

## In this issue

### ■ Situation Analyses

The Peace and Security Council (PSC) has an important role to play in supporting talks on the situation in **Mali** taking place in Algiers. The conclusion of a deal between the various armed groups and the government in Mali is crucial to achieve lasting peace.

The African Union now has to take some tough decisions about its involvement in the fight against **Boko Haram** in Nigeria. This includes the question of a possible regional intervention similar to the one launched against the Lord's Resistance Army in Uganda.

### ■ Addis Insights

The revival of the PSC sub-committee on **counter-terrorism** has become an urgent matter due to the growing terror threat on the continent. The committee, which should consist of five members, was set up three years ago, but now concrete action is being taken for it to be fully operational.

### ■ On the Agenda

The PSC is looking at a review of its **working methods**, including the crucial operationalisation of a list of sub-committees that remain dormant.



# Peace & Security Council Report

“ Mali has not figured on the agenda of the PSC in 2014

Page 2

“ Until recently, Boko Haram was considered a purely domestic problem

Page 8

“ The summit called for scaling up the fight against terror

Page 10



## Situation Analysis

Algiers talks are a key step towards lasting peace in Mali

The first phase of inter-Malian talks, held from 16–24 July in Algiers, is a sign of progress in achieving peace in Mali, but it should not overshadow the many challenges ahead. The PSC is urged to support the process in the run-up to the second round to start on 1 September.

Despite the lack of progress in the peace talks between the Malian government and northern armed forces, as well as the sporadic fighting (including a major clash in Kidal in May 2014), Mali has not featured on the agenda of the PSC since the beginning of 2014. However, the situation in the Sahel is included in its programme of work for August.

Meanwhile, the African Union (AU) has responded to some of the emerging developments in the country. In a communiqué issued on 22 May following the eruption of violence between the army and rebels in Kidal, the AU High Representative to Mali and the Sahel and Head of the AU Mission for Mali and the Sahel (MISAHEL), Pierre Buyoya, called for the unconditional and immediate cessation of hostilities and the return of the actors to their positions prior to the eruption of clashes on 16 May 2014. The visit the chairperson of the AU Assembly, Mauritanian President Mohamed Ould

operations; respect for international humanitarian law; and the establishment of an international commission of inquiry, as provided for by the Ouagadougou Agreement of 18 June 2013 (which had been signed by the *Mouvement national de liberation de l'Azawad* (MNL) and the *Haut Conseil pour l'unité de l'Azawad* (HCUA) and acceded to by the *Coordination des mouvements et fronts patriotiques de résistance* (CM-FPR) and the *Mouvement arabe de l'Azawad* (MAA)). In communiqués released on 17 and 24 July, the AU Commission chairperson welcomed the launch and successful conclusion of the inter-Malian dialogue hosted in Algeria with the signing of a road map between the Malian government and the three northern armed groups.

### A worsening security situation

Over the last few weeks, the security situation has deteriorated in some areas in northern Mali, with clashes between

#### Current PSC Chair

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#### Current members of the PSC:

Algeria, Burundi, Chad,  
Ethiopia, Equatorial Guinea,  
The Gambia, Guinea, Libya,  
Mozambique, Namibia,  
Niger, Nigeria, South Africa,  
Tanzania, Uganda

Should the Joint Commission established following the Algiers talks fail to ensure that the ceasefire is respected, clashes could intensify

Abdel Aziz, undertook to Kidal in northern Mali on 23 May resulted in an agreement on a ceasefire; commitment to resume dialogue; the release of prisoners; the facilitation of humanitarian

armed groups on 11, 13 and 20 July 2014. The 20 July clashes were between the MNL and combatants from the MAA splinter group in Almoustarat in the Gao region. These clashes breached

the commitment the parties had made under the Ouagadougou Agreement to permanently cease all hostilities. Should the Joint Commission established following the Algiers talks fail to ensure that the ceasefire is respected, clashes could intensify in the following weeks. This would delay, if not jeopardise, the chances of achieving lasting peace in Mali.

Several attacks reportedly carried out by terrorist groups in northern Mali have illustrated the deteriorating security situation. On 18 July, a rocket was fired at a military base in Tessalit where international soldiers were stationed. On 14 July, a French soldier from the Operation Serval force was killed in a suicide attack between Gao and Kidal. Since 10 July – a few days before the start of the Algiers talks – several mines have exploded on and around the Kidal airport's landing strip. One Cambodian peacekeeper from the UN Multidimensional Integrated Stabilisation Mission in Mali (MINUSMA) was injured.

### Key issues facing the talks

One of the main stabilisation and peacebuilding challenges is the signing of a final, comprehensive agreement between the Malian government and the armed groups. Without a deal, the many challenges faced by northern Mali cannot be resolved. The Algiers talks are thus a crucial step.

The negotiations that were supposed to begin 60 days after the formation of the government – according to the Ouagadougou Agreement – started after an eight-month delay due to the actors' lack of political will.

