Capmatch online platform. Countries and organisations, especially from the Global South, are encouraged to display their experiences and need for civilian expertise on that platform in five key areas. Such an effort underlines the necessity for strengthened partnerships and the availability of several deployment mechanisms to better respond to post-conflict needs.

Among the different challenges facing the APSA, much has been

done within the AU Commission to better engage with civilians for peace and security issues. One of the ongoing efforts to structure civilian deployments is the creation of an AU Civilian Standby Roster platform to be used by the AU Mediation Unit, the Peace Support Operations Division (PSOD), and the Post-Conflict Reconstruction and Development (PCRD) Unit. Such an effort is seen as a way to give better flexibility to the APSA stakeholders.

The creation of a roster for the ASF was decided in December 2010 during the 7th Meeting of African Chiefs of Defence staff and Heads of Safety and Security Services and the 4th Ordinary Meeting of the Specialised Technical Committee on Defence, Safety and Security. Such a mechanism, which eventually came to include mediation and reconstruction needs, is essential to complement traditional recruitment processes. The AU Commission published a handbook in 2011 about the roster and the design of the roster process.

Indeed, while traditional recruitment practices and procedures still have their place, they can show their limitations when quick responses are needed in the face of high demands for specialised expertise, as experienced by the AU and other organisations. Such has traditionally been the case during the initial phases of peacekeeping missions, where the time needed for these procedures – posting the job offer, obtaining the CVs, as well as selecting and deploying – can significantly affect vacancy rates, especially for specific technical expertise. Such a roster, by making available pre-vetted individuals, can give the AU the flexibility needed to react quickly to emergencies and to the evolution of needs on the ground. Such a tool also has strategic importance, as it gives an overview necessary to better

manage civilian capacities and needs.

While 2011 and 2012 allowed the time for technical aspects to be worked on, the stage has been set to start the full operationalisation of the roster, notably through the recruitment of staff specifically dedicated to its management and the establishment of the database and of the roster system. In contrast to what will be done for mediation and PCRD needs, the ASF continental roster only provides an overview of five sub-regional rosters. Thus, this roster will have to be integrated at a later stage with the existing mechanisms at the RECs/RM levels, as they are ones involved with direct resource identification and management.

The AU Department of Administration and Human Resource Management (AHRM) is also being solicited to put forward a Specialised Peace and Security Human Resources Cell because of the specific needs relating to that type of deployment. Mission-specific human resources policies, rules and procedures, such as job descriptions, salary scales, insurance and allowances, must be seen as a way to not only speed up and simplify recruitments, but also to help retain key individuals from mission to mission, which has also been problematic in recent years.

Such efforts show that the civilian aspect of APSA, after many years of conceptualisation, can rapidly start to become operational. To help promote a common understanding of what has been done, a milestone has been achieved with the launch, in October 2012, of an AU Commission website specifically dedicated to the civilian dimension of the ASF (civilian.peaceau.org). Such a platform can serve as a useful base to familiarise practitioners with current projects and initiatives, as it notably lists all the relevant documents relating to

the AU Civilian Standby Roster, as well as all the relevant policy documents and roadmaps concerning the civilian aspect of the ASF. Even though the PSC will closely follow high-level initiatives such as the Amani II continental exercise cycle or the review of the ASF doctrine, it is important to keep in mind the importance of staffing and human resource management issues, which affect all aspects of the APSA, from conflict prevention to reconstruction. It will therefore be essential to give enhanced visibility to the role of civilians and to favor a common understanding of the operational linkages between the efforts of the stakeholders involved, whether at the national, regional or continental level.

PSC Retrospective

THE TRANSFORMATION OF THE PAN-AFRICAN PARLIAMENT (PAP)

The treaty establishing the African Economic Community relating to the Pan African Parliament (PAP) states that five years after the entry into force of the protocol, the protocol, operation and effectiveness of the parliament shall be reviewed in order to check the fulfillment of its objectives.

