

Peace and Security Council Report

ISSUE 41,
December 2012



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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 December 2012

During December, the activities of the M23 rebels in the eastern Democratic Republic of Congo, protests in Egypt against the Egyptian president's perceived unwarranted accumulation of additional executive power and ongoing terrorist attacks by Boko Haram in Nigeria and Al Shabaab in

Kenya may require further close attention. In the meantime, events in Mali and the Sudan and South Sudan region are among a number of Africa's security issues that remain unresolved as 2012 draws to a close.

► Current PSC Chair

Bio data: H.E. Mr. Cheick A T Camara
Current posts: Guinea's Ambassador to Ethiopia, Permanent Representative to the AU and Chair of the PSC

Libya

Security is a serious and tremendous challenge for the Libyan government and a deep concern for most Libyans. Although there is an urgent need for central order and a unified command of military and police forces, due to the current instable security situation, order is maintained at the local level by independent yet unpredictable militias. The Benghazi attack on the American consulate is a clear indication of insight

into the complex dynamics currently at play in Libya, with different militias shifting positions depending on the context and their immediate interests. Furthermore, a militia may be well perceived and accepted in some areas by the local population whilst deeply despised in another part of a city. Such a situation can only complicate an already complex security situation.

Livingstone formula

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

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Zimbabwe

The SADC-brokered GPA, signed by ZANU-PF and the two MDC formations in September 2008, ended the election wrangle between Tsvangirai and Mugabe, and put in place a transitional Government of National Unity (GNU) in February 2009. Given Zimbabwe's well-documented history of election-related violence, the adoption of a new democratic constitution, after consultation with the people, is central to the GPA's goal of creating an environment conducive to the conduct of a peaceful, free and fair election that can imbue the elected substantive government with legitimacy through popular consent.

Country Analysis

LIBYA

Introduction

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

Previous PSC and AU communiqués

The African Union (AU) has endorsed Libya's request to put on trial in Libya its own citizens charged with committing international crimes [Decision on the implementation of the decisions on the International Criminal Court (ICC) Doc. EX.CL/731 (XXI) Assembly/AU/Dec.419(XIX)], AU/OAU Declaration on the Principles Governing Democratic Elections in Africa (AHG/Decl. 1 (XXXVIII)) adopted by the Assembly of the African Union in July 2002, the AU Guidelines for Election Observation and Monitoring Missions, and more recent statements concerning Libya issued by the PSC].

Crisis escalation potential

Following the July elections for a Constituante which would lead to a new Constitution, and the rather unexpected results which did not produce a majority for the Islamists, great hopes were raised across the country, but also among the international community. However, as underlined in our Number 37 issue, tension and instability remain across Libya and will continue to be present for the coming months if not years. Besides the continuing quest for revenge against pro-Gaddafi remnants of the population, which remains a major issue to be tackled, the dramatic assassination of the US Ambassador, Christopher Stevens, during a visit to the American consulate in Benghazi on 11 September 2012 indicates that the lack of security is a serious challenge for the Libyan authorities. More than a year since the killing of Colonel Muammar Gaddafi, and

five months since the first free elections took place in the country, Libya's political transition continues to be affected by instability.

After the July election of a 200-seat representative body, a parliamentary vote produced a win for Mustafa Abu Shagur over Mahmoud Jibril, who had been the National Transition Council (NTC) prime minister. Abu Shagur is a former deputy prime minister and previously a member of the main anti-Gaddafi group in exile, the National Front for the Salvation of Libya (NFSL). However, Abu Shagur failed to draw enough support for the formation of his ministerial cabinet and was then dismissed. Indeed, to many Libyans, Abu Shagur was portrayed as corrupt and under the increasing influence of foreign-backed Islamist parties, particularly those from Qatar. He was also criticised within Libya for not condemning the Benghazi attack strongly enough as well as for allegedly holding dual US-Libyan citizenship.

Also, following Abu Shagur's dismissal, the Libyan national congress elected the human-rights lawyer, Ali Zidan, as the new Prime Minister on 14 October. The latter, who is an independent, won 93 votes out of 200. Ali Zidan served as a diplomat under Gaddafi until his defection in 1980 to join the NFSL opposition in exile. He is believed to have played a key role in convincing the former French President, Nicolas Sarkozy, to support the popular uprising against Gaddafi. Zidan now has the overwhelming task to rebuild Libyan confidence in government, but more importantly, to also re-establish security across the country and oversee the writing of a new constitution. The latter task may prove difficult with a dispersed assembly made up of 120 independents out of 200 deputies.

The killing of the US Ambassador by angry Libyan Salafists followed the release of a movie made by an Egyptian-American that circulated on the Internet and portrayed the Prophet of Islam, Mohamed, as a thug and pedophile. The death of the Ambassador has undermined optimistic views of the country's progress since Gaddafi was

assassinated in 2011. Indicatively, this movie's release and the murder of the Ambassador also coincided with the commemoration of the September 11 attacks against the United States.

The attack and looting of the American consulate has raised questions about the Libyan authorities' control over the country. The killing of the American Ambassador was, however, preceded during the summer by numerous other attacks on foreigners. Indeed, these included failed attempts to assassinate the United Nations envoy to Benghazi and the British Ambassador, whose convoy was hit by a rocket-propelled grenade. The International Red Crescent Committee office was also targeted while foreign medical workers have also been victims, including a group of seven Iranian medics kidnapped in July who have since been released. Senior regional government security officials, civil servants and visiting members of the National Transitional Council (NTC) have also been targeted by terrorist groups.

However, following this attack, tens of thousands of Libyans turned out in Benghazi and Tripoli to denounce it and express sympathy with the American people. This might be a clear sign that the Libyan population refuses to be associated with any violence against foreigners in Libya. Although the perpetrators have yet to be clearly identified, those behind the attack could be linked to regional terrorist groups, such as al-Qaeda in the Islamic Maghreb and al-Qaeda in the Arabian Peninsula. Moreover, apart from serving as a reminder of the 11 September 2001 attacks, a further motive for the assault in Benghazi might have been to avenge the killing of Abu Yahya al-Liby, the Libyan-born al-Qaeda number two, who was hit by a US drone in Pakistan in June this year. Nonetheless, regardless of the motives, all these attacks play to the interests of those who wish to undermine security and confidence in the nascent Libyan government.

According to the *Wall Street Journal*, twenty-three out of thirty American employees at the American consulate in Benghazi worked for the CIA. Their secret role was to try to get hold of the

heavy weaponry the former Libyan regime possessed. There could have been some communication problems that led to the attack on the consulate and the killing of the American Ambassador.

The nature of the violence in Benghazi is qualitatively different from that experienced in Tripoli, which became a staging point for militias from different parts of the country, as well as criminal gangs. Tripoli has seen a more diffuse and unpredictable pattern of violence, ranging from shoot-outs at impromptu checkpoints to assaults on hotels and skirmishes between rival militias.

Security is a serious and tremendous challenge for the Libyan government and a deep concern for most Libyans. Although there is an urgent need for central order and a unified command of military and police forces, due to the current instable security situation, order is maintained at the local level by independent yet unpredictable militias. The Benghazi attack on the American consulate provides a very clear indication of insight into the complex dynamics currently at play in Libya, with different militias shifting positions depending on the context and their immediate interests. Furthermore, a militia may be well perceived and accepted in some areas by the local population whilst deeply despised in another part of a city. Such a situation can only complicate an already complex security situation.

Moreover, while many of the attacks in Tripoli and Benghazi were linked to extremist Islamist groups, the former regime still casts a shadow over Libya. It is believed that regime sympathisers may have access to billions of dollars, allowing them to acquire weaponry. Furthermore, substantial numbers of Gaddafi sympathisers remain in former strongholds such as Bani Walid and Sirte.

In spite of the fact that thousands of former rebels have been integrated into the national army, and a number of weapons-buy-back programmes have been instituted, the government still struggles to get the upper hand in terms of military control. Moreover,

since the amount of loose weaponry is immense, the voluntary programmes alone are unlikely to have much impact. Also, it is very likely that until the government manages to have all the means to enforce security on a national scale, insecurity will remain, as will tribal and ethnic disputes such as the Bani Walid–Misrata conflict.

