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The new members of the AU's **Panel of the Wise** include a number of high-profile individuals. It remains to be seen, however, what role they can play in peacemaking and mediation in Africa.

The Peace and Security Council (PSC) is looking at innovative new ways for the continent to work together to **combat terrorism**. These include an Africa-wide arrest warrant and regional counter-terrorism units.

### ■ On the Agenda

The PSC considered the situation in **South Sudan** during a meeting on 17 September. High-level talks on the issue broke down due to last-minute meddling by some members of the regional mediating team.

### ■ Situation Analysis

An attempted coup in **Lesotho** early September has spurred the international community into action. The Southern African Development Community is now seized with the matter.



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## Addis Insight

### New Panel of the Wise has a lot on its plate

The new members of the AU's Panel of the Wise are a distinguished group of individuals who could play an important role in peacemaking and mediation. However, the fact that the panel is not a standing body, that it is made up of mostly retired luminaries and that it only meets twice a year could hamper its potential contribution.

Will the AU be able to benefit from the considerable experience and expertise of the new members of its Panel of the Wise? This question is being asked as distinguished diplomats such as Algeria's highly acclaimed former foreign minister Lakhdar Brahimi takes up their positions on the panel. Brahimi served as the United Nations and Arab League Special Envoy for Syria from 2012 until his resignation in May this year.

The group held its inaugural meeting at the AU headquarters in Addis Ababa on 16 and 17 September. The five-member panel, led by Mozambique's former prime minister Luisa Diogo, is a prestigious grouping of African personalities set up to advise the PSC and the AU Commission on how to deal with conflicts on the continent. The members are elected for a period of three years. The previous panel was led by former Organisation for African Unity (OAU) Secretary General Salim Ahmed Salim.

At the first meeting of the new panel on 16 September, Ambassador Smail Chergui, AU Commissioner of Peace and Security, said the panel had a huge role to play as custodians of the ancient African tradition of mediating by the elders.

The panel has a huge role to play as custodians of the ancient African tradition of mediating by the elders

According to an AU statement, Chergui said the Panel of the Wise had 'captured African and international curiosity and imagination because the AU created, at the heart of its decision-making on conflict prevention, management and resolution, an institution inspired by the centuries' old practice of African elders' centrality in dispute and conflict resolution'.

He said that by creating the Panel of the Wise 'the AU has in many ways recognised the importance of customary, traditional conflict resolution mechanisms and roles and the continuing relevance of these mechanisms in contemporary Africa'.

The other members of the panel are no less experienced than Brahimi and Diogo. Another former OAU secretary general, former Togolese prime

#### Current PSC Chair:

**H.E. Ambassador Konjit Sinegorgis**

Permanent Representative of Ethiopia to the AU and UNECA

#### Current members of the PSC:

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

minister Edem Kodjo, also joins the group. He will be representing West Africa, while Brahimi represents North Africa and Diogo the Southern African region. Dr Specioza Wandira Kazibwe, a former Ugandan vice-president, represents East Africa, while Dr Albina Faria de Assis Pereira Africano of Angola, special advisor to President Jose Eduardo dos Santos and a former petroleum minister, will represent Central Africa, according to the AU's statement.

### **An important role in mediating crises**

Expectations are that individuals like Brahimi could boost the visibility of the group, which has the potential of playing an important role in mediating crises in Africa. This is evident from the chairperson of the AU Commission's statement that the new members of the panel will give additional momentum to the AU's efforts in conflict prevention and mediation.

Despite its distinguished place as a key component of the African Peace and Security Architecture, the panel has largely remained isolated

Institutionally, despite its distinguished place as a key component of the African Peace and Security Architecture (APSA), the panel has largely remained isolated. It has had little interaction with the PSC and other parts of the APSA.

In terms of its work, the panel's role has been limited and has received little attention. It undertook various solidarity visits (for example, to Egypt and Tunisia in the context of the North African uprisings) and confidence-building visits to countries conducting elections (such as to the Democratic Republic of the Congo and Kenya).

