

Peace and Security Council Report

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Current members of the Peace and Security Council: Nigeria, Tanzania, Uganda, Algeria, Burundi, Chad, Equatorial Guinea, Ethiopia, the Gambia, Guinea, Libya, Mozambique, Namibia, Niger, South Africa

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 April 2014

During April, the approaching election in Egypt is almost certain to fuel further violence and civil unrest in the country. The actions of terrorist organisations and militant jihadist groups such as Ansar Bayt al-Maqdis should be of particular concern in this regard as they have both the intent and the capacity to ignite what is currently an incendiary incipient insurgency. In the meantime, in Libya, continuing violence and acts of terrorism, perpetrated by terrorist groups and armed militias, reflect the government's unsuccessful attempts to exert full administrative and security control over the entire country. The interim government's recent appeal to the international community, particularly the United

Nations, to help it fight terrorism in Libya is a plea that should also attract appropriate, prompt and sympathetic action from the African Union's Peace and Security Council. Despite progress in Somalia in efforts to contain and eliminate Al-Shabaab, the terrorist group's activities continue to threaten other countries in the region, particularly Kenya. In Nigeria, Boko Haram's murderous attacks on school children provide a stark reminder of why there is an international day, 4 June, commemorating the innocent child victims of aggression and why African states and regions, with support from the international community, need to collaborate even more widely to eliminate the terrorist scourge.

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► Current PSC Chair

Bio data: HE Mr Bulus Zom Lolo

Current posts: Nigeria's Ambassador to Ethiopia
Permanent Representative to the AU and UNECA and Chair of the PSC

Livingstone formula

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

Country analysis

BURUNDI

Previous PSC and AU communiqués

On Monday, 24 February 2014, during a press conference at the African Union (AU) Office in Bujumbura to mark the first anniversary of the signing of the Peace, Security and Cooperation Framework for the DRC and the Region, the AU Special Representative for the Great Lakes Region, Ambassador Boubacar Diarra, expressed the AU's concerns over the ongoing political deadlock between the ruling *Conseil National pour la Défense de la Démocratie–Force pour la Défense de la Démocratie* (National Council for the Defence of Democracy–Force for the Defence of Democracy, or CNDD-FDD) and its power-sharing partner, the *Union pour le Progrès National* (Union for National Progress, or UPRONA). The mounting tensions ahead of the 2015 elections related to the closing of the political space and the ruling party's attempts to change some of the power-sharing provisions of the constitution have caused some concern among the United Nations (UN), the European Union (EU) and the AU. Diarra encouraged dialogue between the CNDD-FDD and UPRONA, since dialogue is one of the necessary conditions for respecting the spirit and the letter of the Arusha Agreement.

Diarra added that many steps had been taken towards dialogue and expressed confidence that the crisis would be resolved. He reminded his audience that Burundi's President Pierre Nkurunziza had recently declared his commitment both to the Arusha Agreement and to peace and unity. The Special Representative added that inclusivity would be key, as it had been lacking during the 2010 electoral process.

Crisis escalation potential

The current crisis in Burundi is essentially political and stems mostly from disagreements about the recent

constitutional amendments proposed by the CNDD-FDD. As disagreements over key elements of the constitution have set the ruling party against its coalition partner, UPRONA, tensions have also risen about the amount of political space available to the opposition as the country prepares for the 2015 general elections. More than a year before the elections, violent confrontations and mass detentions have already raised important questions about the future stability of the country. The current political climate challenges the possibility of peaceful and legitimate elections. The national assembly has yet to ratify a new electoral code, which means that there is no electoral calendar or timetable to prepare for the polls.

While the CNDD-FDD, UPRONA and other political parties agreed in March last year that the constitution would require a few amendments to make some much-needed changes to the electoral code, the unilateral move by the ruling party to draft extensive revisions without consulting key stakeholders and the people of Burundi drew the ire of UPRONA, various opposition parties and civil society, and caused concern among the international community. The absence of consultation and dialogue on the proposed changes to the constitution has eroded the already tenuous trust between the CNDD-FDD and its political partners.

Secondly, the revisions proposed by the CNDD-FDD go far beyond a simple review of the electoral code. Many political actors in Burundi view the move as a blatant attempt by the CNDD-FDD to abrogate the constitution and reject the fundamental principles enshrined in the Arusha Agreement. Among the most controversial proposed constitutional amendments is one that would allow President Nkurunziza to run for a third presidential term, despite clear provisions in the Arusha Agreement stipulating that 'no one may serve more than two presidential terms'. The opposition and civil society vehemently oppose the move and have argued that any ambiguity in

the current constitution should be read with the spirit of the Arusha Agreement in mind.

Another contentious issue concerns the proposed changes to provisions in the constitution that guarantee power sharing and consociationalism in Burundi. Such revisions would reduce the current voting quorums to simple majorities, allowing any party that has over 50 per cent of the seats in the national assembly to control the legislative agenda without any need for consultation or negotiation with other parties. In addition, the revision proposes changing the structure of the executive branch by replacing the two vice-presidents with a strong prime minister, who could come from the same party as the president, and a mostly ceremonial vice-president.