As the killing of the US Ambassador clearly underlines, there are serious concerns over the challenging security issue in Libya for both officials and the general population. Most of these militias, which continue harassing the local population, have so far refused to be disbanded and are therefore a threat to national stability. With an unknown number of arms circulating across the country and thereby adding to the current instability of Libya, this volatile situation could well spill across borders to affect the entire region.

According to Small Arms Survey, the revolutionary brigades represent 80 per cent of the armed groups (an estimated 700 militias) and are well equipped and experienced. They control most of Gaddafi's former arsenal and are well disciplined. However, many refuse to operate within a hierarchical order, which sows deeper chaos and questions within Libyan society.

As a result, security across Libya remains a tremendous task to overcome for the Libyan authorities. In September, rival Libyan militias fired guns and rocket-propelled grenades at each other in Tripoli and set fire to a former intelligence building, which led to the killing of at least five people. A building hosting the Supreme Security Committee (SSC), which was set up to regulate armed groups, was in flames and being looted by members of a rival militia faction. As recently as 21 November, Fradj Al-Dersi, the police chief of Benghazi, was assassinated on the doorstep of his house. He had been appointed after the killing of the US Ambassador. The death of Al-Dersi further underlines the ongoing, if not deep-rooted, precarious security situation prevailing in Libya.

Furthermore, clashes between pro-Gaddafi forces and militias continue to

occur across Libya. In October, at least 22 people died in days of fighting in Libya's town of Bani Walid, Gaddafi's stronghold. In addition, Misrata fighters are reportedly seeking to capture the men who allegedly kidnapped and tortured the person credited with capturing Gaddafi in October 2011. Such confusion and action can only further nurture bloody revenge actions among Libyans.

The current situation across Libya highlights the dangerously chaotic nature of the semi-official militias in Libya, which hold a great deal of power and have loyalties to their local chiefs, ignoring central orders from the Ministry of Interior. This violence underscores the challenge faced by Libya's first freely elected government, to rein in militias that gained power during the conflict that ended Gaddafi's 42-year rule. However, as a report released by the International Crisis Group (ICG) underlines, it will take five to ten years for the militias to disappear from the Libyan security landscape. Having said that, militias are not part of a homogenous group and while some will continue to represent a threat to the stability of the country others are playing an active part in securing the country's territory.

The pending trial of Saif Al-Islam remains a critical issue the central government of Tripoli must deal with, as well as his brother-in-law and former head of intelligence, Abdullah al-Senussi. Following the latter's extradition from Mauritania to Libya, the International Criminal Court (ICC), on the insistence of Tripoli, seems to have accepted that the two men will be tried in Libyan courts. However, human rights organisations as well as his lawyers regularly complain that they have been denied access to Senussi.

In addition, evidence reported by the NGO Human Rights Watch, indicating that Gaddafi was assassinated, could dangerously lead to potential retaliation from his supporters who remain partly silent yet numerous across Libya. According to the Libyan authorities, Gaddafi was killed during an exchange of fire with the rebel forces on 20

October 2012. However, witnesses confirmed that he was assassinated after his capture. A report released by Human Rights Watch (HRW) brings clear evidence that Gaddafi as well as at least 66 members of his convoy were captured and then killed, with their hands tied, by the rebel forces. Similarly, Gaddafi's son, Moatasem, was captured alive and yet found dead hours later with a bullet hole in his neck.

It was in the midst of this unpredictable and volatile security situation that more than 100 inmates escaped in October from the al-Judaida prison in the Libyan capital, Tripoli. Human rights groups accuse officials of abusing inmates. Libyan jails are currently under the control of an array of different military councils and brigades that do not facilitate any coherent and cooperative approach to their work.

The domestic situation in Libya appears really complicated with different issues to be resolved. In November, a Libyan court ordered the former National Transitional Council (NTC) leader, Mustafa Abduljalil, to respond to the 2011 killing of the top rebel commander, Abdelfattah Younes. So far, Abduljalil has given various versions of how the commander died. A dozen people have so far been charged in connection with the murder.

One explanation behind the assassination of Younes is that he was suspiciously viewed as an ally of the former leader, Gaddafi. Younes was indeed part of the group who helped Gaddafi to seize power in 1969. If a genuine investigation does not take place, there could be additional clashes in Libya as many of Younes' supporters are calling for revenge. A judge investigating Younes's death was gunned down in Benghazi earlier this year.

Libya remains unstable and deep discrepancies prevail between the different regions and the population. Insecurity across the country is a major challenge for the Libyan authorities to urgently tackle. The drawing of the Libyan Constitution may also prove a difficult task for the deputies.

Also, efforts by the Libyan government to reduce the amount of small arms in circulation through a buy-back programme may prove fruitless. Indeed, such a strategy could encourage those fighters and civilians who have arms to retain them and create a vacuum for underground trade, which would in turn only increase the price of arms on the black market.

Key issues and internal dynamics

Besides the thorny ongoing security issue, the Libyan government is increasingly facing contests from the Amazigh or Berber minority who were denied any official recognition under Gaddafi's forty-one-year rule. The Amazigh Libyan population, also present across North Africa, numbers 10 per cent of the total Libyan population. One of their prime demands is for their language, Tifinagh or Tamazight, to be officially recognised in Libya. The Amazigh language and script, Tifinagh, was officially banned under Gaddafi's rule and could not be taught in schools. Giving children Amazigh names was also forbidden.

Libya's Amazigh, as the Berbers call themselves, consider themselves to be the original Libyans. They suffered decades of repression and discrimination at the hands of the Gaddafi regime. Berbers in Libya now hope and seek for full recognition of their rights for all the sacrifices they made during Libya's bloody eight-month civil war.

However, a draft of the temporary constitution only mentions Amazigh culture in broad terms, leaving concerns among Berbers who fear this as a deliberate ploy to continue to marginalise them within Libyan society. Moreover, this move by the current government has provoked anger and bitterness among the Amazigh fighters who fought Gaddafi's forces on the western front, freeing the Amazigh-dominated Nafusa Mountains before going on to liberate other towns and cities far from their heartlands.

For many Libyans, the ousting of Gaddafi and the revolution was all about freedom. They therefore see that

the Amazigh revolution has yet to be completed and believe that not until they get their rights, will the revolution be completed and finished.

Geo-political dynamics

Africa and RECs

Libya's territorial stability and integrity is at a high risk. Strong and deep disparities, political, economic and social, remain among the population, which could lead to serious armed clashes in the near future. Furthermore, the ongoing Malian crisis, which is attracting a growing number of terrorists to join the terrorist groups of Al Qaeda in the Islamic Maghreb (AQIM) and the Movement for Unity and Jihad in West Africa (MUJAO), could only worsen the already volatile regional situation.

The drafting of a new Constitution may also prove challenging. The question of religion, its importance and place within Libyan society may be crucial and is likely to be subjected to heated debate in the parliament.

It is very likely that the Amazigh issue will remain at the forefront of the numerous challenges the Libyan government must face in the coming years. In September 2012, Ministers of Religious Affairs of the Maghreb region called for a common strategy to fight religious extremism. The ministers, who gathered together for the first time, agreed that facing this challenge they needed to adopt a common approach, taking into account the ideological, cultural and religious dimensions of Libyan society.

The current volatile situation in Libya has also created a power vacuum for Jihadists and other terrorists to go there and train before joining other terrorist groups in northern Mali or rebels in Syria. This could lead to more instability across Libya, but also across the region, which could turn into a terrorist haven in the near future if the internal situation does not rapidly improve.

United Nations

The International Criminal Court (ICC) has called on the UN Security Council to intensify its efforts to assist the

Government of Libya in any way it can to combat impunity and reinforce a culture in Libya that respects the rule of law.

International community

The EU High Representative, Catherine Ashton, congratulated Prime Minister Zidan on the appointment of his new government, following the approval of the General National Congress. According to the EU representative, this was another step forward by the Libyan people and authorities in their democratic transition. The EU representative called on all parties involved to ensure that the process of installing the new Government, under the leadership of Prime Minister Zidan, was rapid and peaceful. The EU is also eager to see the new Libyan government become fully operational and to develop close dialogue and cooperation between the EU and Libya. The EU will moreover continue to assist the Libyan people and stands ready to support the Government of Libya in its future endeavours and in the transition process.

The ICC has called on Libya's authorities to ensure that justice is served in relation to any crimes committed during the overthrow of the regime of Gaddafi.