Since its establishment in 2007, thematic reflection on issues relating to conflict prevention and peacebuilding is the one area of work on which the panel has delivered the most. Thus far, it has had in-depth reflection on four thematic areas.

Following the post-election violence in Kenya, the panel's first thematic reflection resulted in its report on election-related disputes and violence in Africa, which

was adopted in July 2009. In its second thematic reflection, the panel worked on a report on fighting impunity, presented to the PSC in November 2008, and is drawing up recommendations on how to help women and children caught up in armed conflict. It is expected to deliver its report on this issue at the next AU Assembly of Heads of State in Addis Ababa in January 2015.

Individuals like Brahimi could boost the visibility of the group, which could play an important role in mediating crises in Africa

### **Review of democratisation**

In the wake of the 2011 Arab Spring uprisings it has been engaged in a review of democratisation and governance for conflict prevention, at the request of the PSC. It has held two high-level meetings in December 2011 and April 2012 as the basis for developing a report with recommendations on how to address major issues of democratisation and governance in Africa.

Almost invariably, most of the themes were chosen in response to crises, rather than to pre-empt the eruption of imminent or future crises by looking at emerging issues.

When it comes to mediation and peacemaking, the panel has played almost no major role. The AU has thus far depended on special envoys, special representatives, ad hoc committees and high-level panels for its mediation and peacemaking activities. Although these are roles many believe the panel is best suited to undertake, several factors militate against the use of the panel for such intensive undertakings.

The first is the design of the panel. The panel is not a standing body and as such is not readily available to mediate or undertake peacemaking missions when conflicts break out. The second factor is the composition of the panel. Its members, while respected, have been either frail due to age or busy with other responsibilities, and thus could not engage in intensive mediation or peacemaking work.

## Pre-determined schedule

Another factor is the panel's pre-determined schedule. For the past seven years, the panel has met only twice a year. This modus operandi makes it ill suited to the demands of mediation and peacemaking.

If the potential of the panel is to be harnessed and the AU's expectation for the panel to play a more active role in conflict prevention and mediation is to be realised, these issues need to be addressed. It is equally critical that the panel is institutionally tied and operationally integrated into the various components of the APSA, the PSC, the Continental Early Warning System and the AU Commission.

The panel is not a standing body and as such is not readily available to mediate or undertake peacemaking missions when conflicts break out

In light of the number of current conflicts and the vulnerability of various parts of the continent to similar crises, there certainly is a need for the panel to play a more active role. Time will tell whether the latest panel will emerge to play such a role in the next three years.

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# 2007

INAUGURATION OF THE PANEL OF THE WISE

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THE PANEL CONSIDERED THE ISSUE OF ELECTION DISPUTES AND VIOLENCE AFTER THE POST-ELECTION VIOLENCE IN KENYA

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## The new members of the Panel of the Wise:

- Luisa Diogo (chairperson), former prime minister of Mozambique
- Lakhdar Brahimi, former foreign minister of Algeria
- Edem Kodjo, former prime minister of Togo
- Specioza Wandira Kazibwe, former vice-president of Uganda
- Albina Faria de Assis Pereira Africano, former petroleum minister of Angola

# Addis Insight

## Countries urged to implement PSC anti-terrorism measures



As Kenya last month commemorated one year since the devastating Westgate Mall attack, in which 67 people died, the PSC remained concerned about the continued threat of terrorism on the continent. Following its 2 September meeting on terrorism and violent extremism, the ball is now in the court of the PSC representatives and all AU member states to implement the measures adopted at the summit.

Innovative new solutions aimed at bolstering African anti-terrorism efforts were discussed at the first summit meeting of the AU PSC on terrorism and violent extremism in Nairobi last month. These include proposals to introduce an African arrest warrant and setting up specialised regional counter-terrorism units. The summit also mooted a possible counter-terrorism fund and commended the establishment of the African Police Cooperation Organisation (Afripol) in July this year.

## The summit mooted a possible counterterrorism fund and commended the establishment of the African Police Cooperation Organisation

The leaders urged all African states to reject the payment of ransom to hostage takers – a major problem in countering terror groups such as Boko Haram – and identified mechanisms for facilitating coordination and intelligence-sharing among member states.