The last important issue pitting the CNDD-FDD against the opposition and civil society is the rapidly diminishing political space in Burundi. In the continuation of a trend established since its ascension to power in 2005, the ruling party has made it increasingly difficult for other political parties and civil society to engage fully in political activities and participate in the electoral process. In recent years the government has passed very restrictive laws, such as the law on public demonstrations introduced in 2013 that has been used to prevent political parties and non-governmental organisations (NGOs) from freely holding public meetings. Additionally, the law governing the media imposes hefty fines for violations of vaguely defined offenses, such as the prohibition against publishing material that might hinder national unity. The CNDD-FDD also has at its disposal the full support of the judiciary and the security services, which have been instrumentalised to neutralise opposition members. This situation has led to the arrest of opposition leaders and confrontations between the police and opposition supporters.

The most important security concern expressed by some observers in Bujumbura is the growing rural presence of the Imbonerakure (Kirundi for 'those who see far'), the youth wing of the CNDD-FDD. Some

members of the Imbonerakure have formed militias and have now become the enforcers of law and order. The group gained notoriety shortly before the 2010 elections and was accused of armed intimidation by the opposition. Its members were reportedly heavily involved in the post-election violence of 2010–2012 against members of the opposition that took place mainly in rural areas. In addition, in 2012–2013 they allegedly participated in human rights abuses, including torture, alongside law enforcement officers. Observers claim that the Imbonerakure has not only grown in number but now also operate throughout most of the countryside. In some areas its members have completely taken over control of local administrative authorities and the police. Operating outside the law, they are reportedly imposing arbitrary curfews, arresting and assaulting civilians, and extorting taxes from some farmers.

The government denies instrumentalising the group and has declared that the Imbonerakure has the same functions as any other party's youth group. The party has condemned the violent rogue elements of the Imbonerakure and has denied supporting, funding or arming the group. However, most observers regard their documented acts of intimidation against the opposition in rural areas, disruption of political meetings, and contempt for the law as serious threats to the stability of the country as the elections near.

Key issues and internal dynamics

Legislative disagreements have led to mounting tensions between the CNDD-FDD and UPRONA. UPRONA, along with the *Front pour la Démocratie du Burundi–Nyakuri* (Front for the Democracy of Burundi, or FRODEBU), has blocked the ruling party's constitutional amendments in the national assembly. Following a series of sharply worded criticisms from the president of UPRONA, Charles Nditije, the Minister of the Interior, Edouard Nduwimana, dismissed him from his post. This move so enraged the UPRONA

leadership that it led to a standoff between the first Vice-President, Bernard Busokoza, from UPRONA, and Nduwimana. This was followed by the dismissal of Busokoza by President Nkurunziza, effectively overthrowing the leadership of the party. Shortly thereafter, three UPRONA ministers in the president's cabinet resigned in protest. By mid-February, all vacant positions had been filled by UPRONA members handpicked by the CNDD-FDD who were almost immediately disowned by UPRONA's supporter base. Nevertheless, they represent UPRONA and are officially recognised by the Ministry of the Interior. This means that the majority of UPRONA members, who currently oppose the ruling party, are now part of the illegal wing of UPRONA.

The CNDD-FDD has so far failed to pass its proposed amendments to the constitution. While the ruling party was able to convince the three Batwa delegates to change their votes from a rejection of the measures to a 'yes', a last effort to promote constitutional reform failed. Following the failed initiative, the Minister of the Interior hinted that the party still had the option to pass the constitution through a referendum, which elicited strong reactions from the opposition and civil society. Additionally, on Monday, 24 March, the Minister of the Interior stated that, regardless of the party's failure to pass the amendments, President Nkurunziza would be the CNDD-FDD's presidential candidate for a third time and that the move would have the support of the constitutional court, thereby further frustrating the opposition.

Observers have argued that the CNDD-FDD's attempts to change the constitution betray the ruling party's concerns about the 2015 general elections. There is a sense that the CNDD-FDD is pushing to have President Nkurunziza run for a third term because he currently is the party's strongest candidate. Despite the CNDD-FDD's decreasing popularity, mostly due to the country's dismal socio-economic conditions, President Nkurunziza

remains a well-liked political figure in the countryside. He visits the rural areas every week, where he often helps to build schools, plays football and attends religious services with ordinary Burundians.

Moreover, it is evident that the constitutional amendments proposed by the CNDD-FDD are also an admission that it doesn't expect to secure the same majority as it did in 2010, thereby jeopardising its control over the national assembly. Indeed, the opposition has undertaken not to boycott the next elections, as it had done in 2010. While no single opposition party has reached the same level of national appeal and recognition as the CNDD-FDD, the opposition has the potential to obtain a blocking minority with the current voting quorums in place. Hence, the attempt to reduce voting quorums in Burundi may be an attempt to ensure that the ruling party will maintain and enjoy the same level of legislative control as it has done since 2010.

While the CNDD-FDD wants to mitigate the potential loss of popular support by nominating its strongest candidate in spite of constitutional restrictions, some doubts remain about the party's internal cohesion. Observers have suggested that there is an ideological divide between the CNDD-FDD generals and the civilian members of the party. According to observers, the intelligentsia of the party would rather rally behind Dr Gervais Ruyyikiri, the current second vice-president. He is popular with technocrats and international donors, making him a strong candidate. However, the fact that he was not part of the armed rebellion and that he holds dual citizenship (Belgian and Burundian) is unlikely to win him the support of former soldiers, whose backing is essential for a successful nomination.