The ICC still hopes that the cases of Saif Al-Islam and Al-Senussi will be heard before the ICC and counts on Libya's full support and cooperation to ensure that the ICC's proceedings are both successful and are seen to be successful by the Libyan public.

Civil society

Despite the encouraging electoral results, the political and geographical stability of the country is a continuing preoccupation for observers and decision makers alike. The country is becoming fragmented, and different entities are becoming more inclined to pay allegiance to respective individual tribes than any central government authority. Moreover, militia leaders who refuse to lay down their arms will retain strong political influence at the regional level. Consequently, such leaders will have more de facto power in their

respective regions than any elected deputies in Parliament. This situation will undeniably result in further instability whereby neither the peacemakers nor the promoters of internal violence will prevail. Such a situation could also facilitate increased lawlessness in the form of petty crime and trafficking in arms, narcotics and people across the country and the region, which would surely worsen the socio-economic conditions of the Libyan population.

Scenarios

In the light of the above developments one or more of the following scenarios could unfold in Libya:

Scenario 1

Libya will remain unstable for many months, caught in a 'no war, no peace' standstill. Moreover, terrorist groups may find in this instability a safe haven for training and new recruitments.

Scenario 2

There could be a strong demand from tribal leaders to gain more influence in regional and local decision-taking, which would overpower the central government of Tripoli. This could lead to further clashes and divisions across the country.

Scenario 3

The numerous armed militias refuse to lay down their arms, which could result in further divisions, but also lead to revenge attacks against the pro-Gaddafi population.

Options

Given the above scenarios, the following options could be considered by the PSC to consolidate democracy in Libya:

Option 1

In relation to the current crisis in Mali, the Maghreb Arab Union (UMA under its French acronym) and the AU may coordinate polices and security programmes in Libya to effectively tackle the inflows of smuggled arms into the country and the Sahel region. These must include strengthened border controls and capacity building

programmes for those at the frontline of the borders.

Option 2

Urgently incorporate a maximum number of militia members into the national security apparatus (army, police forces) to prevent the circulating of arms across the country as well as working towards a peace and reconciliation plan at the national level to prevent revenge attacks.

Option 3

In Libya, efforts by the government to reduce the amount of small arms in circulation through a buy-back programme may prove fruitless. Indeed, such a strategy could encourage those fighters and civilians who have arms to retain them and create a vacuum for underground trade, which would in turn only increase the price on the black market. National Small Arms Commissions have proven to be quite useful for countries emerging out of crisis. Libya should therefore consider forming one to continue the fight against the threat of Small Arms and Light Weapons (SALW).

The Libyan government should consider forming a National Small Arms Commission to both monitor the number of arms in circulation as well as fighting against the threat of SALW. The implementation of a disarmament, demobilisation, reintegration and reinsertion (DDRR) programme is also essential in guaranteeing that the former rebels and pro-Gaddafi forces go through the required DDRR process.

Security analysis

LORD'S RESISTANCE ARMY

Introduction

The previous regional security analysis on the Lord's Resistance Army was published in the May 2012 edition of the Peace and Security Council Report. The present analysis covers developments after May 2012. Readers interested in previous events are invited to consult the May issue.

Previous AU/PSC communiqués

The Lord's Resistance Army (LRA) is one of four African militant groups designated by the African Union as a terrorist organisation. The AU subsequently authorised an initiative to enhance regional cooperation to eliminate the LRA. The Peace and Security Council, at its 341st meeting on 13 November 2012, discussed the growing threat of terrorism and took a decision to prevent and combat terrorism and violent extremism in Africa. The Council acknowledged efforts by the AU Commission to promote the AU counter-terrorism framework and commended the work of the AU Special Representative for Counter-Terrorism Cooperation, Francisco Madeira, a Mozambican diplomat who is also the AU's LRA Special Envoy. The PSC urged a coordinated approach to combating terrorism at national, regional and continental levels.

In a communiqué that followed its meeting of 22 May 2012, the PSC extended the operations and mandate of the Regional Cooperation Initiative for the Elimination of the Lord's Resistance Army (RCI-LRA) to an additional twelve months. The PSC also discussed the logistical and financial elements of the operation and requested the UNSC to consider modalities of enhanced support through the UN peacekeeping missions present in the area of operation of the RCI-LRA, including by adjusting ... their mandates.'

Crisis escalation potential

Despite the AU's coordinated regional military initiative launched at the beginning of the year, LRA attacks on civilians in the Central African region did not decline in 2012. According to the LRA Crisis Tracker, by the advocacy group Resolve, the LRA has committed 253 attacks on civilians and abducted over 400 people including 91 children during 2012. In September 2012 the terrorist group attacked the town of Bangassou in the Central African Republic and abducted 49 people. Observers believe the LRA's tally of 270 attacks against civilians in 2011 may yet be surpassed in 2012.

There were no recorded LRA attacks in South Sudan in 2012. Northern Uganda, where the group originated, has also been free from the LRA's presence and activities in the past few years. Most of the people in this region who were displaced by the LRA have since returned to their villages. However, according to a 2011 UN report, the LRA attacks displaced more than 440 000 people in the Democratic Republic of Congo (DRC), Central African Republic and South Sudan, and most of these refugees and internally displaced people have yet to return home.

The leadership structure, logistical capacity and camps of the LRA were severely damaged in recent years following a series of military operations against the terrorist group. However, amidst the complex security regime in Central Africa, the LRA continues to present a grave threat to the wellbeing of civilians in the DRC, the Republic of South Sudan and the CAR as well as the ongoing peace and political processes in these countries. Due to the absence of adequate security forces to confront the LRA in its vast area of operations, the latter is still able to take advantage of dispersed settlements in order to easily abduct its fighters, many of them children, and loot communities for sustenance and supplies. The group, which is at a 'de-escalation and abatement phase, still continues to hide and attack weak and isolated communities in remote ungoverned

areas, largely beyond the scope of state authority and any security presence.

It is likely that the LRA could take advantage of the escalating security problem in the eastern DRC, which has resulted in the redeployment of DRC troops from the LRA-affected region to the rebel M23 controlled areas. This has increased the vulnerability of civilians in the DRC to LRA attacks. The possibility of forming alliances with regional governments or other rebel groups in Darfur and the Great Lakes region is also another opportunity that can be exploited by the LRA.

Key issues and internal dynamics

In a move to boost the capacity of the African Union-initiated Regional Task Force (RTF) created in March 2012 to hunt down the LRA terrorists, the operation received an additional 2 500 troops from Uganda and the South Sudanese Army (SPLA) on 18 September 2012. Uganda contributed 2 000 soldiers while South Sudan sent 500. A week before the event, the Central African Republic allocated some 360 soldiers of the Forces Armées Centrafricaines (FACA) to the regional force, which at present only has half its mandated troop strength.

The military campaign has mostly been focused on hunting the rebel fighters while protecting civilians. In May 2012, Ugandan troops, which are part of the regional force, captured Caesar Achellam, a senior commander in the LRA. Achellam was captured in the Central African Republic. In August 2012 the Ugandan army also destroyed a base of a key LRA general in the Central African Republic. The Army also captured the headquarters of LRA General Dominic Ongwen, one of four Ugandan rebels wanted by the International Criminal Court. The base was seized on 24 August in the Haut Mbomou area of southeastern Central African Republic. Initial reports of the capture of Ongwen were later dismissed by the Ugandan forces.

At the end of November 2012 it appeared that the LRA's leader, Joseph Kony, was no longer in contact with his commanders. A former escort of the

captured LRA General Caesar Acellam revealed that Kony has become separated from his commanders following intensive pursuit by the Ugandan troops supported by American commandos.

Because of a tracking system launched at the beginning of 2012 that follows communication between the LRA commandos, it would seem that effective and meaningful communication between the rebel groups ceased for many months. Consequently, the group no longer has an effective central command structure or even a coherent objective, making it difficult to initiate dialogue or start talks with the group's leaders.

According to recent estimates, the number of LRA fighters varies between 300 and 400 armed rebels and 500 to 700 women, children and recent abductees forced to work for the group. Most of the fighters are scattered in small groups all over Central Africa. Military experts believe it will be difficult to eliminate the LRA completely as it is dispersed across a region about half the size of France. The rebels also appear quite comfortable in a jungle environment and often employ extreme methods to survive.