The Malian authorities often presented the military solution as an alternative to political dialogue and remained unwilling to make concessions, but they have come to realise that dialogue may be the only way to reach a final settlement. The rebel movements share responsibility for the delay; the MNLA never agreed

to cantonment as provided for in the Ouagadougou Agreement.

The lack of coherence among and the fragmentation of the various rebel forces in northern Mali created a further challenge to the search for resolution. The 'no war, no peace' status quo in an environment of mistrust led to the degradation of the situation, which resulted in the violent confrontations of May 2014.

From the outset of the Algiers talks, each party clearly expressed and stood by its position. The Malian government rejected federalism, autonomy and any challenge to secularism, a position supported by the majority of the population. As for the armed groups, the HCUA–MAA–NLA alliance submitted a road map that outlined the different phases of the talks, which should, according to the document, last nine months and lead to a final agreement.

However, interestingly, the alliance strongly rejected the participation of other groups – the MAA splinter group, the CPA and the CM-FPR – it deemed as being too close to the

## The AU has left much of the effort to achieve a peaceful settlement in Mali to regional actors

Malian government, which highlighted the existing divisions among the armed groups. The HCUA–MAA–MNLA alliance believes that the attacks carried out by these groups against it show they are on the government's side, and as such they do not have any legitimacy to participate in the talks.

Armed groups in northern Mali also clash over the control of a variety of smuggled goods, the result of widespread illegal trafficking in the area.

### Geo-political dynamics

#### AU and regional actors

Since the transition of the AU Mission in Mali (AFISMA) to MUNISMA, the AU's

engagement in the Malian situation has decreased dramatically. The AU has left much of the effort to achieve a peaceful settlement in Mali to regional actors, with its supporting role mainly channelled through the AU Mission for Mali and the Sahel (MISAHEL).

At the Malabo AU Summit, while expressing concern at the fighting in Kidal, the AU heads of state and government urged MISAHEL, whose objective is to contribute to the resolution of the crisis in Mali, to continue and intensify its efforts. While commending the outcome of the talks in Algeria, the AU chairperson also welcomed the decision to hold the second phase of the talks, scheduled to start on 1 September 2014, and urged the parties to find a negotiated and consensual solution to the current crisis.

At the regional level, the Economic Community of West African States (ECOWAS) has been leading the mediation effort with the presidents of Burkina Faso and Nigeria serving as mediators. However, the mediation has been dogged by problems of

coordination and lack of trust on the part of the Malian government.

The role of Mauritania and Algeria, which are not part of ECOWAS, has recently gained importance. Developments illustrating this include the ceasefire that the Mauritanian president brokered in May 2014 and the inter-Malian dialogue that Algeria is hosting and leading, which has revived the mediation. During its 45<sup>th</sup> ordinary session held in Accra (Ghana) on 10 July 2014, ECOWAS 'welcome[d] the initiative of the Algerian Government to provide the venue for the commencement of the inter-Malian dialogue' and urged the parties to negotiate in good faith, respecting unity,

territorial integrity and the secular nature of the Republic of Mali.

## United Nations

MINUSMA, whose mandate includes civilian protection, stabilisation and state-building, had its authorisation renewed until 30 June 2015 by UN Security Council (UNSC) Resolution 2164 (2014). In order to address the deteriorating security situation in the north, the UNSC has urged MINUSMA to speed up its deployment in that region while emphasising the need for continued political dialogue.

On 28 July 2014, the UNSC, while welcoming the road map adopted by the parties, called for the implementation of confidence-building measures and reiterated the need to accelerate the cantonment of armed groups. Concerned about the fragile security situation in the north, the UNSC called for immediate and full respect for the ceasefire agreement signed on 23 May 2014 and the 24 July 2014 Declaration of Cessation of Hostilities.

France, which has tremendous political, diplomatic and military influence in the region, assumed a major role in the effort to resolve the crisis, through Operation Serval. On 13 July 2014, France started reorganising its military presence, ending Operation Serval and launching a new regional operation codenamed 'Barkhane', but with a permanent military base located in Gao. France and Mali also signed a defence cooperation treaty on 16 July.

## Civil society dynamics

The people of northern Mali are the main victims of the crisis. The May 2014 clashes in Kidal have displaced over 14 000 people. In July 2014, according to the Internal Displacement Monitoring Centre, there were 128 866 internally displaced people. As of 8 May 2014, the UN High Commissioner for Refugees (HCR) reported that there were roughly 140 000 Malian refugees in Burkina Faso, Niger and Mauritania.

Since the crisis broke out, Malian civil society has been actively involved in mobilising supporters.

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## The EU and France's key role

Other actors with significant roles include the European Union (EU) and France, Mali's former colonial ruler.

The EU Training Mission in Mali (EUTM Mali), launched in January 2013, has so far trained almost five battalions (three of which participated in the May 2014 fighting without success, casting doubt on the effectiveness of the training). It also launched the EU civilian mission in Mali (EUCAP Sahel Mali) on 15 April 2014 to provide advice to help build the capacity of the police, gendarmerie and National Guard.