The opposition has considerable challenges ahead if it hopes to be a real contending force to oppose the CNDD-FDD. In addition to constraints imposed by the ruling party restricting the opposition's

campaign efforts, it also faces internal fractures. A careful analysis of the internal dynamics of many of Burundi's political parties exposes rifts among them. For example, UPRONA was split into two wings: one that was conciliatory to the CNDD-FDD, and another that enjoyed more support from the party base and refused to work with the government. While the two wings have now merged, the government's dismissal of the UPRONA leadership has managed to split the party further, leaving only a small minority of docile UPRONA members recognised by the Ministry of the Interior. Similarly, FRODEBU and the *Forces Nationales de Libération* (National Forces of Liberation, or FNL) both have multiple political wings. The question is whether these parties will manage to consolidate their various political wings to move forward as united parties.

Additionally, the *Alliance des Démocrates pour le Changement-Ikibiri* (Alliance of Democrats for Change, or ADC-Ikibiri), the coalition party formed by opposition parties that rejected the 2010 election results, also faces significant difficulties. The law governing political parties passed in 2011 prohibits the formation of coalitions outside electoral campaign periods. Hence the ADC-Ikibiri is an illegal organisation and cannot operate freely in the country. While the coalition intends having a single candidate and electoral list, it is forbidden from holding meetings and discussing its platform until the government officially announces the start of the election campaign, minimising its visibility in the rural areas where the CNDD-FDD is still relatively popular. It remains to be seen whether the coalition will manage to maintain its unity as the elections approach and whether it will be able to agree on a clear platform, and a single presidential candidate and electoral list.

In the meantime, there is concern that violence among youth groups may further destabilise the country. There is consensus that, should the

country become unstable, the Imbonerakure will be one of the greatest causes of volatility, as confrontations with other political youth groups could escalate. Last year the leaders of Sahwanya-FRODEBU and ADC-Ikibiri called on their youth wings to retaliate should they become victims of violent acts at the hands of the Imbonerakure. Later that year, members of the Imbonerakure clashed with youth supporters of the *Mouvement pour la Solidarité et la Démocratie* (Movement for Solidarity and Democracy, or MSD) in Bubanza Province during a morning jogging rally. The confrontation left members of both the Imbonerakure and the MSD severely injured. MSD supporters were also involved in violent confrontations with the police in Bujumbura on 8 March 2014 as the group went out on a jogging rally. Three police officers and approximately ten MSD members sustained minor injuries. This led to the arrest of dozens of MSD party members, many of whom were injured by police officers. After a speedy trial, 21 of those arrested were convicted and sentenced to life in prison for insurgency, rebellion and assault of law enforcement officers, sparking the outrage of the news media and civil society.

Geopolitical dynamics

Africa and RECs

Regional actors have remained relatively quiet throughout the recent developments. Aside from the press conference of 24 February and interviews given by Diarra, the AU has not issued any central communiqué or taken any initiatives to address the situation in Burundi. Diarra has expressed the AU's concern over the turmoil in Burundi and reaffirmed the organisation's commitment to the Arusha Agreement. The AU's priority is the country's stability and the preparation and implementation of credible and inclusive elections in 2015.

Diarra expressed the AU's regrets that the government still interfered in the internal affairs of political parties,

prohibiting them from freely exercising their democratic rights. He encouraged the relaxation of the political space to allow parties to campaign freely and fairly. The government's behaviour, Diarra noted, was in contradiction to the road map agreed upon in March 2013 in Kayanza during a workshop sponsored by the UN Office in Burundi (BNUB), which aimed to set the framework for the upcoming elections.

United Nations

Between 11 and 13 March, the BNUB organised a workshop in Kayanza with the representatives of the major political parties and other actors. This was their first meeting since the 2010 elections and indicated a thawing of political relations as several opposition leaders had returned from exile to participate in this meeting. The objective of the meeting was to assess the previous elections and to develop a strategy to prepare for the forthcoming 2015 elections. At the conclusion of the workshop, a 42-point consensual electoral road map was agreed upon. The road map addressed the legal framework that would govern the coming electoral process, the security provisions to protect political actors and the facilitation of their activities, as well as the management and conduct of the elections.

The Chair of the Burundi configuration in the Peacebuilding Commission, Ambassador Paul Seger, visited Burundi from 24 to 28 June 2013. The mission aimed to follow up on the Burundi Partners' Conference (PBC) that had taken place the previous year, to discuss the next steps in the PBC's engagement with Burundi and to assess the situation on the ground in order to brief the UN Security Council.

From 4 to 10 November 2013 a strategic assessment mission was conducted in Burundi to assess the security situation. The findings of this mission were included in the UN Secretary-General's report on the BNUB (S/2014/36). The mission applauded the stable security situation in the country, but

expressed concerns over on-going political and institutional challenges and human rights issues. The report then recommended that the BNUB should remain until after the June 2015 general elections.

On 16 December 2013, the Chair of the Burundi configuration in the Peacebuilding Commission held an informal meeting in New York with Burundi's Permanent Representative to the UN, Ambassador Herménégilde Niyonzima, the Special Representative of the Secretary-General in Burundi, Parfait Onanga-Anyanga, and other stakeholders and members of the diplomatic corps. The meeting addressed the proposed constitutional changes in Burundi and focused on the need for dialogue and consultation throughout the process, as well as on the importance of framing the constitutional revisions within the Arusha Agreement to promote trust and stability.