Ugandan forces have enjoyed some success using defectors to learn more about the group. Since 2000, more than 12 000 former LRA fighters and abductees have left the LRA and been reintegrated through Uganda's Amnesty Commission. Some of the defectors are deployed in the field because they are familiar with the terrain, patterns and bases of the terrorist group. Defectors from the LRA claim that Kony is in South Darfur. Such reports have fueled speculation about links between Kony and the government-supported militia in Darfur. There are also reports that Kony is receiving support from some elements in the Sudanese army who also allegedly help rebels operate in the Central African Republic. Verifying such claims and including Khartoum in the regional operation against the LRA will be a challenging task.

The AU's LRA Special Envoy has said that despite making some progress the

regional task force still faces logistical, material and financial resource challenges, which limit its operations. The lack of proper financing and coordinated leadership could also hamper the mission. The uneasy relationships and conflict history of the national armies of the countries involved in the operation are yet another cause for concern about the likelihood of the plan's success. The mandate and funding of the regional intervention force is also still unclear and will continue to pose challenges for the success of the operation.

Geo-political dynamics

Africa and RECs

The Regional Cooperation Initiative for the Elimination of the Lord's Resistance Army (RCI-LRA) is a new approach by the AU to tackle a regional security crisis. The Chairperson of the AU in his 22 May 2012 report on the status of the implementation of communiqué PSC/PR/COMM. (CCXXCIX) of the 299th meeting of the PSC on the LRA stated that the launching of the RCI-LRA mission had generated hope among people in the affected areas. He stated that the RCI-LRA was a flexible and original mechanism for pooling resources and capacities of the countries of the region to address the problem of the LRA and could be replicated elsewhere on the continent. The Chairperson urged the PSC to renew its appeal to international partners and member states to provide increased support for the efforts of the regional task force.

Recent reports suggest that Joseph Kony has taken refuge in an area controlled by Sudan, possibly in Darfur sheltered by the Janjaweed militia or some members of the Sudanese armed forces, effectively placing him out of reach of the regional force that is hunting for him. If the allegations are true they may further complicate regional efforts to combat the LRA and require immediate steps to gain the cooperation of the Sudanese government. The relations between the Ugandan and DRC armed forces have yet to improve. Kampala accuses its former adversary, the DRC, of

preventing Ugandan troops from entering its northeastern territories, thereby slowing the hunt for the terrorist group.

United Nations

The LRA has featured often on the agenda of the UN Security Council. The UNSC has repeatedly condemned ongoing attacks carried out by the LRA and commended the important efforts undertaken by countries in the region to address the threat posed by the LRA. The UN has peacekeeping operations in South Sudan and the DRC whose mandates include combating the LRA. The UN Organisation Stabilisation Mission in the Democratic Republic of Congo (MONUSCO) and the United Nations Mission in South Sudan (UNMISS) provide support to national authorities in the two countries in their responses to the LRA. However, there has been a call from the AU PSC to increase the involvement of these missions in the fight against the LRA.

Abou Moussa, the Secretary-General's Special Representative and head of the UN Regional Office for Central Africa (UNOCA) coordinates UN efforts to address the threat posed by the LRA. He has promised an enhanced involvement of the UN in the area. In a troop contribution ceremony in September 2012, Moussa pledged the UN's continued support to the AU and other partners, in the implementation of the regional strategy against the LRA, which was adopted by the UN Security Council on 29 June 2012.

International community

The US State Department included the LRA on its 'Terrorist Exclusion List' a decade before the AU did the same. In 2008 the leader of the group, Joseph Kony, was classified by the State Department as a 'Specially Designated Global Terrorist,' under Executive Order 13324.

Civil Society

The Kony 2012 documentary produced by the Invisible Children network, a US-based civil society organisation, became an internet sensation in March 2012. After the film, Kony and the LRA received worldwide attention. In

November 2012 Invisible Children also organised a Global Summit on the Lord's Resistance Army (LRA) to address remaining gaps in efforts to end Kony's atrocities. The event saw thousands of participants advancing policy solutions to this deadly crisis and supporting a comprehensive plan to arrest Joseph Kony, stop the violence of the LRA and bring home the captive women and children. Speakers at the event included Johnnie Carson, US Assistant Secretary of State for African Affairs, and the governments of Uganda, South Sudan, DRC, Central African Republic, and Sudan, as well as the AU, European Union, UN, and International Criminal Court.

In September 2012 some members of civil society in the Central African Republic criticised Uganda's practice of pardoning and then integrating captured or surrendered members of the LRA into its military forces. The Ugandan government uses the defectors to hunt down their former comrades-in-arms. The strategy was attacked by an association of civilians affected by the rebel group in the Central African Republic. The group claimed that there were incidents of rape and other abuses by some of the former LRA fighters who had joined the Ugandan forces.

Scenarios

Given the above analysis, the following are potential scenarios:

Scenario 1

The crisis in eastern DRC could force Kinshasa to relocate more of its troops from the LRA affected areas to the M23 controlled regions, further widening the security vacuum in an area already vulnerable to LRA attacks. Continued LRA activity in the region and beyond could lead to more deaths and displacement, creating a more pronounced security and humanitarian crisis in the region.

Scenario 2

The possibility of a rift in the LRA leadership could result in more high-level defections of LRA captives. Such a scenario would help the regional force to gather vital information on the

locations and patterns of the group, leading to further operational successes. The possible capture or killing of Kony, with necessary external support, could restrict the LRA's sphere of activity and help capture or kill other LRA leaders and fighters, thereby putting an end to two decades of LRA atrocities.

Scenario 3

Additional troops could add more energy to the RTF. However, the logistical and financial challenges faced by the task force might create fatigue and rifts between the different national armies that comprise the mission.

Scenario 4

The possibility of Kony's presence in Sudan could escalate regional tension and continue the legacy of proxy conflict in the region. The possible merger of the LRA with other regional armed militias in South Sudan, Darfur, Rwanda or the DRC could effectively multiply the magnitude of the existing security threat.

Options

Given the above scenarios, the following options could be considered by the PSC to improve security and stability in the region:

Option 1

The PSC could continue to request the involvement of partners and the UN to resolve the logistical and financial challenges faced by the regional task force and improve aerial surveillance and human intelligence in Central Africa. The PSC could design a specific hybrid plan with the UNSC to develop a joint response strategy, which would be based on a close partnership with UN missions in the war-affected countries and which would address defensive gaps in the eastern CAR as well as much of the northern DRC. Such mechanisms could help ensure the safety of civilians in the region.

Option 2

The PSC, through the AU's LRA special envoy, could try to persuade Khartoum to participate in the efforts to eliminate the LRA. The special envoy could also

initiate discussions between the DRC and Ugandan governments to improve intelligence sharing and cooperation. The PSC through the AU's LRA envoy could also initiate improved trust and good relations between the DRC and Uganda.

Option 3

The PSC in collaboration with civil society organisations active in the area could encourage countries affected by the LRA to take measures to deal with the trauma visited on LRA victims, through traditional and state conflict resolution and legal institutions.

Documentation:

AU Documents

(PSC/PR/COMM.1(CCCXLI)(13 November 2012) Communiqué on the Prevention and Combating of Terrorism and Violent Extremism in Africa

Press Release on the 2nd Regional Ministerial Meeting on the LORD's Resistance Army (LRA) (6-8 June 2011) Addis Ababa, Ethiopia

Assembly/AU/6(XIII) (1-3 July 2009) Report of the Peace and Security Council to the African Union on its Activities and the State of Peace and Security in Africa, Thirteenth Ordinary Session, Sirte, Libya

(PSC/PR/2(CCXV) (8 January 2009) Report of the Chairperson of the Commission on the situation in the Central African Republic

PSC/MIN/Comm.2 (CLXIII) (22 December 2008) Communiqué on the situation in the Eastern part of the Democratic Republic of Congo (DRC)

PSC/PR/Comm.(CCI) (25 August 2009) Communiqué on the implementation process of the Comprehensive Peace Agreement (CPA)

UN Documents

S/RES/1861 (14 January 2009) Resolution adopted by the Security Council on the Central African Republic (CAR)

Country Analysis

ZIMBABWE

Previous UN/SADC Communiqués

The PSC has been silent on the crisis in Zimbabwe since the inauguration of the interim government in February 2009. However, in a *Herald* newspaper article dated 25 October 2012, the United Nations (UN) Resident and Humanitarian Coordinator Alain Noudehou acknowledged the progress made by the Constitution Select Committee of Parliament (COPAC) in the production of a new constitution. Following the conduct of the Second All Stakeholders' Conference on the COPAC draft constitution from 22 to 23 October, Noudehou said that, 'It's a complex process, but they have stayed on course and managed to take it where it is today.' Having already supported the constitution-making process, Noudehou further expressed the willingness of the UN to financially and technically assist in the forthcoming referendum if requested by the Zimbabwe government.