On 12 July 2014, Malian women launched the *Badenya* (solidarity) initiative, calling for their involvement in the peace process. On 6 June, in response to the May 2014 events in Kidal, the Forum for Civil Society Organisations, the *Complexe infra plus*, the *Conseil national de la société civile*, *Alkarama*, the *Coordination malienne des organisations démocratiques* and the *Collectif pour les acteurs de la paix* issued a joint declaration. They expressed their deep concern about the violence while urging the authorities to consult civil society more often to work towards resolving the crisis.

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14 000

THE NUMBER OF PEOPLE DISPLACED BY THE MAY 2014 CLASHES IN KIDAL

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## Important issues for the PSC

A major issue for the PSC is preventing the resumption of fighting or the further deterioration of the security situation in northern Mali. The other issue is facilitating the creation of conditions that will sustain the momentum of the talks in Algiers and produce a compromise solution during the second phase.

The implementation of the commitments made in various recent deals, including the cantonment of forces agreed in February 2014 and the establishment of a commission of inquiry (reaffirmed in the ceasefire deal brokered in May 2014), is another issue.

A further issue is the implementation of the AU's Sahel strategy, which plays a role in addressing the regional dimensions of the crisis in northern Mali.

## Options for the PSC

The PSC could urge MISAHÉL to prioritise supporting the inter-Malian talks in accordance with the first pillar of the mission's mandate and in cooperation with other actors, through facilitating confidence and communication, while ensuring that the conditions conducive to genuine dialogue are met and sustained, as provided for in the different agreements.

The PSC could call on all the parties to refrain from any acts that would lead to violence and to respect the ceasefire agreement, and remind them that they will be held accountable for violations of international human rights and humanitarian law.

Ahead of the second phase of talks, the PSC could, including through MISAHÉL, urge both the government and the armed forces to come to the negotiations ready to make the necessary compromises for ensuring a successful outcome. In this regard, it could encourage the chairperson of the Commission and MISAHÉL to work together with ECOWAS, the host Algeria, the UN, France and the AU to

narrow down major differences in the positions of the parties.

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18 JUNE  
2013

SIGNING OF THE  
OUAGADOUGOU AGREEMENT

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### WHO'S WHO IN THE MALI TALKS:

- Mali government
  - MNLA (Mouvement national de libération de l'Azawad)
  - HCUA (Haut Conseil pour l'unité de l'Azawad)
  - CM-FPR (Coordination des mouvements et fronts patriotiques de résistance)
  - MAA (Mouvement arabe de l'Azawad)
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# Situation Analysis

## Boko Haram not just a domestic problem

Given the increasing threat of Boko Haram in Nigeria and beyond its borders, a major challenge for the PSC is to promote confidence and trust among the countries of the region. There is also a need to support the effective operationalisation of various AU mechanisms dealing with counter-terrorism.

Concerned by the resurgence of terrorist attacks on the continent and outraged at the abduction of more than 200 schoolgirls in northern Nigeria, the African Union (AU) Assembly in its Malabo Summit decision asked the PSC 'to devote a meeting, at summit level, on the issue of terrorism' as part of 'a renewed effort towards the effective implementation of the AU counter-terrorism framework'. Notably, the Assembly called for a study on the possible establishment of a regional task force to combat Boko Haram, along the lines of the Regional Cooperation Initiative for the Elimination of the Lord's Resistance Army (RCI-LRA). On 23 May 2014, the PSC, in its first meeting on Boko Haram had called for renewed efforts towards the effective implementation of the AU Counter-Terrorism instruments and stressed its commitment to fully operationalise its counter-terrorism sub-committee.

of the schoolgirls, Boko Haram demanded the release of its members imprisoned in Nigerian jails in exchange for the kidnapped girls. Rejecting the terrorist group's demand, the Nigerian government, supported by the named countries, launched an operation to find the girls.

In defiance of this mobilisation of international support, Boko Haram, emboldened by its new international reputation, has intensified its campaign to make Nigeria ungovernable and entrench misery and dissension among its people. This has been evident in the series of high-profile attacks the group has carried out since the 14 April kidnapping. In the three months that have elapsed, Boko Haram has carried out at least 100 attacks in Nigeria and Cameroon, accounting for nearly 1 000 deaths. The Nigerian International Society for Civil Liberties & the Rule of Law Intersociety estimates that Boko Haram killed 1296 people in attacks carried out in 66 days, between 1 April and 5 June 2014. The group also abducted close to 100 people, including women and children. Clearly, Boko Haram represents the gravest security threat that Nigeria has faced since the Biafra war of the 1960s.