On 13 February 2014, the UN Security Council adopted a resolution extending the BNUB's mandate until 31 December 2014 and recommending a smaller country team and the introduction of election observers after that date. The resolution also called on the government to foster a political environment conducive to the preparations for the 2015 elections and to address the continued impunity of and human rights violations by youth groups in Burundi.

On 13 March 2014, UN Secretary-General Ban Ki-moon issued a statement expressing his deep concern over the violent confrontation between the police and members of the MSD a few days earlier on 8 March. He further deplored 'growing restrictions on the freedom of expression, association and assembly, especially the prohibition and disruption of opposition meetings by the police and the youth wing of the ruling party'. He called upon all parties to resolve the political crisis in Burundi through dialogue.

International community

The international community enjoys consensus on the need to ensure stability and peace in Burundi. Representatives of Belgium, the EU and the United States (US) called on all parties involved to engage in good-faith dialogue. There is agreement on the fact that, as a sovereign state, Burundi has the right to amend its constitution. However, the international community is concerned that the time may not be ripe to move away from the Arusha Agreement. The international consensus remains that should the constitution be amended, there should be broad participation by all relevant stakeholders. In the meantime, there needs to be sufficient political space for healthy political participation by the opposition in addition to the approval of a new electoral code by the national assembly to safely proceed towards the 2015 elections.

Civil society

Civil society and the media did not escape the government's clampdown. In 2013, the government ratified a new media law that was decried by the press, civil society and the international community as it severely restricts news reporting. On 16 March 2014, Burundi's Security Council accused the country's most popular radio station, *Radio Publique Africaine*, of spreading fear in the country as a consequence of its coverage of the current political situation. The Security Council called on the National Communication Council to sanction the radio station, which it accused of destabilising public order.

Civil society has been very vocal about its opposition to the proposed constitutional amendment and the attempt by the CNDD-FDD to nominate President Nkurunziza for a third term in office. It is now under the same restrictive rules as political parties with regard to public demonstrations. A draft bill on NGOs that would have increased registration requirements and limited the ability of organisations to join and function as part of umbrella

organisations has been delayed for the moment, but could still be pushed through the national assembly before the elections.

Scenarios

Scenario 1

In order to achieve all its objectives, the CNDD-FDD campaigns for a popular referendum to pass the constitution, opening the door to President Nkurunziza's third term, the strengthening of the executive branch, and the reduction of the voting quorum, thereby ensuring its continued control of the legislative agenda after 2015. The political crisis intensifies and the electoral campaign and process take place in a tense and violent environment.

Scenario 2

The CNDD-FDD continues to close the political space, but instead of pushing for a maximal constitutional revision it simply moves to nominate President Nkurunziza as a presidential candidate for a third time and enlists the support of the constitutional court to legitimise the process. The political crisis continues and the elections take place in a tense environment with unpredictable and sporadic incidents of violence.

Scenario 3

The CNDD-FDD accepts the political consensus reached during the consultative workshop in Kigobe in December 2013. It moves to propose a minimalist constitutional revision addressing the electoral code, and nominates an alternative candidate. Should the political space remain restricted, this would pave the way for a tense but more stable electoral process.

Options

Option 1

In order to protect the spirit of the Arusha Agreement and preserve the power-sharing structure of the current constitution, the PSC should encourage the AU's Ambassador in Burundi, Diarra, to continue engaging members of the international community in the

country, particularly the signatories to the Arusha Agreement, to promote dialogue with all political stakeholders to ensure a level of consensus about the electoral and constitutional review process.

Option 2

The PSC could encourage the AU Youth Division to work with international partners to development sensitisation and empowerment programmes for the youth in Burundi, who have in recent years been the object of political manipulation and have served as agents of violence and insecurity in the country.

Option 3

While the electoral process is a key aspect of Burundi's continued peacebuilding efforts, the PSC

should not lose sight of the need to combat impunity in Burundi in order to promote sustainable reconciliation and the rule of law. The Panel of the Wise could consider a mission to assess the various transitional justice needs and encourage all national stakeholders to work together to undertake concrete steps to promote accountability, truth and reconciliation for a stronger and more united Burundi.

Documents

PBC Burundi Specific Configuration, 16 December 2013 – Chair's Meeting Summary

PBC Burundi Specific Configuration, 15 July 2013 – Chair's Mission Summary

UN documents

S/2014/36, Report of the Secretary-General on the United Nations Office in Burundi, 20 January 2014

Resolution 2137 (2014), adopted by the Security Council at its 7110th meeting, 13 February 2014

Iwacu, IWACU L'Union Africaine partisan du 'respect de la lettre et de l'esprit d'Arusha', 26 February 2014, <http://www.iwacu-burundi.org/burundi-ua-respect-esprit-arusha/>

See article 7.3. Protocol II, Democracy and governance, UN News Centre, Burundi: UN chief urges restraint following clashes between police, opposition parties, 14 March 2014, <http://www.un.org/apps/news/story.asp?NewsID=47352&Cr=burundi&Cr1=£.UzQ13MeExPM>

Country analysis

LIBYA

Previous AU and PSC communiqués

Libya did not feature on the agenda of the PSC in 2013 or the first quarter of 2014. However, the African Union (AU) Commission has repeatedly expressed its concern about the deterioration of the security situation in the country and the serious challenges faced by the transitional government to provide security, disarm the numerous armed groups and create a national consensus on the future of the Libyan state. The Commission criticised the violence and expressed concern about the various security incidents, including killings and bombings in Libya. Following the news of the kidnapping and subsequent release by militants of the then Libyan Prime Minister, Ali Zeidan, in October 2013, the Chairperson of the AU Commission, Dr Nkosazana Dlamini-Zuma, condemned the act, calling it 'unacceptable'. She urged the Libyan stakeholders to seek solutions to

their differences within the framework of existing institutions and a comprehensive process of national dialogue. The chairperson also emphasised the need to support the legitimate institutions of the Libyan state to address the challenges at hand and finalise the transition.