Acting on the decision reached at the Malabo Summit, the PSC meeting on 2 September was attended by seven heads of state. Of these, President Uhuru Kenyatta of Kenya, the host, and Somalia's President Hassan Sheikh Mohamoud are not currently members of the PSC. The other heads of state and government in attendance were Chad's President Idris Déby (the PSC chairperson of the month who presided over the meeting), President Yoweri Museveni of Uganda, President Jakaya Kikwete of Tanzania, President Goodluck Jonathan of Nigeria, and President Mahamadou Issoufou of Niger.

### Slow ratification hampers AU efforts

Using the analysis and proposals contained in the report of the Chairperson of the AU Commission and the briefing by Committee of Intelligence and Security Services of Africa (CISSA) as its point of departure, the summit deliberated on the ever-expanding threat of terrorism in Africa. The discussion ranged from the challenges faced by the continent in its fight against the scourge and the measures required to halt the rise of terrorism

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2  
SEPTEMBER 2014

THE FIRST MEETING OF HEADS  
OF STATE ON TERRORISM

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to the need to muster effective and collective responses to the threat.

In the communiqué issued after the summit, the PSC adopted a host of measures aimed at elevating the quality and scale of the continent's fight against terrorism.

## Particular emphasis is placed on the implementation of existing AU counter-terrorism instruments

First, particular emphasis is placed on the implementation of existing AU counter-terrorism instruments and previous decisions. In this regard, the PSC lists a number of steps that AU member states need to take.

One such measure is the ratification of existing AU instruments, including the 1999 Convention and its 2004 Protocol before the 24<sup>th</sup> Ordinary Session of the Assembly of the Union. Given that it took 10 years for the 2004 protocol to secure the 15 ratifications required for its entry into force in February 2014, the ratification and implementation of existing instruments remains an issue.

This raises the question whether AU member states have a common perception of the threat of terrorism. If the past is anything to go by, it is unlikely that member states will heed the PSC's call for the ratification of these instruments before the next AU summit in January 2015.

Other measures include the implementation of the 2002 AU Action Plan and the effective operationalisation of the PSC sub-committee on counter-terrorism. Although the PSC decided to establish the sub-committee in 2010, it did not become fully operational until July 2014. While the PSC received and reviewed the document prepared by the AU Commission regarding the mandate, composition and functions of its sub-committee on counter-terrorism at its 311<sup>th</sup> meeting on 20 February 2012, the five members of the committee representing the five regions of Africa (Algeria, Equatorial Guinea, Ethiopia, Nigeria and South Africa) were only elected at the 447<sup>th</sup> meeting of the PSC on 24 July 2014.

The effective operationalisation of this committee is key if the PSC is to discharge its mandate. This includes

following up on the implementation of AU instruments and decisions, mobilising an effective response to terrorist acts, preparing and regularly reviewing lists of persons, groups and entities involved in terrorism, considering the annual report of member states, and preparing an annual report for the AU Assembly.

## Addressing member states' weaknesses

The second category of measures stipulated in the PSC communiqué relates to addressing the weaknesses in AU member states that expose them to terrorist threats. These include the establishment of effective criminal justice mechanisms; suppressing the financing of terrorism and money-laundering; denying safe havens to terrorist and criminal groups; improving border controls; and strengthening the capacity of law enforcement organs and armed forces.

## It is unlikely that member states will heed the PSC's call for the ratification before the next AU summit in January 2015

Additionally, the PSC emphasises the importance of comprehensive national counter-terrorism strategies covering prevention, response and reconstruction. In this respect, attention is drawn to the need 'to address all conditions conducive to the spread of terrorism and violent extremism, including prolonged unresolved conflicts, lack of rule of law and violations of human rights, discrimination, political exclusion, socio-economic marginalisation and poor governance'.

The third category of measures relates to strengthening continental and regional frameworks and establishing new operational mechanisms for better cooperation among member states. One such measure relates to Kenya's proposal for the establishment of a counter-terrorism fund.