In the past the group's attacks were concentrated in north-east Nigeria around its base in Maiduguri. Boko Haram has now extended its operations to northern Cameroon, where frequent

60  
THOUSAND  
KM<sup>2</sup>

BOKO HARAM'S AREA  
OF OPERATION



COUNTRIES DIRECTLY AFFECTED BY  
BOKO HARAM: NIGERIA, CAMEROON,  
NIGER AND CHAD

### Escalation of the Boko Haram threat

Despite global condemnation and the support of the United States (US), United Kingdom (UK), China, France and Israel in the hunt for Boko Haram in response to the #bringbackourgirls campaign that the Boko Haram abduction of over 200 girls unleashed, there seems to be no indication that the girls will be released anytime soon. In its first video released following the kidnapping

attacks are being reported. Of the 200 attacks attributed to Boko Haram this year (as of 30 June), about 40 have occurred in northern Cameroon in the communities bordering Nigeria. Apart from a number of targeted assassinations

compensation for the families of fallen soldiers. A practical challenge is the sheer size of Boko Haram's area of operation, estimated at 60 000km<sup>2</sup> or a region the size of Rwanda, with difficult terrain (forests) and stretching along

## Boko Haram represents the gravest security threat that Nigeria has faced since the Biafra war of the 1960s

and attacks in Cameroon, the country has been used largely for high-profile kidnappings for ransom. The regional dimension of Boko Haram extends beyond its attacks. The group's criminal activities, such as arms smuggling and drug trafficking, involve several countries, including Chad, the Central African Republic, Cameroon, Nigeria, Benin, Niger, Mali, Sudan and Libya. Unless the group is stopped, its regional operations are sure to grow.

### Key issues in the effort to end the Boko Haram threat

The first hurdle to efforts in freeing the girls and ending the threat posed by Boko Haram is the lack of trust between Boko Haram and the Nigerian government. Previous attempts by the two parties to pursue dialogue, including a mooted amnesty offer, have failed to materialise because of the deep mistrust between them. The second hurdle relates to the capacity of the Nigerian government. Lack of political cohesion and the alleged presence of elements sympathetic to or supportive of Boko Haram in the Nigerian security establishment have limited the effectiveness of the government's response. Many doubt whether Nigerian security institutions are well enough equipped technically, materially and organisationally to undertake effective counter-insurgency and counter-terrorism operations. It is also reported that there is reluctance on the part of the Nigerian army to fully confront Boko Haram, due to the major losses that have been sustained and the allegedly inadequate

some of the most porous African borders connecting Nigeria, Cameroon, Niger and Chad.

The third hurdle is poor regional cooperation. Although foreign fighters from neighbouring countries contributed to the resurgence of Boko Haram since 2009, Nigeria had to deal with Boko Haram on its own. Despite ad hoc bilateral arrangements between Nigeria and its neighbours, there has until recently been no unified regional response to Boko Haram. Regional mechanisms such as the Economic Community of West African States (ECOWAS) and the Economic Community of Central African States (ECCAS), as well as the AU, mostly treated the matter principally as a Nigerian affair. Lack of a common understanding of the origin and operations of Boko Haram has further hampered regional cooperation. Regional cooperation only began to take form after the 14 April kidnapping, particularly after the Paris summit on Boko Haram was convened at the initiative of the French President, Francois Hollande, on 17 May 2014, and attended by the heads of state of Benin, Cameroon, Chad, Niger and Nigeria.

The fourth hurdle is the politicisation of the Boko Haram crisis, with accusations being traded along religious lines. Many point fingers at northern Muslim elites for encouraging Boko Haram. In turn, these northern elites blame Christians for orchestrating and fuelling Boko Haram in order to divide Muslims, with a view to preventing a northern candidate in the

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#### IMPORTANT MEETINGS 2014

17 May

- Paris summit with regional actors

23 May

- First PSC meeting on Boko Haram

30 May

- extraordinary Ecowas session

12 June

- London meeting on security in Nigeria

2 September

- AU anti-terrorism summit, Nairobi
-

upcoming 2015 presidential election from winning an outright majority vote in the north.

For any response both at the national and regional levels to be successful, it needs to contend with all these major issues. The social and economic conditions that allow Boko Haram to sustain itself need also to be addressed.

## Geo-political dynamics

### Boko Haram a threat to the region and the continent

Until recently, Boko Haram was considered a purely domestic problem. From its early beginnings in 2002 to its escalation in 2009, when nearly 1 000 people died in Boko Haram-related riots, regional actors kept their distance from what was perceived as an internal Nigerian problem. An extraordinary session of the ECOWAS Authority of Heads of State and Government held on 30 May 2014 in Accra, Ghana, encouraged President Goodluck Jonathan to remain steadfast in mobilising the country's armed forces to end these acts of terrorism and pursue national dialogue and reconciliation. Significantly, while urging member states to strengthen their cooperation, particularly in information sharing and coordinating the efforts of intelligence services and law enforcement, the ECOWAS Authority decided to establish a high-level partnership with Central African states to combat terrorism. It urged the member countries of the Lake Chad Basin Commission (LCBC) to pursue the operationalisation efforts of their action plan and cooperate in the fight against terrorism.