In a press statement dated 14 May 2013, Dlamini-Zuma strongly condemned the terrorist attack that took place in Benghazi, Libya one day earlier, killing several people and wounding many others. The chairperson also denounced the assassination of Abdelsalam al-Mismari, a Benghazi lawyer and prominent political activist, and called on the Libyan government to take all actions required to ensure that the perpetrators of this heinous act are swiftly identified and brought to justice.

Crisis escalation potential

The level of lawlessness in Libya drew international attention in June 2013 when Benghazi residents, protesting against militia rule, were indiscriminately shot and killed. News reports claimed that 32 people had been killed in an incident

referred to as 'Black Saturday'. The condemnation of armed groups in Libya also gained momentum after 46 people died and 500 were injured following a Tripoli-based militia's violent response to peaceful protestors. Subsequent protests in November 2013 demanded the militia's withdrawal from the capital. Although the militia subsequently left Tripoli, concerns about uncontrolled and violent militia groups continue to feature on the political and security agenda of the Libyan government.

On 11 March 2014 the Libyan parliament voted to remove Zeidan, following the failure of his government to stop the export of an illicit shipment of Libyan oil by rebels based in eastern Libya. The tanker, 'The Morning Glory', flying a North Korean flag, managed to avoid a blockade by the Libyan navy and moved into international waters despite Zeidan's assurance that the ship would be stopped by Libya's state security forces. The vote to remove Zeidan illustrated the mounting frustration with the government over its failure to deal effectively with the militias. It also reflected the extent of divisions in

the Libyan administration. Zeidan, who was regularly criticised for his failure to disarm and take control of Libya's rebel groups in the post-Gaddafi era, was replaced temporarily by the defence minister, Abdallah al-Thinni. On 2 March 2014, armed protestors stormed into the Libyan parliament in Tripoli, setting fire to property, looting furniture and wounding a prominent lawmaker. The protestors were expressing their disgust with the direction and pace of the transition toward a strong, stable and democratic government. According to witnesses, the protestors were supported by parliamentary security personnel, who cheered them on.

On 23 March 2014, a missile was fired at Tripoli International Airport. A number of airlines suspended services to Tripoli, citing the lack of security. Although the missile caused no injuries or damage to property, the incident demonstrated the level of insecurity and the mammoth challenge faced by the Libyan authorities in seeking to secure the capital and other Libyan cities and communities from attack. It also highlighted the lack of success of the National Transitional Council (NTC) in its efforts to free the country from the disruptive actions of rebel groups that are delaying and complicating the transition to democracy.

The economy is suffering from both the political crisis and the lack of security. According to figures released in late March 2014, Libya's oil production plummeted to its lowest level in six months after protests demanding jobs and economic development disrupted production. Libyan oil exports have dropped from production figures of 1,5 million barrels per day in 2013 to fewer than 150 000 barrels per day currently. This drastic drop in productivity has cost the country billions of dollars. Libya is capable of producing 1,6 million barrels of oil per day. Long-standing regional and ethnic divisions and tensions are also threatening oil productivity.

Two of Libya's three regions (Fezzan and Cyrenaica) have declared their autonomy. On 9 November 2013,

leaders from Cyrenaica, the historically marginalised eastern section of Libya, announced the establishment of a regional oil firm and a central bank, defying calls from Tripoli to refrain from doing so. These moves further complicate oil production in these regions, and its exportation from Libya.

The political instability in the country and the divisions among Libyan government leaders, coupled with increasing pressure from militia forces, have put the Libyan state in a fragile position. The lack of security and the failure to reach an agreement on the form and structure of the future Libyan state, caused by historical injustices and deep tribal and regional polarisation and divisions, have also hampered national reconciliation and consensus. Failure to stabilise the economy, deliver services and create jobs will further intensify the mounting anger and frustration with the administration. In the absence of strong border security and amid political instability and security challenges in Tunisia, Egypt and the wider Sahel, the crisis in Libya continues to have a direct negative impact on regional peace and security.

Key issues and internal dynamics

Immediately after losing the 'no confidence' vote that removed him from power on 11 March, former Prime Minister Zeidan defied a travel ban and left Libya for Europe. According to the State Prosecutor, Abdel-Qader Radwan, Zeidan was under investigation for alleged financial irregularities. Zeidan's government had been repeatedly criticised for its failure to disarm militias and create strong and efficient national security institutions. The fact that an armed group abducted the prime minister in Tripoli in October 2014 shows the magnitude of the problem. After his release, Zeidan accused elements within his own government of being behind the drama that humiliated him and shocked the world.

Reports at the end of 2012 claimed that there were more than 600

militia groups active in Libya. Most of these militias have to date refused to disband and are therefore considered a credible threat to national stability. The various armed militia groups have expressed demands ranging from simple benefits for their members to a bigger share of oil revenues and political autonomy for the eastern regions of the country. The structures, make-up and ideologies of the various militias differ widely. Islamic groups like the Libyan chapter of the Muslim Brotherhood also have their own militias. Most of these groups played a significant role in fighting the repressive Gaddafi regime and therefore tend to believe that they made some of the greatest sacrifices in getting rid of the dictator. They therefore demand greater participation in defining the future of Libya and a greater share of the country's resources.