The PSC tasked the AU Commission to develop a concept note on the possible establishment of such a fund. The other measure concerns the recent establishment of Afripol and the strengthening of the role of various institutional mechanisms, including the African Centre for the Study and Research on Terrorism (ACSRT) and CISSA.

Leaders at the summit reaffirmed the rejection of ransom payments to terrorist groups and in this respect the PSC, while welcoming resolution 2133(2014), urges 'member states to incorporate the prohibition of the payment of ransom to terrorist groups into their national legislations, on the basis of the relevant provisions of the AU anti-terrorism Model Law'. The recent reports that authorities in Cameroon were negotiating with Boko Haram on the release of hostages illustrate the challenges in implementing this particular measure.

Another interesting step envisaged is the issuing of an African arrest warrant, which will require member states to arrest and transfer a terror or criminal suspect to the issuing state for prosecution or sentencing. Diverging legal standards and the abuse, in some cases, of terrorism legislation to attack political dissidents are among the factors likely to hamper the enforcement of such an arrest warrant.

### Respect for human rights

Emphasising the need to protect human rights and observe humanitarian law in the fight against terrorism, the PSC calls on the AU Commission 'to work closely with the African Commission on Human and Peoples' Rights and other stakeholders to further support member states' efforts to promote and ensure the respect for human rights and international humanitarian law while preventing and combating terrorism'. This is particularly important in addressing the particular human rights issues that arise in counter-terrorism operations, including the protection of civilians and the principles of distinction and proportionality

The abuse, in some cases, of terrorism legislation to attack political dissidents could hamper the enforcement of an African arrest warrant

As the threat of terrorism has increasingly become regionalised on the continent, the fourth category of measures addresses the important issue of intelligence-sharing among member states. This is to ensure a more robust collective response and to facilitate coordination and collaboration with international actors.

Despite the fact that this was identified as critical in the fight against terrorism, coordination and intelligence-sharing among member states remain poor and ad hoc. Nothing better illustrates the depth of this problem than the convening of a summit-level meeting on Boko Haram in Paris – rather than in West Africa - on 17 May this year to facilitate coordinated action by the countries neighbouring Nigeria.

In terms of coordination and timely intelligence-sharing, one issue identified in the Chairperson's report was the lack of a secure communication system to facilitate this information- and intelligence-sharing.

In this regard the PSC calls for the expeditious establishment of 'the planned secure communication system among the African intelligence and security services'. Such issues as regional rivalry, lack of trust and diverging legal and bureaucratic procedures surrounding intelligence also need to be addressed for effective action.

Coordination and intelligence-sharing among member states remain poor and ad hoc

With respect to coordination, the PSC calls for the implementation of the decisions made in existing regional processes and the promotion of regional cooperation initiatives and mechanisms. In this regard, particular attention was given to the implementation of measures agreed in the Nouakchott Process and the operationalisation of regional mechanisms for addressing the threat posed by Boko Haram. It calls for the establishment of regional fusion centres as points of intelligence analysis and –sharing, to facilitate the exchange of intelligence as well as coordination and joint operations at the regional level.

Provision is also made for the possible establishment of specialised joint counter-terrorism units at sub-regional and regional level, within the framework of the African Standby Force (ASF) and, pending the ASF's reaching full operational capability, as part of the African Capacity for Immediate Response to Crises (ACIRC).

While the importance of coordination and collaboration with international actors is emphasised and provision

is made for enhancing the support from international actors in addressing the threat of terrorism, the PSC also expresses deep concern about external interferences that exacerbate African conflicts, thereby creating an environment conducive to the spread of terrorism.

The PSC also expresses deep concern about external interferences that exacerbate African conflicts

It is interesting to note that King Abdullah bin Abdulaziz of Saudi Arabia pledged US\$10 million in support of the AU's efforts to combat terrorism and violent extremism and to strengthen the AU–Organisation of Islamic Cooperation (OIC) partnership in this field. It was reported from the summit that the Secretary-General of the OIC, Iyad Ameen Madani, also called for the delinking of Islam from terrorism.