Accordingly, the PAP held its Sixth Ordinary Session in Addis Ababa, Ethiopia on 16-20 January 2012, under the theme 'Transformation of the Pan-African Parliament into a Legislative Organ, continuing on the review process that was launched in 2009 by the decision of the AU Assembly. The issue of transformation of the PAP was also on the agenda of the 18th Ordinary Session of the African Union.

The Pan African Parliament, which held its inaugural session on 18 March 2004, is based in Midrand, South Africa. The organ, which aspires to be the legislative body of the African Union, currently only exercises oversight and consultative powers. Officials of the PAP began lobbying at the 18th AU summit in support of the view that the PAP needs to be transformed to enable the organisation to make binding decisions. Members of the PAP have expressed the view that the required transformation will result in a growing role for the parliament on diverse issues, including peace and security.

PAP was established by Article 17 of The Constitutive Act of the African Union, as one of the nine Organs identified in the Treaty Establishing the African Economic Community, signed in Abuja, Nigeria, in 1991. The Parliament was created to

promote popular participation and representation of the people of Africa in decision-making, good governance, oversight, accountability and transparency. At present, 47 national parliaments have ratified the PAP protocol and are represented in the parliament through the five representatives that each of these countries has sent from their respective national parliaments.

Article 2 (3) of the Treaty establishing the African Economic Community relating to the PAP, signed in 2001, declares that the ultimate aim of the Pan-African Parliament shall be to evolve into an institution with full legislative powers, whose members are elected by universal adult suffrage. However, at present its influence is limited to consultative and advisory powers and its members are nominated by the national parliaments of the AU member states that have ratified the Protocol.

The initial objectives of the PAP included:

- Facilitating the effective implementation of the policies and objectives of the OAU/AEC and, ultimately, of the African Union
- Promoting the principles of human rights and democracy in Africa
- Encouraging good governance, transparency and accountability in member states
- Familiarising the peoples of Africa with the objectives and policies aimed at integrating the African continent within the framework of the establishment of the African Union
- Promoting peace, security and stability
- Contributing to a more prosperous future for the people of Africa by promoting collective self-reliance and economic recovery

- Facilitating cooperation and development in Africa
- Strengthening continental solidarity and building a sense of common destiny among the peoples of Africa
- Facilitating cooperation among Regional Economic Communities and their Parliamentary forums

According to Article 3(5) of the PAP protocol, the promotion of peace, security and stability is one of its objectives. The PSC Protocol (2002) also recognises the possible role of the PAP in continental peace and security issues under Article 18 and requires the PSC to maintain close working relations with the Parliament. The same protocol also states that the PSC shall, whenever so requested by the PAP, submit, through the Chairperson of the Commission, reports to the Parliament, in order to facilitate the discharge by the latter of its responsibilities relating to the maintenance of peace, security and stability in Africa.

In compliance with Article 11 (5) of the PAP Protocol, the Parliament, through its Committee on Cooperation, International Relations and Conflict Resolution, is responsible for issues of peace and security on the continent, and should to this effect liaise and regularly hold briefings with, or receive reports from, the PSC. This approach would require a formal reporting mechanism, joint briefings and the submission of reports, among other requirements, in order to facilitate genuine information-sharing aspects, which are visibly absent. At present, the PAP does not have a discernable and clearly defined role in continental security affairs and the African Peace and Security Architecture (APSA).

Nonetheless, steps were taken to consolidate its working relations with the PSC. In this regard, the Council was briefed at its 148th meeting PSC/PR/BR (CXLVIII) on 22

August 2008 by the then President of the Pan-African Parliament (PAP), the Hon. Gertrude I. Mongella, on PAP efforts towards peace building in Africa. The briefing was considered as a first step towards the implementation of the provisions contained in article 18 of the PAP Protocol, regarding the role of the PAP in the furtherance of peace, security and stability in Africa, as well as the relationship between the PSC and the PAP. The briefing also marked the beginning of closer collaboration between the PSC and the PAP, as called for in the Conclusions of the Retreat of the PSC, held in Dakar in July 2007.