With the campaign on the abducted schoolgirls drawing international attention to Boko Haram's acts of terror, the PSC for the first time held a session exclusively devoted to Boko Haram on 23 May 2014. Until this point, the AU had no major high-level response, particularly in mobilising political support and

coordinating the response of member states and regional organisations. In the communiqué it adopted condemning Boko Haram's attacks, the PSC stressed that the terrorist activities of Boko Haram and other affiliated groups, including Ansaru, posed a serious threat not only to Nigeria but also to the region and to the continent as a whole. This was especially the case given the links between these groups and other terrorist groups in the Sahel region and beyond, including Al-Qaeda in the Islamic Maghreb (AQIM). Welcoming the decision of the United Nations (UN) Security Council's Al-Qaeda Sanctions Committee to include Boko Haram on its list of sanctioned individuals and entities, the PSC called on 'all AU member states to ensure the effective implementation of the sanctions as an effective tool towards eliminating the group and denying [it] access to resources to carry out its criminal and terrorist activities'. It also decided to activate its sub-committee on counter-terrorism as part of renewed efforts towards the effective implementation of its instruments against

and urged all states, in accordance with their obligations under international law and relevant Security Council resolutions, to cooperate actively with the Nigerian authorities in this regard. Most notably, on 22 May 2013, the Security Council's Al-Qaeda Sanctions Committee approved the addition of Boko Haram to its list of individuals and entities subject to the targeted financial sanctions and arms embargo set out in paragraph 1 of Security Council Resolution 2083 (2012), adopted under Chapter VII of the UN Charter.

### Further international involvement

Since the 14 April kidnapping, the interest of the international community in Boko Haram has grown significantly. In response to the social media campaign #BringBackOurGirls, countries such as China, France, the UK and the US have offered their support to the Nigerian government to help rescue the abducted girls. Additionally, in an effort to mobilise regional coordination and support, France convened a summit-level meeting of the countries bordering Nigeria on 17

## The PSC for the first time held a session exclusively devoted to Boko Haram on 23 May 2014

terrorism. In the meantime, the AUC has started working on the decision of the Malabo summit on the establishment of a regional task force by sending an assessment mission to Nigeria and the region.

### UN actions

In a presidential statement issued on 9 May 2014, the UN Security Council condemned the attacks perpetrated by Boko Haram in Nigeria, including the abduction of the Chibok schoolgirls. Noting that some of Boko Haram's acts may amount to crimes against humanity, the Council emphasised the need to bring the perpetrators, organisers, financiers and sponsors of these reprehensible acts of terrorism to justice,

May and the UK organised a similar high-level meeting on 12 June. Among others, these efforts resulted in the decision to operationalise a regional intelligence fusion unit and the establishment of a multinational joint task force to enhance border security.

The European Union (EU) is playing an important role in mobilising European countries to collectively to ban Boko Haram and apply sanctions against the group. In this context the EU has blacklisted Boko Haram.

The move subjects Boko Haram, as well as the people or entities supporting it financially or materially, to sanctions, including an arms embargo, asset freeze and travel ban.



## Successful civil society activism

Nigerian civil society organisations are credited with the social media #BringBackOurGirls campaign and its success. Although it was started to put pressure on the Nigerian government to deploy a robust response to the abduction of the girls, it attracted worldwide attention as global icons, including US first lady Michelle Obama, joined the #BringBackOurGirls campaign. Nigerian women groups staged a march to the National Assembly and were joined by others in sit-ins in Abuja. In Africa and beyond women and other civil society groups have expressed their solidarity with Nigerians and the abducted girls.

## The PSC also has to decide on the need for an AU presence on the ground

However, there are divisions among Nigerian civil society organisations on the strategy that the Nigerian government should pursue to secure the release of the girls. While some groups call for negotiations, others support the government's position rejecting negotiations with Boko Haram.

## Major issues for the PSC

One issue for the PSC is to promote confidence and trust among the countries of the region and support the effective operationalisation of various mechanisms for coordination and intelligence-sharing among them.

A related issue is how to leverage existing AU frameworks on counter-terrorism for them to contribute effectively to the success of national and regional efforts in countering the threat of Boko Haram.

As part of the study on establishing a joint regional task force along the lines of the RCI-LRA, the PSC also needs to decide on the need for an AU presence on the ground.

Another issue for the PSC is to review the efficacy of its various instruments and the AU's and regional responses on counter-

terrorism in the light of the recent spate of terrorist attacks and the risk of terrorist organisations forming alliances.

## Options for the PSC

The PSC could establish a regional coordination platform bringing together representatives of the three relevant organisations, namely ECOWAS, ECCAS and the AU itself, as part of the effort to promote trust and harmonise actions in support of the efforts of the Nigerian government and neighbouring countries.

As a follow-up to the decision of the AU Summit in Malabo and to take stock of the efficacy of AU instruments and responses, the PSC could task its sub-

committee on counter-terrorism to work with the AU Commission to convene a summit-level meeting of the PSC.