The PSC summit comprehensively dealt with the issues surrounding continental efforts in the fight against terrorism. Commenting on past efforts, the PSC pointed out that 'despite the progress made in developing a comprehensive normative and operational counter-terrorism framework, serious gaps continue to exist in terms of implementation and follow-up, thus undermining the effectiveness of Africa's response to the threat of terrorism and violent extremism'.

As in the past, the challenge with respect to the plethora of measures adopted at the summit is for the AU and its member states to walk the talk in following up the suggested steps, mustering the political will to respond timely and effectively and mobilising the required resources.



AN AFRICAN ARREST WARRANT FOR THE FIGHT AGAINST TERRORISM

\$10  
MILLION

THE KING OF SAUDI ARABIA'S SUPPORT TO COMBAT TERRORISM



# On the Agenda

## PSC focuses on the faltering South Sudan peace process



The PSC continues to focus on the serious situation in South Sudan and has urged all stakeholders to speedily conclude negotiations aimed at the formation of a government of national unity. Last-minute changes in favour of the government, however, led to the failure of the 25 August summit organised by the Inter-Governmental Authority on Development (IGAD).

On 17 September 2014, the PSC reviewed the faltering South Sudanese mediation process and was set to discuss its field visit to the country, which was initially planned for August this year. In a statement issued after the meeting, the PSC urged all stakeholders to conclude talks about the formation of the transitional national unity government within six weeks.

Regrettably, nine months after the beginning of the talks, the IGAD-led mediation effort has yet to achieve a breakthrough. If anything, ending the civil war in South Sudan is as illusive today as it was at the beginning of the peace process in January 2014.

Nine months after the beginning of the talks, the IGAD-led mediation effort has yet to achieve a breakthrough

### Parties fail to agree on key issues

The PSC field visit to South Sudan was initially planned for the end of August, but was postponed because members of IGAD wanted to wait until after the IGAD summit in late August, which was expected to bolster the peace effort.

At the summit, held on 25 August in Addis Ababa, Ethiopia, IGAD, the Horn of Africa regional grouping, oversaw the signing of two instruments. The first was the matrix of implementation of the Cessation of Hostilities Agreement (CHA) and the other the Protocol on Agreed Principles on Transitional Arrangements towards Resolution of the Crisis in South Sudan.

IGAD hailed the signing as a major step that 'brings ... expectations ... that the guns will be silenced and the senseless conflict in South Sudan will end'. United Nations (UN) Secretary-General Ban Ki-Moon also welcomed what is described as a blueprint to implement the South Sudan ceasefire. This is despite the fact that thus far only the government has signed the final document.

The IGAD summit, the sixth such summit on South Sudan since the war broke out in December 2013, was, in the words of IGAD mediators, aimed at ending the parties' 'intransigence' involving 'the continued resort to delay-and-stalling tactics'. However, these tactics continue to plague the mediation efforts.

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25  
AUGUST 2014

THE LAST IGAD SUMMIT ON  
SOUTH SUDAN

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## Talks fail to iron out key differences

In the weeks preceding the IGAD-summit, it was clear that the fear expressed in the previous PSC Report analysis on South Sudan – that the round of talks that preceded the IGAD-summit were likely to stall – had indeed materialised.

While the multi-stakeholder talks that took place from 8–15 August helped to articulate the principles enshrined in the protocol referred to above, they did not deal with some of the demands by the principal parties.

Despite the fact that the talks proceeded after provision was made for bilateral talks between any two parties within the multi-stakeholder peace process, the process encountered further challenges. The bilateral talks had been initiated to accommodate the South Sudan People's Liberation Movement/Army in Opposition (SPLM/A-IO), which stayed away on

5 August, demanding direct talks with the government. Then, on 16 August, the government delegation set two preconditions for participating in the talks: it demanded that government agreement be required for the decision-making process in the multi-stakeholder talks and that the implementation matrix for the CHA be signed. The SPLM/A-IO on its part refused to sign, demanding the withdrawal of Ugandan troops from South Sudan.