In its final communiqué at the end of the 32nd Summit of the Southern African Development Community (SADC) Heads of State and Government in Maputo, Mozambique, on 18 August 2012, the regional body 'noted the progress in the implementation of the Global Political Agreement (GPA) and urged the stakeholders to work together in particular, on the Constitution-making Process in Zimbabwe.' The regional leader, essentially reiterated their previous decision taken during the Extraordinary Luanda Summit in June 2012, and 'urged signatories to the GPA to develop a Roadmap with timelines that are guided by the requirements of the process necessary for adoption of the constitution and the creation of conditions for free and fair elections to be held.' They also 'commended H.E. President Zuma (SADC GPA Facilitator) and his team for the progress made towards normalising the Zimbabwe situation' and 'resolved that if there are any difficulties with regard to the

Constitution and implementation of agreements, the Facilitator should be called upon to engage with the parties and assist them to resolve such issues, bearing in mind the timeframes and the necessity to hold free and fair elections.'

Crisis escalation potential

The latest constitution-making deadlock after the Second All Stakeholders Conference has raised fears that the GPA parties – the Zimbabwe African National Union-Patriotic Front (ZANU-PF) led by Robert Mugabe and the two formations of the Movement for Democratic Change (MDC) – MDC-T led by Morgan Tsvangirai and MDC-N led by Welshman Ncube – would once again renew their longstanding battle over the COPAC draft constitution. Meeting on 12 November, COPAC's Management Committee – the GPA negotiators, the Minister of Constitutional and Parliamentary Affairs and the COPAC co-chairs – agreed that inputs from the Conference on which there was reported agreement should be 'factored in' to the COPAC draft. However, they did not reach any agreement on contentious issues, such as those raised by ZANU-PF which amended the draft after the COPAC draft had been agreed and signed by all the party negotiators (virtually the Management Committee). The Management Committee could also not agree on the way forward. Consistent with Mugabe's remarks at the Conference and when opening Parliament, and a subsequent ZANU-PF Politburo decision taken very recently, the ZANU-PF members wanted the report sent to the party principals to negotiate the suggested recommendations and amendments that had not been agreed to by the Conference or the Management Committee. These are essentially ZANU-PF demands for significant changes to the COPAC draft. Both the MDC factions objected to sending the draft to the party principals for the final say, maintaining that the next step in what is a Parliamentary process must be for the Constitution Select Committee to present the COPAC draft with agreed changes to Parliament, without intervention from the principals.

Meanwhile, just before the Second All Stakeholders Conference, Justice Minister and ZANU-PF negotiator Patrick Chinamasa and the party's spokesperson Rugare Gumbo stated that the military and war veterans would never allow Prime Minister Tsvangirai to assume the presidency, even if he wins the forthcoming elections. These proclamations are crudely reminiscent of the run-up to the June 2002 presidential elections when the five service chiefs affirmed their allegiance to Mugabe, publicly declaring that they would not salute or recognise any leader without 'liberation war credentials' in an apparent swipe at Tsvangirai. Given the security sector's record of partisan involvement in violent political processes in order to influence the outcome of elections in favour of ZANU-PF, these threats do not augur well for a successful constitutional transition in line with the SADC-brokered GPA.

Key issues and internal dynamics

The SADC-brokered GPA, signed by ZANU-PF and the two MDC formations in September 2008, ended the election wrangle between Tsvangirai and Mugabe, and put in place a transitional Government of National Unity (GNU) in February 2009. Given Zimbabwe's well-documented history of election-related violence, the adoption of a new democratic constitution, after consultation with the people, is central to the GPA's goal of creating an environment conducive to the conduct of a peaceful, free and fair election that can imbue the elected substantive government with legitimacy through popular consent. Concerns that the deep polarisation between the MDCs and ZANU-PF would affect the constitutional project crystallised as the parties captured and narrowed it to a short-term struggle motivated by the pursuit of party political interests at the expense of the will of the people and the nation's broad long-term interests. It was only in July 2012, that COPAC – comprising the three coalition ruling parties in Zimbabwe – finally agreed on a draft constitution after nearly four years of acrimonious debate. Although this appeared as a major breakthrough,

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there remains concern that the constant need to bargain and compromise in order to accommodate numerous divergent political party interests resulted in a draft constitution that does not mirror popular views.

The proposed constitution provides for an overhaul of executive authority and the devolution of power. The president and parliament will have fixed terms, with elections every five years. The draft also limits the terms of senior public officials and the chiefs of the security services. It clarifies the terms of succession in case of the sudden death, resignation or incapacitation of the president by providing for the vice president to assume the office of the president for the remainder of the term. Set against the backdrop of the security sector's partisan involvement in political processes in order to influence the outcome of elections, the draft constitution requires the security services to discharge their duties on neutral and non-partisan grounds. The draft constitution provides the Zimbabwe Electoral Commission (ZEC) with a broader role in which the Commission supervises the entire election process and environment in which elections takes place. There will be equal representation of women in all elected institutions and commissions. The draft charter provides for an Independent National Prosecuting Authority, while the attorney general currently handles both legal advice to the government and prosecutions on behalf of the state. The document does not provide for compensation for land compulsorily acquired for resettlement under the agrarian reforms of 2000, except for improvements effected on it before its acquisition.

ZANU-PF rejected the COPAC draft in its current form saying it ignored people's views gathered during the outreach phase of the constitution-making process. The party produced an amended draft incorporating objections to certain clauses, including those that temper the imperial presidency and provide for presidential running mates, dual citizenship, devolution, and the national prosecution authority. The MDCs which

had endorsed the draft constitution, would not countenance its renegotiation. They argued that COPAC, which included ZANU-PF members, had already endorsed the document, which has been referred to by MDC-N leader Welshman Ncube as a negotiated 'compromise' that was crafted under the 'give-and-take' framework of the GPA. The compromise nature of the draft constitution has, however, meant that the three political parties have attempted to get as much as possible from each other, hence ZANU-PF's scrutiny of the document and calls for amendments.

Following the abortive attempts by ZANU-PF to force COPAC to include its recommended changes to the draft constitution, COPAC convened the Second All Stakeholders' Conference. Having discussed COPAC's report on the Conference the Management Committee is at the above-mentioned stalemate.

While the production of a new constitution is a key deliverable of the GPA the conduct of credible elections continues to face other formidable challenges. The establishment of a credible and acceptable electoral commission that will prepare and conduct polls that reflect the popular will of the Zimbabwean population is part of the critical reform process concerning Zimbabwe's electoral system as per the SADC roadmap. Closely related to this is the formation of a non-partisan Observers Accreditation Committee. To its credit the GNU appointed a new ZEC in March 2010 in line with the provisions of the GPA and as part of efforts to reduce political tension in the country. The Commission was established amidst concern that the Registrar-General ran the country's election process including voter registration, provision of electoral staff, declaration of results and custody of election materials. ZEC was composed so as to achieve a balance in the membership between the main political parties. However, the composition of the Secretariat, whose staff include ex-army officers who are accused of manipulating the 2008 polls, was not changed. There is concern that

ZEC remains drastically under capacitated and would struggle to properly organise an election called at short notice. The voters' roll that was first drawn up in 1985 is still in a shambles with a likely presence of 'ghost voters'.