Another option for the PSC is to reconsider the role of the AU Commission Chairperson's Special Representative on counter-terrorism. A high-level political role could be decisive in facilitating prompt political action and mobilising the coordinated responses of AU member states and regional organisations as part of a renewed effort towards the effective implementation of counter-terrorism measures in Africa.

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- High level meeting organised by United Kingdom, Decision, 12 June 2014



# Addis Insights

## Activating the PSC sub-committee on counter-terrorism

Urgent appeals are being made for the PSC to step up its counter-terrorism efforts. The PSC planned to hold a meeting on its sub-committee on counter-terrorism in July, but this was postponed. Although it was decided to establish the sub-committee more than three years ago, like many other sub-committees of the PSC it has not been fully operational.

The recent escalation in the frequency and scale of terrorist attacks on the continent has elevated terrorism to the top of the continental peace and security agenda. In its decision at the Malabo Summit, the Assembly of the African Union (AU) emphasised the gravity of the threat in the Sahelo-Saharan region; the Horn of Africa, including Somalia, Kenya and Djibouti; and the Central African region.

items of the PSC. In this context, the PSC receives an annual comprehensive report from the AU Commission on the prevention and combating of terrorism in Africa. The report it received from the Commission at its 249th meeting on 22 November 2010 recommended the establishment of a committee on counter-terrorism in accordance with the relevant provisions of the PSC Protocol, to enhance its capacity and exercise

The recent escalation in the frequency and scale of terrorist attacks has elevated terrorism to the top of the continental peace and security agenda

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THE PLANNED NUMBER OF MEMBERS OF THE COUNTER-TERRORISM COMMITTEE

The summit called for scaling up the fight against terror and proper implementation of the AU anti-terror regime, and asked the PSC to hold a summit-level meeting devoted to the issue of terrorism.

the powers it is mandated by the PSC Protocol and other AU instruments.

3

YEARS SINCE THE COUNTER-TERRORISM COMMITTEE WAS ESTABLISHED

Against this background and with the necessity of discharging its mandate in this respect, the PSC, in its first meeting on Boko Haram's recent terrorist activities took a decision 'to fully operationalize its counter-terrorism sub-committee'.

Acting on the recommendation of the Commission's report, the PSC decided to establish as a subsidiary organ a sub-committee on counter-terrorism within the framework of Article 3(d) of the Protocol Relating to the Establishment of the Peace and Security Council (PSC) and in line with Article 8(5) of the PSC Protocol.

### Establishment of the sub-committee

Since 2010, terrorism has emerged as one of the standing thematic agenda

### Mandate and composition of the committee

Among other tasks, the committee was mandated to present regular updates

on terrorist activities in Africa and the AU's efforts as part of the report on its activities and the 'State of Peace and Security in Africa'. The committee serves as the focal point for facilitating and catalysing prompt PSC response to and action on acts of terrorism on the continent.

It was also mandated to 'ensure the implementation of relevant AU and international instruments, [and] prepare, publicize and regularly review a list of persons, groups and entities involved in terrorist acts' as stated in the 2002 Plan of Action on the Prevention and Combating of Terrorism.

The Plan of Action was adopted by the AU High-Level Inter-Governmental Meeting on the Prevention and Combating of Terrorism in Africa, held in Algiers from 11 to 14 September 2002.

The sub-committee on counter-terrorism is envisaged to consist of five members of Council representing the different geographical regions of the continent.

### **Efforts for operationalisation of the PSC sub-committee**

On 30 November 2011, the AU Commission presented a proposal to the Council detailing the functions and operational modalities of the sub-committee. The PSC in its meeting on 8 December 2011 PSC/PR/COMMM.2 (CCCIII) took note of the proposal made regarding the sub-committee's functions and modalities of work and requested the speedy finalisation of the document. Subsequently, the PSC at its 341st meeting PSC/PR/COMM.1(CCCXLI), held on 13 November 2012 decided to operationalise the sub-committee on counter-terrorism on the basis of the document on the mandate, composition and functions of this organ.

Although the PSC continued to receive reports from the Commission on efforts in countering terrorism and made commitments for the operationalisation of its sub-committee, it is only following its decision on 23 May that concrete action is being seen to get the committee

up and running. An illustration of this action is the meeting scheduled by the committee for 24 July 2014. The meeting has since been postponed to a later date.

of the summit-level PSC meeting that the AU Assembly requested in its decision at the Malabo summit. The counter-terrorism summit is now scheduled for 2 September 2014 in Nairobi.

It is only following its decision on 23 May that concrete action is being seen to get the committee up and running

### **Issues for the meeting**

Apart from discussions on how to ensure that the sub-committee functions on a regular basis and discharges its responsibilities to enable the PSC to respond to developments promptly and effectively, other issues of interest for the meeting include following up on the implementation of the decisions of the PSC, including establishing close working relationship with the African Center for Study and Research of Terrorism (ACSRT), the AU's technical arm on counter-terrorism based in Algiers. Similarly, a consideration of additional measures such as sanctions and the possibilities and modalities of designing an AU-led counter-terrorism operation may also be of interest.