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The matter was thus referred to the IGAD summit. Rescheduled from 17 August and further postponed for a day from 24 August, the IGAD summit finally took place on 26 August. Apart from the signing of the two agreements mentioned above, the warnings issued at previous IGAD summits – that it would take action against any party that failed to honour its commitments – were placed on the agenda of this summit as well.

## Last-minute changes scupper a deal

The IGAD mediation team, headed by former Ethiopian chief diplomat Ambassador Seyoum Mesfin, tabled the implementation matrix and the protocol that it had compiled on the basis of previous agreements and

subsequent negotiations between the various parties. While both the implementation matrix and the protocol are important, a lot of attention has been paid to the protocol, as it is meant to serve as an acceptable road map for the formation of the national unity government, whose 10 August deadline was not honoured.

Uganda and Kenya initiated changes that dramatically altered the proposed framework

When these documents were tabled before the IGAD Council of Ministers, Uganda and Kenya initiated changes that dramatically altered the proposed framework for the formation of the transitional national unity government.

While the initial draft separated the head of state and the head of government, with an offer to the SPLM/A-IO that it could nominate the prime minister heading the government, the final document had a proviso stating that the SPLM/A-IO's nominee for the position of prime minister must be acceptable to the president, who is the head of state. This proviso has proven to be very controversial.

At the summit, Ugandan President Yoweri Museveni led the technical argument that the current constitution of South Sudan, in which the president is both the head of state and head of government, should be upheld. Many of the IGAD member states, including Kenya, Somalia, Djibouti and even Sudan, seemed to accede to the argument. Thus the initial formulation dividing the roles of head of state and head of government between the president and the (still to be determined) prime minister was changed in favour of the final provision under Article 2 of the protocol. This stipulates that 'the Head of State and Government, the Commander in Chief of the Armed Forces of the Transitional Government of National Unity, shall be the elected, incumbent President of the Republic'.

Simply put, the changes made at the last minute substantially skewed the proposed transitional government of national unity in favour of the government and created the conditions for the opposition to reject it. Apart from stripping the newly proposed position of prime minister of all substantial power, the protocol also stipulated that the person appointed to this position would, unlike the president, be barred from participating in the elections to be held at the end of the transitional

period. Similarly, unlike the post of transitional president, whose status was unquestioned, the prime minister should not only be acceptable to the president but should also possess such qualities as ‘credibility and professionalism’.

The changes made at the last minute substantially skewed the proposed transitional government of national unity in favour of the government

Despite the fact that the preamble to the protocol designated the government, the SPLM/A-IO and other stakeholders (former detainees, political parties, civil society representatives and religious leaders) as the signatories to the protocol, the signature page had no space for other stakeholders. Oddly, however, IGAD heads of state, who should have been the guarantors of the protocol, signed as though they were also signatories, while the actual signatories were left waiting and forgotten in the corridors. This presumably happened in the scramble to accommodate Museveni’s request to leave the meeting.

Not surprisingly, while the protocol was signed by the government, which announced its acceptance of the terms, the SPLM/A-IO did not sign it. Former detainees, who are among the stakeholders, criticised the changes that the IGAD summit introduced as ‘unfair, unjust and discriminatory’, and as representing an ‘obstacle’ to finding peace in South Sudan.

Making matters worse, the implementation matrix for the CHA did not fare any better. Although it was reported that the two sides had signed the implementation matrix, only the preamble of the text that recommits parties to the CHA was signed and initialled. The text of the implementation matrix accompanying the re-dedication was neither signed nor initialled. Not unexpectedly, the SPLM/A-IO rejected the announcement that both sides had signed the implementation matrix.

### Finding a way forward

The current challenge facing the peace process is finding a way to overcome the major setback presented by the changes introduced at the summit. The first issue is clarifying the problems in signing the implementation matrix. Secondly, and most importantly, there is the issue of rectifying the disputed provisions in the protocol.