Delegates who met in Benghazi on 6 March 2012 announced the establishment of a separate regional council to run Cyrenaica, the oil-rich eastern Libyan province. The NTC leadership swiftly rejected the announcement, as did the government in Tripoli, calling it a 'betrayal of the revolution'. Cyrenaica accounts for about 25 per cent of the Libyan population and 66 per cent of its oil production. Political and cultural marginalisation, coupled with economic neglect, has contributed to the impoverishment of the Cyrenaica region, particularly when compared to the western part of the country (Tripolitania). Regional division is the most serious problem the country presently faces.

The transitional government, which is tasked with transforming Libya into a democracy, is also faced with another mammoth challenge: that of creating a united and structured military force under one command. So far, attempts by the government to persuade rebel fighters to hand over their weapons and join the national army have met with very limited success. Many militias have not accepted the authority of the state. Violent clashes between rival

militias continue to destabilise the country, while Islamist militias have flourished. When residents of Benghazi protested against militia rule in June 2013, 32 people were killed on 'Black Saturday'. In another protest in Tripoli in November 2013, 46 people died and 500 were injured. The government currently pays more than 100 000 members of the various militia groups \$1 000 per month for their 'service'.

Political assassinations and abductions have become the modus operandi of some of the prominent militias. Reports claim that thousands have been arbitrarily detained without due process; judges, prosecutors, lawyers and witnesses have been attacked or even killed. Libya's first post-Gaddafi prosecutor general, al-Hassadi, was assassinated. A constitutional declaration adopted shortly before Muammar Gaddafi's ousting in August 2011 by Libya's transitional authorities promised to guarantee the right to freedom of expression. However, according to a February 2014 report by Human Rights Watch, limitations on freedom of expression are damaging hopes of Libya's transitioning into a democracy. The report also criticised a move by the Libyan authorities to consolidate a Gaddafi-era law that criminalises insults to the state, its emblem or flag. The amended version of Article 195 of the Penal Code outlaws all criticism of the '17 February Revolution' or insults to officials. An almost identical law, drafted under the Gaddafi regime, banned all acts regarded as an attack on the Great Fateh Revolution and its leader. The law also criminalises insults against members of the General National Congress (GNC), Libya's interim parliament, who voted in support of the amendment.

The trial of Gaddafi's two sons and dozens of his top aides is scheduled for 14 April 2014. The list includes Seif al-Islam Gaddafi, Saaid Gaddafi, the former spy chief Abdullah Senussi, and more than 30 officials from the ousted regime who are to stand trial on charges ranging from murder to embezzlement. Former

premiers al-Baghdadi, al-Mahmudi and Bouzid Dorda are also among those facing trial. Charges against Gaddafi's sons and aides include murder, kidnapping, complicity in incitement to rape, plunder and sabotage, as well as the embezzlement of public funds and acts harmful to national unity. There is considerable doubt that the accused will receive fair trials and proper juridical process.

The political dialogue in Libya is very polarised and security is deteriorating. The national dialogue initiative in Libya has yet to materialise. There is a degree of uncertainty over the mandate of the GNC, which some believe should have expired in February 2014. Amazigh (Berber) groups have said they intend to boycott the upcoming elections for the constitutional drafting assembly, citing what they see as their unfair representation in the assembly.

Political divisions within the GNC are deepening. Groups with links to the different militia groups across the country are using their influence to pursue personal interests, leaving the country's administrators almost powerless. Reports on the state of human rights in Libya record many accounts of arbitrary arrest, torture and killings. Political assassinations have become the preferred tactic of the various militias and political groups. The country has witnessed a reign of anarchy and terror in the aftermath of the 2011 revolution that overthrew a tyranny that had endured for four decades. According to some observers, more than 1 200 people have been killed nationwide in the past two years.

Geo-political dynamics

Africa and RECs

Relations between the AU and the post-Gaddafi Libyan government are gradually improving. In January 2014 the vice speaker of the Libyan parliament, Ezeddin al-Awamy, confirmed the improving ties with the AU and expressed Libya's support for the AU after meeting with AU Commission Chairperson Dlamini-Zuma. The Speaker of

Libya's parliament asked the AU to support the transition process in his country. Libyan Foreign Minister Mohamed Abdelaziz expressed optimism that the Arab League summit in Kuwait would produce resolutions to help achieve and safeguard Arab unity. At the Arab League Summit in Kuwait, Libya confirmed that it would launch a national dialogue with the help of the Arab League and the AU, and would develop a strategy to fight terrorism in Libya.

United Nations

The UN's involvement in Libya has mostly been through its support mission in Libya. The UN Support Mission in Libya (UNSMIL) was mandated by UN Security Council Resolution 2040 of 12 March 2012 to manage the process of democratic transition, promote the rule of law, monitor and protect human rights, restore public security, including through the provision of appropriate strategic and technical advice to Libyan national security forces or their demobilisation and reintegration, and counter the illicit proliferation of arms and related materiel. The mission also works to ensure international partnership and the coordination of international assistance. Libya is awash with up to 15 million rifles and other weapons, and a report by the UN panel of experts found that 'Libya has become a primary source of illicit weapons'. According to the UN report, the arms are currently fuelling unrest in 14 countries, including Syria, Somalia, the Central African Republic (CAR), Nigeria and Niger.