In the light of recent events, the coordination of responses to the threat of terrorism in Africa and strengthening collaboration with regional organisations and global actors, particularly the UN, are also issues of particular interest to the meeting of the PSC sub-committee. There is also strong interest in discussing strategies or mechanisms for ensuring the effective implementation of existing instruments and decisions on counter-terrorism and for encouraging AU member states to ratify and implement AU treaties on counter-terrorism. The increasing need to have robust collaboration between member states of the AU, particularly in the areas of intelligence sharing and coordination of responses, is also an important area of interest.

The meeting could also consider preparations and plans for the convening



## On the Agenda

### Calls for greater clarity on the working methods of the PSC

The PSC is set to discuss its working methods in the coming weeks. The meeting was initially scheduled as part of the PSC’s programme of work for July, but has been postponed to a later date.

Amongst the questions that arose in the past few months concerning the PSC working methods, were the sequence of the rotation of the monthly chairperson of the PSC and the corresponding

PSC introduced details on the format and processes of the conduct of its activities. These included the formats of meeting/sessions, conduct of field missions, preparation of a bi-annual

The PSC has elaborated its working methods in several meetings since 2007 with a view to clearly define and improve the conduct of its activities

shifting arrangement of members’ seats during PSC sessions. Some members would also like to discuss the timely dissemination of relevant documents by the AU Commission to PSC members in advance of meetings. The operationalisation of the sub-committees of the PSC has also become a recurring issue.

report, decision-making processes, establishment of the monthly programme of work of the PSC, formats of meeting outcomes, and follow-up and implementation.

In subsequent developments, the PSC held two retreats to revise the working methods adopted in Dakar. In the retreat held in Yaoundé, Cameroon from 15–16 November 2012, the PSC sought to review the status of implementation of the conclusions of the Dakar retreat and consider other emerging issues, with a view to improving its working methods and enhancing its effectiveness.

A number of revisions and/or introductions were made during this retreat. From 9–10 February 2013, the PSC convened another retreat in Djibouti as a follow-up to the Yaoundé retreat. The major points addressed in the conclusions of these retreats that speak to aspects of the issues up for consideration are highlighted below.

#### Elaboration of the working methods of the PSC

The PSC has elaborated its working methods in several meetings since 2007 with a view to clearly define and improve the conduct of its activities as one of the mechanisms for the effective discharge of its responsibility and mandate as envisioned in the PSC Protocol.

The conclusions (PSC/PR/2(LXXXV)) of the Dakar retreat, adopted at the 85<sup>th</sup> meeting of the PSC held on 8 August 2007, for the first time outlined the rules and procedures that guide the conduct of its business. In particular, the

15

THE NUMBER OF MEMBERS OF THE PSC



SEVERAL SUB-COMMITTEES OF THE PSC NEED TO BE REVIVED

## Role and rotation of the monthly chairperson of the PSC

Concerning the role of the monthly chairperson of the PSC, the conclusions of the Yaoundé retreat provided that 'new members should queue at the rear so as not to change the subsisting order of succession of the rotating PSC chair'. This ended the previous practice whereby the existing line of rotation was disrupted as newly elected members were allowed to jump the queue in alphabetical order. This had the effect of practically excluding some members of the PSC from having a chance of serving as PSC chair. It was also stipulated that the monthly chair should at all times be present and that the stand-in chair would be the next month's chairperson.

A great deal of emphasis in the election to PSC membership is on regional representation and rotation. The other requirements for PSC membership provided for under Article 5(2) of the PSC Protocol have generally been discounted. Implying that this could affect its effectiveness, the conclusions stressed 'the need for effective membership in the Council, including satisfying its obligations as 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. Despite this commendable commitment, the requirements of Article 5(2) of the PSC Protocol continue to have no effect on the election of its members.

## Organisation of the work of the PSC

The Yaoundé conclusions further stated that 'the incoming Chairperson, with the support of the PSC Committee of Experts, shall elaborate a monthly programme of work two weeks before assuming chairmanship'. However, this process for preparing the monthly programme of work has not been followed consistently. It is

not uncommon that some PSC members assume the responsibility for chairing the PSC without adequate preparation and largely follow the agenda proposed by the AU Commission. Nevertheless, increasing effort was made during the course of 2013 to give effect to this provision, with incoming chairs having consultations on the timely preparation of their programme of work.

A new addition introduced in Yaoundé was the establishment of an annual PSC work programme. To this end, the PSC 'decided to energize the Committee of Experts to, among others, prepare its Annual Work Programme in collaboration with the Commission'. Acting on this provision, the PSC Secretariat in consultation with the PSC members elaborated an annual work programme for 2014.