There have been mixed developments in the media reform arena since the establishment of the GNU. A Zimbabwe Media Commission was created in March 2010. In a positive step the Commission subsequently licensed new print media players in May and July of that year. The country's mobile phone services received a major technical capacity upgrade. However, in 2011, the Broadcasting Authority of Zimbabwe issued two commercial radio licences to the state-owned Zimbabwe Newspapers and the ZANU-PF linked AB Communications, thereby trampling an opportunity to build a truly diverse and independent broadcasting industry environment. There remain fears that unbalanced media coverage of politics by public broadcasters in favour of ZANU-PF will continue in the forthcoming polls. The Zimbabwe Media Commission has not been able to reform the country's repressive media laws such as the Access to Information and Protection of Privacy Act (AIPPA) and Censorship and Entertainment Control Act. Parliament has failed to conclude media legislation such as the Media Freedom and Transparency Bill that could foster the development of a diverse and pluralistic media environment in Zimbabwe. Against this backdrop the harassment of journalists and artists has continued, which has thwarts the realisation of freedom of expression, a cornerstone of democracy.

Zimbabwe's security sector is seen as 'both lock, and the key, to the success or failure of the GNU'. The 'securocrats' are perceived to hold de facto veto power over the transition regardless of the production of a new democratic constitution and conduct of credible elections. The politicisation of the securocrats and the militarisation of politics remain a major challenges.

Both the MDC-T and ZANU-PF have publicly admitted that the GNU is

dysfunctional. Mugabe has indicated the end of March 2013, when parliament's term expires, as the constitutional deadline to conduct elections to end the lifespan of the GNU. He has also threatened that he will call elections under the current constitution if the deadlock persists. Tsvangirai insists Mugabe cannot unilaterally decide the outcome of the constitution-making process and date of elections. ZANU-PF appears to be already in election campaign mode with Mugabe's November launch of a US\$20million 2012/2013 Presidential Well Wishers Special Agricultural Inputs Scheme at his party headquarters. He has repeatedly called for his party supporters to ensure ZANU-PF romps to victory in a 'violence-free' election. Significantly, Finance Minister and MDC-T negotiator Tendai Biti has said that the US\$219 million cost of conducting the referendum and elections is too expensive and foreign donors may be needed.

Geo-political dynamics

Africa and RECs

Applying the principle of subsidiarity, the AU has largely delegated the resolution of the Zimbabwe political deadlock to SADC. After Mugabe's triumph in a one-candidate run-off election widely condemned as a sham, an African Union (AU) Summit Resolution on Zimbabwe on 1 July 2008 called for the formation of a GNU in a replication of the power-sharing model that had been used in attempts to resolve the 2007/2008 post-election conflict in Kenya. The resolution urged the continuation of regional mediation efforts that had been led by then South African President Thabo Mbeki. These mediation efforts led to the signing of the GPA and the formation of the GNU. SADC and the AU are guarantors of the GPA. The lethargic implementation of the GPA generated widespread criticism of South Africa and SADC for feebly facilitating the agreement that they had so painstakingly helped to negotiate. Given SADC's lack of any standing regional mediation architecture – a symptomatic structural flaw that the regional body has only recently

attempted to remedy - President Jacob Zuma has relied on his own three-member facilitation team to assist him in monitoring Zimbabwe's embattled coalition government. South Africa's role has come under scrutiny since Zuma and his team all come from the same political party – the African National Congress – a close ally of ZANU-PF in a region in which liberation movement camaraderie still holds sway. Although SADC could have mounted a more concerted and engaged effort to support the implementation of the GPA after it was signed, the Zimbabwean signatory parties should also shoulder the blame for significantly failing to implement the agreement fully and jointly. The Joint Monitoring and Implementation Committee, comprising members of the three coalition partners, that was established to ensure the parties' compliance with the GPA has been a toothless bulldog. Ensuring effective GPA implementation in Zimbabwe's polarised environment is a daunting task. ZANU-PF is on record stressing that Zimbabwe is a sovereign state and will not countenance being dictated to by SADC regarding the implementation of the GPA. SADC has very few enforcement mechanisms and tends to rely on the power of persuasion, which may not be sufficient when faced with a recalcitrant party.

Nonetheless, mediation efforts by South Africa and SADC have been instrumental in bringing the GPA implementation to where it is currently. The robust and consistent communiqués that have emerged from SADC summits since the March 2011 Troika Summit of the SADC Organ on Politics, Defence, and Security Cooperation in Livingstone, Zambia, have effectively demonstrated a regional resolve to the relevant Zimbabwean parties. After ZANU-PF's proposed amendments to the COPAC draft released in July 2012 stalled constitutional reform, the Organ Troika Summit, following a meeting to discuss developments in the eastern Democratic Republic of the Congo, in its communiqué of 4 September 2012 'agreed to convene again soon to deliberate on the developments in

Madagascar and Zimbabwe.' The proposed meeting was postponed after ZANU-PF's climb-down amidst pressure from the SADC facilitation team on the draft constitution cleared the way for the Second All-Stakeholders' Conference. SADC has also been lobbying the international community to lift sanctions against Zimbabwe in order to facilitate effective GPA implementation. Mugabe challenged the AU at the July 2012 summit to emulate SADC by actively pushing for the lifting of all travel and financial restrictions without conditions.

United Nations

The UN supported the constitution-making process under the Zimbabwe United Nations Development Assistance Framework (ZUNDAF 2012-2015) that was jointly developed and signed by the UN and the Zimbabwean government. Specifically, the United Nations Development Programme's (UNDP) support entails the management of a basket fund of donor contributions and the provision of technical and advisory expertise as requested. By July 2012, the development partners had provided a grant of US\$21,2 million to support the process. This amount supplemented the Zimbabwean government's allocation of about US\$20 million. However, delays in the disbursement of some of the above donor funds negatively affected the execution of the constitutional reform process.

International community

The European Union (EU) retained Mugabe on its sanctions list in February 2012 when it ended measures against 20 entities and 51 individuals citing progress in political reforms meant to facilitate a credible poll. In May 2012, Zimbabwe's ministerial re-engagement team, comprising members of the three signatory parties to the GPA, launched an unprecedented unanimous plea for a full unconditional removal of sanctions. In July 2012, the EU stated that it would suspend most sanctions against Zimbabwe including the aid freeze conditional upon the holding of a credible referendum on a new constitution. This was in recognition of

the concrete progress made by the Zimbabwean parties in implementing the GPA and the commitment by SADC to support this process as expressed at its Luanda Summit. The sanctions would be lifted against most of the 112 Zimbabweans still under the decade-old EU asset freeze and travel ban, excluding Mugabe and his inner circle. The Maputo SADC 'Summit noted the partial lifting of sanctions against Zimbabwe and urged the European Union and the rest of the international community to lift all the sanctions unconditionally.'

Civil society

Although Zimbabwean civil society organisations (CSOs) have been critical of the GPA process they continue to actively participate and continue to play an instrumental role in its implementation. CSOs have given their input on the GPA implementation to the SADC facilitation team. Two representatives from civil society have been members of COPAC's Steering Committee. The broader civil society, however, raised concerns that these two representatives were not selected by CSOs and were not accountable to civil society in an institutional context. Perhaps to deflate criticism of presiding over an exclusive project of the three GPA parties that was not people driven, COPAC attempted to engage civil society during the constitutional outreach process. This included meetings with the Zimbabwe Independent Constitution Monitoring Project (ZICOMP), comprising three organisations, namely the Zimbabwe Lawyers for Human Rights, Zimbabwe Election Support Network (ZESN) and the Zimbabwe Peace Project (ZPP). However, the National Constitutional Assembly (NCA), formed in 1997 to push for a new national charter, boycotted the COPAC process to protest against what it perceived to be a flawed parliament-led top-down constitution-making process. More than 600 civil society members were accredited to observe the COPAC outreach exercise while about 70 per cent of the outreach team members were also from civil society. Despite problems of late preparations and being politically

aligned with parties, civil society delegates attending the Second All Stakeholders Conference managed to make their comments and recommendations on the COPAC draft, and these were captured as part of the Conference proceedings. The NCA dismissed the Conference as a "national tragedy of epic proportions" and has already committed itself to campaign for a 'No' vote at the referendum.

Scenarios

Given the above analysis the following could take place:

Scenario 1

The logjam in the constitution-making process could persist. This would delay the finalisation of the process and the implementation of the roadmap to elections. The MDCs or ZANU-PF could orchestrate a 'No' campaign at the referendum if they feel the proposed charter does not reflect the views of the people.