So far the PAP's involvement in issues of peace and security has been mainly manifested through the numerous missions the parliament has sent out across the continent. Consequently, the PSC, at its 148th meeting (PSC/PR/BR) (CXLVIII) also paid tribute to the PAP for its efforts towards election monitoring and observation, as well as towards the resolution of election-related disputes on the continent.

The PAP has sent fact-finding missions to Darfur, Rwanda, Sierra Leone, Côte d'Ivoire, Mauritania and Chad. The Parliament also dispatched election-observation delegations to the Democratic Republic of Congo (DRC) in 2006, Kenya in 2007 and to Zimbabwe and Angola in 2008, which later resulted in recommendations and resolutions on peace and security issues. The Bureau of the PAP is mandated to forward such decisions to all relevant bodies including the PSC. However, there is little evidence that the PSC has taken the Parliament's decisions into consideration in situations where the PAP has no capacity to enforce, or formally follow up, decisions it has sent to the PSC. Unfortunately the Peace and Security Council also has no formal mechanism and practice that would enable it to deal with the PAP regularly and seriously.

The recommendations of the Sixth Ordinary Session in Addis Ababa requested more legislative powers. The final document of the meeting also announced a more visible role for the PAP's implementation of the African Union Charter on Democracy, Elections and Governance, which has now been signed by 39 member states and ratified by 15, and which entered into force on 15 February 2012. The Parliament pledged to exercise an oversight mandate to ensure compliance with national texts and popularisation of the Charter within all the countries of the AU. The Session also announced that it would work to coordinate the implementation of the Charter with the PSC, the African Court of Justice, the commission for Human Rights and The Economic, Social and Cultural Council as well as the various Regional Economic Communities.

However, in terms of the bigger plan, to get the blessing from the Assembly to acquire legislative powers for the PAP, much remains to be achieved. Ghana's former president and an ambassador of the PAP, Jerry John Rawlins, noted a number of difficulties in transforming the PAP into a proper legislative body. He said that the process would be difficult, as 'some member states believe the continent is not ready for a powerful pan-African parliamentary body with full or even limited legal power'.

The meeting of Ministers of Justice of member states, which took place on 22-26 February 2012, tended to accelerate the review process. However, the PAP is still compelled to resort to lobbying at various levels in its quest to champion the transformation process and ensure that it is not derailed. The achievements of the Parliaments of the various Regional Economic Communities (RECs) in past years could be used as a basis for further lobbying at the AU. The regional parliaments of the Southern African

Development Community and the Economic Community of West African States (ECOWAS) have indicated their intention and desire to transform themselves into Assemblies with legislative powers. The PAP also needs to consider the realisation of the practice of direct elections by universal adult suffrage to enhance its legitimacy and enable it to demand more powers and a greater role in debating and resolving continental peace and security matters.

The first session of the third Pan African Parliament convened in Midrand, South Africa, on 8 October 2012, with the PAP still facing concerns for its future relevancy. The President of the PAP, Bethel Nnaemeka Amadi, used the occasion to call upon the Chairperson of the African Union (AU), Dr. Thomas Boni Yayi, President of the Republic of Benin, to support ongoing efforts to get the proposed amended Protocol of the PAP adopted. 'We call on your Excellency to prevail on your colleagues Heads of State and Government to approve the granting of the legislative and oversight functions to the Pan-African Parliament by adopting the draft amended Protocol in its entirety, as approved by the Ministers of Justice and Attorneys General of Member States'. The proposed amended Protocol is likely to be discussed by the AU Heads of State and Government in their forthcoming AU Summit in January 2013.

Important dates to diarise

16	November	International Day for Tolerance
20	November	Universal Children's Day
20	November	Africa Industrialisation Day
25	November	International Day for the Elimination of Violence Against Women
1	December	World AIDS Day

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Acknowledgement

Field research, conducted by our Dakar researchers for the country analysis on Mali, was funded by the Hanns Seidel *Stiftung*, Ghana.

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

**could change, dependent on circumstances*

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This Report is published through the support of the Humanity United Foundation, the Government of New Zealand and Hanns Seidel *Stiftung*. In addition, the Institute for Security Studies receives core support from the Governments of the Netherlands, Norway, Sweden and Denmark.

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