With respect to time management, another issue relating to the organisation of the PSC's work, the Yaoundé

In practice and according to the Rules of Procedure, consultations had often been held with bodies of the AU that had mandates relevant to the work of the PSC or parties or institutions with an interest in an agenda item of the PSC.

Regarding the provision of documents relevant to PSC meetings, the Yaoundé conclusions require the PSC Secretariat to make them available to members three working days before the meeting. This has proved to be difficult to fulfil all the time due to the ever-increasing amount of work that the staff of the PSC Secretariat (which has been understaffed for a number of years) continue to shoulder.

An important development in 2014 has been the regular use of open sessions that facilitate in-depth discussion of particular issues with the wider AU community, including international organisations and civil society representatives. In April and May 2014

A great deal of emphasis in the election to PSC membership is on regional representation and rotation

conclusions stipulated 'the need for strict allocation of time to speakers, including ensuring that the allocated time is observed in all the meetings of the Council', with the chairperson expected to exercise active control to ensure focused and substantive consideration of the issues on the agenda. In this regard, significant progress has been made during 2014 owing to the use of technology that cuts off speakers when they exceed their allocated time.

A clearer definition of the types of PSC meetings and their respective purposes and outcomes was outlined in the conclusions of the Dakar retreat. The Yaoundé conclusions stipulated that consultations should be 'restricted to Members and those specifically invited to provide briefings. Non-members are not allowed to listen to consultations.'

two open sessions were held and one major open session was held in June 2014.

## Operationalisation of subsidiary bodies of the PSC

In accordance with its mandate under Article 8(5) of the PSC Protocol, the PSC has adopted a decision to establish the following seven subsidiary bodies:

- Committee of Experts
- Military Staff Committee (MSC)
- Committee on Post-conflict Reconstruction and Development
- Committee on Sanctions
- Committee on Counter-Terrorism
- Resource Mobilisation Committee
- Committee on Procedures and Mechanisms for Peace Operations



It is only with respect to the MSC, the Committee of Experts and the Sanctions Committee that some progress has been made towards operationalisation. Their mandate and working framework have duly been established.

On the full operationalisation of the subsidiary bodies of the PSC, the

implementation of the rotation of the PSC chairperson, as well as a further push for the full and proper implementation of the working methods, including the operationalisation of all the sub-committees. If other issues requiring further discussion on the working methods arise, members may decide to

An important development witnessed during 2014 has been the regular use of open sessions that facilitate in-depth discussion on particular issues with the wider AU community

Yaoundé conclusions called on '[m]embers, in consultation with the Commission, to immediately bring into operation the subsidiary bodies, namely the Committee of Experts, Committee on [Counter-]Terrorism and Committee on Sanctions'. In 2013, despite efforts to ensure the full operationalisation of the MSC, particularly during Angola's tenure as PSC chair, this was not successful. About one-third of the members of the PSC do not have defence attaches, and there has been a lack of interest among a number of defence attaches of other member states in participating in the MSC.

A far greater willingness has been displayed in bringing the Committee of Experts into operation. On 15 May 2013, the Committee of Experts met to review its Draft Rules of Procedure, which have since been submitted to the AU Legal Counsel for comment. The anticipated meeting of the PSC in July 2014 for considering and adopting the rules of procedure is now moved to the following months. In the meantime, the Committee of Experts has begun its work, albeit on an ad hoc basis.

As many of the concerns have been addressed in previous reviews, there is no expectation that any major change or addition will be made to the working methods at this stage. There could be some discussion to clarify the

have another retreat for a full review or an appraisal of gaps to be filled and aspects of the working methods that are yet to be implemented.

## Notable dates for August 2014

### **1 August**

- Consideration and adoption of the provisional programme of work of the PSC for August 2014

### **11 August**

- Consideration of the report of the Chairperson of the Commission on the situation in Mali/Sahel
- Discussion on the situation in Libya

### **19 August**

- Open session on the humanitarian situation in Africa

### **21 August**

- Briefing on the situation in South Sudan (TBC)
- Briefing on the issue of terrorism in Africa by the Committee of Intelligence and Security Services of Africa (CISSA)

### **22 August**

- Briefing on the Peace, Security and Co-operation Framework for the Democratic Republic of the Congo and the region (briefings by AU, UN and ICGLR, special envoys/representatives)

### **25 August**

- Adoption of the rules of procedure of the PSC Committee of Experts

### **27 August**

- Report on the situation in the Central African Republic

### **28 to 30 August**

- PSC field mission to South Sudan



## About the ISS

The Institute for Security Studies is an African organisation which aims to enhance human security on the continent. It does independent and authoritative research, provides expert policy analysis and advice, and delivers practical training and technical assistance.

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## Acknowledgements



The publication of the PSC Report is made possible through the support of the Humanity United Foundation and the Hanns Seidel Stiftung. The ISS is also grateful for the support of the following members of the ISS Partnership Forum: the governments of Australia, Canada, Denmark, Finland, Japan, Netherlands, Norway, Sweden and the USA.

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