Scenario 2

The GPA parties will complete and promote the consensus constitution produced by COPAC to ensure acceptance by Zimbabwe's electorate in a referendum. The subsequent election would be closely contested and the final result would be in favour of ZANU-PF. The political old guard would continue to rule and the interests of the securocrats would be protected.

Scenario 3

The MDC-T wins the elections.

Options

The early response options that the PSC could consider include the following:

Option 1

SADC and the AU, acting as guarantors of the GPA, should convene a meeting with the GPA parties in order to break the constitutional stalemate.

Option 2

The AU and SADC should firmly impress upon the Zimbabwean parties the need to implement an agreed road map to elections. SADC's Electoral Advisory Council would need to ensure the polls

are held in compliance with the SADC Principles and Guidelines Governing Democratic Elections. The two bodies must deploy long-term election monitors to assess the political situation in order to prevent violence and intimidation and ensure that the electoral process and outcome is credible. The international community would be expected to respect the outcome, notwithstanding the antagonistic relationship with Mugabe and his party, and be ready from the onset to remove all remaining sanctions against Zimbabwe and assist the country in its socio-economic recovery path.

Option 3

SADC and the AU will have to guarantee the peaceful transfer of power to MDC-T amidst possible reluctance by ZANU-PF hardliners to accept and respect the election results. The MDC-T will have to seek a rapprochement with the influential security chiefs to ensure a peaceful transition. This should set the platform for a subsequent reformative approach towards the democratic governance of the security sector.

Open Page

CENTRAL AFRICA'S REGIONAL AND SUB-REGIONAL ECONOMIC COMMUNITIES

The African continent, home to 55 countries, currently also has 14 Regional Economic Communities (RECs). Eight of these are actively or potentially key pillars of the African Economic Community (AEC). UMA does not currently participate due to objections by Morocco. The remaining six regional communities can more accurately be termed Sub-Regional Communities (SECs).

CEN-SAD/COMESA	(Community of Sahel Sahara States)
COMESA	(Common Market of Eastern and Southern Africa)
EAC	(East African Community)
ECCAS	(Economic Community of Central African States)
ECOWAS	(Economic Community of West African States)
IGAD	(Intergovernmental Authority for Development)
SADC	(Southern African Development Community)
UMA	(Arab Maghreb Union)
CEMAC	(Central African Economic and Monetary Community)
CEPGL	(Great Lakes River Basin)
IOC	(Indian Ocean Commission)
MRU	(Manu River Union)
SACU	(Southern African Customs Union)
UEMOA/WAEMU	(West African Economic and Monetary Union)

Although at first glance the continent's plethora of RECs and SECs may conjure images of an African recipe for alphabet soup, each of these communities, individually or in

partnership, has the potential to play an important role on behalf of the continent's continuing quest for unity, integration, peace and security.

Many African states belong to more than one REC or SEC and all the geographical sub-regions, North, South, East, West and Central Africa, are home to more than one economic community. Central Africa, for example, has three economic communities comprising one REC and two SECs in the form of ECCAS, CEMAC and CEPGL.

The ten member states of ECCAS share a regional population of over 121 million, cover a surface area of 6.6 million square kilometres and are individually ranked out of 187 countries as follows in the 2011 UN Development Programme's Human Development Report: Angola (148), Burundi (185), the Democratic Republic of Congo (187), Gabon (106), Equatorial Guinea (136), the Republic of Congo (137), Cameroon (150), the Central African Republic (179), Chad (183), São Tomé and Príncipe (144).

ECCAS

ECCAS maintains its secretariat in Libreville, Gabon.

The predecessor of ECCAS, the Central African Customs and Economic Union (UDEAC), or *Union Douanière et Economique des Etats de l'Afrique Centrale*, was established by the Brazzaville Treaty of 1964. Upon ratification of the treaty in 1966 by the founding member states, Cameroon, Central African Republic, Chad and Gabon, the UDEAC came into effect. The UDEAC effectively established a customs union with free trade between member states and a common external tariff for imports from other countries. UDEAC also signed a treaty for the establishment of an Economic and Monetary Community in Central Africa to promote the process of sub-regional integration.

Following agreement reached at their summit meeting of December 1981, leaders of UDEAC established ECCAS on 18 October 1983 in collaboration with member states of the Economic Community of the Great Lakes States (CEPGL), which included Burundi, Rwanda, Zaire and São Tomé and Príncipe. In 1985 the ten founding member states of ECCAS comprised Burundi, Cameroon, Central African

Republic, Chad, Congo, Democratic Republic of Congo (formerly Zaire), Equatorial Guinea, Gabon, Rwanda and São Tomé and Príncipe. Angola joined in 1999. Rwanda left ECCAS in 2007 in order to devote more attention to its membership of COMESA and the EAC.

Article 4.1 of the ECCAS founding treaty, *inter alia*, identifies the REC's main aims as follows:

'It shall be the aim of the Community to promote and strengthen harmonious cooperation and balanced and self-sustained development in all fields of economic and social activity, particularly in the fields of industry, transport and communications, energy agriculture, natural resources, trade, customs, monetary and financial matters, human resources, tourism, education, further training, culture, science and technology and the movement of persons, in order to achieve collective self-reliance, raise the standard of living of its peoples, increase and maintain economic stability, foster close and peaceful relations between Member States and contribute to the progress and development of the African continent.'

During the early years of its existence ECCAS was largely inactive and did not maintain a formal relationship with the African Economic Community. The REC experienced financial difficulties due to non-payment of membership fees and the conflict in Zaire, which saw Angola and Rwanda on opposite sides. ECCAS did not sign the Protocol on Relations between the AEC and the Regional Economic Communities until October 1999. However, an important turning point had come for ECCAS at the Summit of Heads of State and Government that took place in Libreville, Gabon, in February 1998, when the leaders present committed themselves to resurrecting and re-energising ECCAS. A little over a year later, at the third preparatory meeting of its Economic and Social Council (ECOSOC), the AEC would again confirm the importance of ECCAS as the major economic community in Central Africa. In 1999 four priority goals for ECCAS were identified: the development of capacities to maintain peace, security and stability, considered essential prerequisites for economic and social development; physical, economic and monetary integration; development of

a culture of human integration; and the establishment of an autonomous financing mechanism for ECCAS.

The institutional architecture of ECCAS comprises the Conference of Heads of State and Government, the Council of Ministers, the Court of Justice, the General Secretariat, the Consultative Commission and any specialised technical committee or organ set-up or provided for by the founding treaty. In addition, ECCAS has the support of a multi-faceted peace keeping mechanism comprising the Network of Parliamentarians of Central Africa (REPAC), the Council for Peace and Security in Central Africa (COPAX), the Defence and Security Commission (CDC), the Multinational Force of Central Africa (FOMAC) and the Early Warning Mechanism of Central Africa (MARAC).

According to the ECCAS treaty, a three-stage approach was intended to progressively establish a customs union over a period of twelve years, dating from when the treaty entered into force. However, the treaty also provided for the subsequent extension of the envisaged twelve-year period to a maximum of twenty years.

The three stages were intended to proceed as follows:

- Stabilise the fiscal and customs regime existing at the date of entry into force of the treaty, and conduct studies to determine the timetable for the progressive removal of tariff and non-tariff barriers to intra-community trade. Establish a timetable for increases or decreases in the customs tariffs of member states with a view to adopting a common external tariff.
- Create a free trade area (application of the timetable for the progressive elimination of tariff and non-tariff barriers to intra-community trade).
- Establish the customs union (adoption of the common external tariff).

This process was expected to encompass the harmonisation and elaboration of national and common economic legislation (1999-2004), the free movement of goods, services, capital and persons (2005-2009) and the consolidation and evaluation of the achieved results (2010-2015), culminating in the anticipated

successfully established common market and economic union.

As far back as September 1994, at the end of the fifth meeting of the UN Consultative Committee on Security in Central Africa that took place in Yaoundé, Cameroon, Central African states adopted a pact of mutual non-aggression. Cameroon, the Central African Republic, Congo, Equatorial Guinea, Gabon and São Tomé and Príncipe participated. Almost five years later, in February 1999, ECCAS member states created the Council for Peace and Security in Central Africa in collaboration with the United Nations Standing Advisory Committee on Security Questions in Central Africa. COPAX entered into force in 2004.