International community

A Ministerial Conference on International Support to Libya took place in Rome on 6 March 2014. The conference was aimed at coordinating and harmonising international assistance to build a modern and effective state in the face of significant challenges to the democratic transition. Participants included Algeria, Canada, Chad, China, Denmark, Egypt, Finland,

France, Germany, Jordan, Norway, Qatar, Tunisia, Turkey, the United Arab Emirates, the United Kingdom, the US, the AU, the Arab Maghreb Union, the European Union (EU), the Gulf Cooperation Council (GCC), the League of Arab States, the North Atlantic Treaty Organisation (NATO), and the UN. The Conference called on the Libyan government to establish the political conditions necessary to achieve the country's democratic transition into an effective state, as well as to provide security, services and good governance to all citizens based on the rule of law.

Relations between Libya and the US have been mixed. The assassination of the US ambassador, Christopher Stevens, and three other Americans when the US Consulate and annex were attacked in September 2012 marred Tripoli-Washington relations. However, the US still has good relations with the Libyan government and on 17 March 2014 US Navy Seals boarded the tanker carrying oil from rebel-controlled eastern Libya, thwarting the group's first attempt to sell crude oil independently of the central government's control. The US Navy seized the tanker south-east of the Mediterranean island of Cyprus and transferred the ship and its crew to the Libyan government.

Scenarios

The situation in Libya could follow a number of courses, depending on the actions taken by the various parties to the crisis in the coming months. These are the possible scenarios:

Scenario 1

Continuing divisions in the transitional government as well as disagreements and tensions with rebel groups further complicate the transitional process. The continuing refusal by rebels to disarm and join Libya's national army, as well as the failure of talks between regions to reach an agreement on the devolution of power, lead the nation toward a full-scale civil war, thereby threatening the territorial integrity of Libya, derailing the democratic process and destabilising its neighbours.

Scenario 2

A peaceful resolution of the many contentious issues existing between regional governments and Libya's central government helps to reduce tensions between the various tribal and regional groups. A comprehensive agreement that satisfactorily addresses these issues moderates the strong feelings in the east and helps to usher in a new system of governance for Libya that wins approval from all sides.

Scenario 3

The transitional government's success in disarming the various rebel factions and creating a unified army improves security and facilitates conditions for the peaceful holding of forthcoming elections in Libya.

Options

Option 1

The PSC, in collaboration with the Arab League, could continue to

monitor the situation in Libya and initiate talks between the various key political actors and role players in Libya. The Council could also encourage the AU's Panel of the Wise to mediate differences with the objective of creating a safe and stable platform for the scheduled elections and reconciliation, justice, respect for human rights and the rule of law in Libya.

Option 2

The PSC could encourage the government to develop a comprehensive strategy aimed at putting an end to crime and impunity in Libya, including the speedy establishment of the fact-finding and reconciliation commission proposed by the government. The PSC could also call for an end to the violation of human rights by militants and urge support for security sector reform (SSR) in Libya within the framework of the AU's Post Conflict Reconstruction and Development policy.

Option 3

The PSC could call for an independent inquiry into claims of abuse by Libya's various armed groups.

Option 4

The PSC could stress the importance of the application of transitional justice law in Libya, as recently adopted in that country, as the basis of a national reconciliation process premised on dialogue, inclusiveness, justice and accountability.

PSC spotlight

THE 2014 ELECTION OF THE MEMBERS OF THE PSC

The tenure of ten members of the PSC (see Table 1) serving for a

two-year term is set to be concluded at the end of March 2014. The procedures for the election of members of the PSC are set out in the Protocol establishing the Peace and Security Council of the AU (PSC Protocol) and the Modalities for Election of PSC Members. Most notably, Article 5(1) of the PSC Protocol states that the Council's membership is to be decided

according to the principle of 'equitable regional representation and rotation'. In terms of regional representation for the two-year term, while East Africa, Southern Africa and Central Africa are allocated two seats each, West Africa and North Africa are allocated three seats and one seat each respectively.

Table 1: PSC members whose two-year term ends in March 2014

Region	States whose terms end in 2013
Central Africa	Cameroon and Congo
East Africa	Djibouti and Tanzania
North Africa	Egypt
Southern Africa	Angola and Lesotho
West Africa	Côte d'Ivoire, the Gambia and Guinea

Following a communication from the AU Commission inviting the five regions to submit their candidates for the ten seats expected to be vacant at the end of March 2014, the

regions identified their proposed candidates. When the Executive Council held its session on the election of PSC members in January 2014, it received the list of

candidates shown in Table 2 with their previous record of membership in the PSC.

Table 2: Candidates for the 2014 PSC election

Region	Available seats in the 2014 election	States running for election	Years previously served on the Council
Central Africa	2	Burundi Chad	Both countries served for consecutive two-year terms (in 2008 and 2010)
Eastern Africa	2	Ethiopia Tanzania Eritrea	Ethiopia served for two consecutive three-year terms (2004 and 2007) Tanzania served for two years (2012–2014) Eritrea has not previously served on the Council
Northern Africa	1	Libya	Libya served two terms, each for a period of two years (in 2004 and 2010)
Southern Africa	2	Namibia South Africa	Namibia served once for a two-year term (2010) South Africa served twice (in 2004 for a three-year term and in 2010 for a two-year term)
Western Africa	3	Gambia Guinea Niger	Gambia and Guinea each served once (2012) Niger has not previously served on the PSC

Of the countries that competed for membership in the PSC, Eritrea and Niger were the only two countries that had never previously served on the Council. While Burundi, Chad, Ethiopia, Libya and South Africa had each served for two terms previously, the Gambia, Guinea, Namibia and Tanzania had served only once.