The technical organs of COPAX are: the Central African early-warning system (MARAC), which collects and analyses data for the early detection and prevention of crises; the Defence and Security Commission (CDS), which is the meeting of chiefs of staff of national armies and commanders-in-chief of police and gendarmerie forces from the different member states (its role is to plan, organize and provide advice to the decision-making bodies of the community in order to initiate military operations if needed); and the Central African multinational force (FOMAC), which is a non-permanent force consisting of military contingents from member states, whose purpose is to accomplish missions of peace, security and humanitarian relief.

CEMAC

CEMAC, or more correctly *Communauté Économique et Monétaire de l'Afrique Centrale*, is headquartered in Bangui, Central African Republic.

CEMAC was preceded by the Customs and Economic Union of Central Africa or *Union Douanière et Économique de l'Afrique Centrale* (UDEAC), which was established by the Brazzaville Treaty of 1964 during the early years of the Organisation of African Unity (OAU). UDEAC successfully established a customs union, a free trade area between member states and a common external import tariff for goods received from other countries. The treaty became effective in 1966 after ratification by its five founding member countries, Cameroon, the Central African Republic, Chad, the

Republic of Congo and Gabon. Equatorial Guinea joined UDEAC on 19 December 1983.

Subsequently, UDEAC member states signed a treaty for the establishment of an Economic and Monetary Community of Central Africa (CEMAC) to promote the entire process of sub-regional integration through the forming of a monetary union with the Central African Franc as the region's common currency. The commitment by CEMAC member states to regional integration has some deep historical roots, traceable to the colonial era of the Federation of Equatorial West Africa (AEF) in 1919.

UDEAC was officially superseded by CEMAC in June 1999, through the N'Djaména Treaty, when the 1994 agreement establishing CEMAC was ratified by all member states. A major focus of the N'Djaména Treaty was to create a single common market and establish a regional economic union.

However, during their extraordinary summit on 30 January, 2009, in Libreville, Gabon, the Heads of State of the six member countries of the REC signed the revised CEMAC Treaty. Their action effectively repealed the treaty of 16 March, 1994, establishing the Community, as well as the Addendum on the institutional and legal systems of the Community that was signed on 5 July, 1996. This was apparently done to align CEMAC with ongoing changes and enable it to accomplish its mission of promoting the harmonious development of its member states.

CEMAC's institutional architecture comprises an Executive Secretariat, a Council of Ministers and the Conference of Heads of State, in addition to four primary institutions, the Monetary Union (UMAC), Economic Union (UEAC), Parliament and Court of Justice, and a number of regional bodies. The CEMAC parliament and the Court of Justice collectively represent a clear departure from the more intergovernmental, less democratic, approach of the earlier UDEAC. In terms of economic development, the UMAC and the UEAC are the Community's two main pillars and are supposed to direct and entrench the regional process.

According to the original CEMAC treaty, a three-stage approach is

intended to progressively establish a common market and an economic union by 2015. This process was expected to encompass the harmonisation and elaboration of national and common economic legislation (1999-2004), the free movement of goods, services, capital and persons (2005-2009) and the consolidation and evaluation of the achieved results (2010-2015), culminating in the anticipated successfully established common market and economic union.

The Revised Treaty reportedly includes new principles to help strengthen sub-regional integration and is supplemented by conventions that govern the Central African Monetary Union, Central African Economic Union, Community Parliament, Community Audit Court and Community Court of Justice.

The ratification of the revised treaty and accompanying legal instruments should effectively strengthen and consolidate monetary cooperation between member states, harmonise the functioning of CEMAC banking, monetary and financial institutions, contribute to maintaining and consolidating balanced community justice and ensure effective and efficient management of various related community bodies.

Although CEMAC officially became a free trade area in 2000, much remains to be done. For example, the easy free movement of citizens between CEMAC states has not yet been implemented. Therefore, the citizens of most CEMAC states still require visas to enter other CEMAC countries. In addition, many tariff and non-tariff barriers still exist, thereby contributing negatively to low levels of intra-regional trade. In addition, agreed common legislation now needs to be implemented at national level.

CEMAC's six member states share a regional population of almost 40 million, cover a surface area of 3 million square kilometres and are ranked as follows in the 2011 UN Development Programme's Human Development Report: Gabon (106), Equatorial Guinea (136), the Republic of Congo (137), Cameroon (150), the Central African Republic (179) and Chad (183).

CEPGL

The CEPGL, or *Communauté Économique des Pays des Grand Lacs*, maintains its secretariat in Gisenyi, western Rwanda.

The CEPGL has only three member states, Burundi, the Democratic Republic of Congo and Rwanda. It came into existence with the signing of the Agreement of Gisenyi in Rwanda on 20 September 1976, intending to ensure the safety of member states, support the creation and the development of activities of public interest, promote trade and the passage of people and their possessions, and establish intra-regional cooperation in the activities and advancement of political, economic and social life. An interesting aspect, and certainly a stark reminder of the era in which this agreement was signed, is that the three signatories, Michel Micombero, Juvenal Habyarimana and Mobutu Sese Seko, all felt compelled to list their very senior military ranks beneath their names.

The CEPGL's institutional architecture comprises a Permanent Executive Secretariat, a Council of Ministers and State Commissioner, a Conference of Heads of State and an Arbitration Commission. In addition, the CEPGL oversees the following institutions:

- Economic and Development Bank of Great Lakes countries (BDEGL).
- Organization for Energy of the Great Lakes Countries (EGL).
- Institute of Agricultural Research and Zoology (IRAZ).

Following years of conflict and brutal wars in the region, the CEPGL effectively collapsed in 1994 and was only revived in April 2007 with the help of Belgium and the European Union at a cost of €50 million.

Nonetheless, recent news reports have highlighted the CEPGL's continuing financial woes, a shortfall of over €3 million, mainly as a result of unpaid membership contributions by the DRC and Burundi.

The CEPGL's three member states share a regional population of over 80 million, cover a surface area of 2.3 million square kilometres and are ranked as follows in the 2011 UN

Development Programme's Human Development Report: Burundi (185), the Democratic Republic of Congo (187) and Rwanda (166).

Understandably, the SECs, the Central African Economic and Monetary Community (CEMAC) and the Great Lakes River Basin (CEPGL) have focused primarily on economic and unification priorities whereas the REC, the Economic Community of Central African States (ECCAS), has included the additional priority of peace and security. Whereas all the member states of CEMAC are also member states of ECCAS it should be noted that only two of the three member states of the CEPGL, Burundi and the Democratic Republic of Congo, also belong to ECCAS. The third member state of the CEPGL, Rwanda, no longer has membership in ECCAS.

Given recent and ongoing violence in the eastern Democratic Republic of Congo, the absence of any positive role for Rwanda in ECCAS has possibly made the quest for peace in this region more difficult.

Ultimately, the successful implementation of the REC and SEC concepts depends on individual member states placing regional interests above national interests if peace, security, unity and integration are to be achieved.

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Important dates to diarise

1	December	World AIDS Day
2	December	International Day for the Abolition of Slavery
9	December	International Anti-corruption Day
10	December	Human Rights Day
10-14	December	7th Conference of Parties Meeting for the Nairobi Convention, Maputo, Mozambique (theme: 'Partnering for a Healthy Western Indian Ocean')
20	December	International Human Solidarity Day

Contributors to this Volume

ISS Conflict Prevention and Risk Analysis (CPRA) Programme, Addis Ababa

Dr Duke Kent-Brown
Mr Abdelkader Abderrahmane
Mr Hallelujah Lulie

ISS Conflict Prevention and Risk Analysis (CPRA) Programme, Pretoria

Dr Gwinyayi Albert Dzinesa

Contact

Amb. Olusegun Akinsanya
Regional Director, Addis Ababa Office
Peace and Security Council Report Programme
Institute for Security Studies
P.O. Box 2329
Addis Ababa, Ethiopia
Tel: +251-11-515 6320/24/67/98
Fax: +251-11-515 6449
Emails: addisababa@issafrica.org
oakinsanya@issafrica.org
website: www.issafrica.org

Country	Election	Date *
Burkina Faso	National Assembly	2 December 2012
Ghana	Presidential 1 st Round	7 December 2012
	Presidential 2 nd Round	28 December 2012
	National Assembly	28 December 2012
Cameroon	National Assembly and Communes	February 2013
Djibouti	National Assembly	22 February 2013

**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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