In the run-up to this year's election, the only region that did not have a

consensual list of candidates was East Africa. Initially, six countries (Djibouti, Ethiopia, Eritrea, Kenya, Somalia and Tanzania) in the region expressed interest in proposing their candidacy for PSC membership. In subsequent discussions, Djibouti and Kenya withdrew on account of having served on the PSC most recently and more than once, while Somalia withdrew on the understanding that it featured regularly on the agenda of the PSC.

With Eritrea seeking to remain a candidate, the list of candidates from East Africa submitted to the Executive Council was more than the number of seats slated for the region.

Table 3 shows the members of the PSC that were elected during the 22nd AU Summit for a period of two years.

Table 3: New members elected to the PSC

Region	States elected in January 2014
Central Africa	Burundi and Chad
Eastern Africa	Ethiopia and Tanzania
Northern Africa	Libya
Southern Africa	Namibia and South Africa
Western Africa	The Gambia, Guinea and Niger

From the newly elected members, three existing members were re-elected (the Gambia, Guinea and Tanzania) and six returned to the PSC after a period of absence (Burundi, Chad, Ethiopia, Libya, Namibia and South Africa). Out of the two countries that sought to serve in the PSC for the first time, Niger was successful while Eritrea did not receive the required number of votes to become a member of the PSC.

With the addition of Niger as a first-time member of the PSC, 38 of the 54 AU member states will have served on the PSC. Since its establishment in 2002, 54 member states of the AU have signed the PSC Protocol, while only 48 states have both signed and ratified it. This means that ten states party to the PSC Protocol have yet to serve on the PSC.

Apart from regional representation and rotation, the PSC Protocol and

the modalities for the election of members of the PSC lay down additional election criteria. These include a commitment to uphold the principles of the AU; contribution to the promotion and maintenance of peace and security in Africa; provision of capacity and commitment to shoulder the responsibilities entailed in membership; respect for constitutional governance, the rule of law and human rights; and the availability of a sufficiently staffed and equipped Permanent Mission at the AU and the UN.

Experience shows that there is tension between the requirements for regional representation and rotation and the other requirements under Article 5(2) of the PSC Protocol. In practice this tension was resolved in favour of the first category of requirements, with the consequence of rendering Article 5(2) requirements secondary. While

the focus on regional representation and rotation makes membership in the PSC egalitarian, the failure to enforce aspects of the requirements of Article 5(2) has not been without its consequences for the effectiveness of the PSC.

In an apparent attempt to rectify this issue, the PSC, in the Conclusions of its Yaoundé retreat (held on 15–16 November 2012), stressed ‘the need for effective membership in the Council, including satisfying obligations elaborated in Article 5(2) of the PSC Protocol’ and ‘the need for periodic review by the Assembly of the Union with a view to assessing compliance by members of the PSC’ with those obligations.

The current PSC membership is reflected in Table 4.

Table 4: Current PSC membership

Region	PSC members as of 1 April 2014
Central Africa	Burundi, Chad and Equatorial Guinea
Eastern Africa	Ethiopia, Tanzania and Uganda
Northern Africa	Algeria and Libya
Southern Africa	Mozambique, Namibia and South Africa
Western Africa	Nigeria, the Gambia, Guinea and Niger

Unless the order of chairing the PSC is changed by the agreement of its members, the rotation of the monthly chair of the PSC for the period April 2014 to March 2015 is as follows: Nigeria, Tanzania, Uganda, Algeria, Burundi, Chad, Equatorial

Guinea, Ethiopia, the Gambia, Guinea, Libya and Mozambique. The rotation of the remaining members elected in January 2014 will commence in April 2015.

The new composition of the PSC involves many of Africa’s regional

heavyweights. These include South Africa, Nigeria, Algeria and Ethiopia. It is accordingly anticipated that the PSC will be robust in providing leadership and in its engagements on the peace and security issues facing the continent.

Important dates to diarise

7	April	Day of Remembrance of the Victims of the Rwandan Genocide
25	April	World Malaria Day
29	April	Day of Remembrance of the Victims of Chemical Warfare
7–9	May	World Economic Forum on Africa 2014, Abuja, Nigeria
4	June	International Day of Innocent Child Victims of Aggression
5	June	World Environment Day
12	June	World Day Against Child Labour
17	June	World Day to Combat Desertification and Drought
20	June	World Refugee Day
26	June	International day Against Drug Abuse and Illicit Trafficking

Country	Election	Date *
Guinea-Bissau	Presidential National Assembly Senate	13 April 2014 13 April 2014 13 April 2014
Egypt	Presidential	mid-April
Algeria	Presidential	17 April 2014
South Africa	Presidential National Assembly Provincial	7 May 2014 7 May 2014 7 May 2014
Malawi	Presidential National Assembly Local	20 May 2014 20 May 2014 20 May 2014

**could change, dependent on circumstances*

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