Given that there is consensus about all parts of the protocol except the key provisions on the transitional government arrangements, IGAD mediators plan to table those provisions for negotiation in the multi-stakeholder talks that had been adjourned on 28 August. While the SPLM/A-IO and other stakeholders may be open to this plan, it will not be a surprise if the government resists opening those provisions to negotiations. Additionally, for this plan to succeed it is critical that IGAD mediators convince member states, particularly Uganda, that the disputed provisions need to be negotiated and agreed to by all parties and the other South Sudanese stakeholders

In the light of the above, the PSC stands to play a constructive role in many respects. Given the continuing suffering of the millions of refugees and internally displaced persons and the looming threat of famine facing the South Sudanese, the PSC needs to elevate the role of the AU by convening a pledging conference to mobilise resources to save lives in South Sudan. With respect to the CHA, the PSC could lend its support to IGAD and urge the parties, particularly the SPLM/A-IO, to abide by the implementation matrix.

It is critical that IGAD mediators convince member states, particularly Uganda, that the disputed provisions need to be negotiated

In its statement issued after the meeting the PSC The council ‘expressed its deep concern over the lack of progress in the political negotiations, including the non-compliance with the sixty days deadline for the formation of the transitional government of national unity and the deterioration of the humanitarian situation’. The PSC also mandated the AU Commission to urgently initiate consultations with IGAD.

The PSC can also use its planned field visit to South Sudan to convince the parties to fully embrace and implement the implementation matrix.



## Situation Analysis

### SADC keeping a close watch on events in Lesotho

Claims by Lesotho's Prime Minister that a coup d'état was under way in his country raised alarm at the end of August, but SADC successfully intervened to prevent a military takeover. As the situation remains tense, warranting the attention of the PSC, it is fitting that the PSC reminds the political and military factions of the AU's total rejection of unconstitutional changes of government and expresses its support for SADC.

Lesotho has not been on the agenda of the Peace and Security Council (PSC), nor has it figured as a concern for the African Union (AU), due to the relative stability in the mountain kingdom, which is completely surrounded by South Africa. Instead, its peaceful changeover from the 14-year rule of former Prime Minister Pakalitha Mosisili to a new coalition led by Prime Minister Thomas Thabane in 2012 has been considered a positive example for the rest of the continent.

This positive democratic evolution ended when violence broke out on 30 August after elements of the Lesotho Defence Force (LDF) under the command of Lieutenant General Tlali Kamoli stormed police headquarters, seizing weapons. One policeman was shot in the ensuing confrontation between police and soldiers. The army also encircled the house of Thabane, who fled to South Africa, claiming a coup d'état was under way.

These events set the scene for the unfolding political uncertainty in Lesotho and have caused the international community, especially the Southern African Development Community (SADC), to focus its attention on the country. On 30 August, AU Commission chairperson Dr Nkosazana Dlamini-Zuma expressed her 'deep concern' over the developments in Lesotho and 'emphasized the AU's firm rejection of unconstitutional changes of government'. She warned that 'the AU will not tolerate any seizure of power by illegal means' and expressed her support for SADC's efforts to address the situation.

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# 30

AUGUST 2014

ATTEMPTED COUP IN LESOTHO

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These events set the scene for the unfolding political uncertainty in Lesotho and have caused SADC to focus its attention on the country.

#### Political divisions

The events in August and early September in Lesotho come against the backdrop of increasing internal strife within the governing coalition, which consists of the All Basotho Convention (ABC), led by Thabane; the Lesotho

Congress for Democracy (LCD), led by Deputy Prime Minister Mothetjoa Metsing; and the Basotho National Party (BNP), led by Sports Minister Thesele Maseribane.

## Tensions mounted in Lesotho from June to August, despite attempts by SADC to intervene

The fallout between Thabane and Metsing led to fears that the coalition would collapse and that Metsing would institute a vote of no confidence in Thabane, ousting him from his position as Prime Minister. Metsing's LCD signed an agreement with the Democratic Congress (DC), the party of former Prime Minister Mosisili, on 11 June. The DC has 48 seats in the 120-seat Parliament following the May 2012 elections and it was thought that Mosisili could regain power with Metsing as his deputy if Thabane were ousted by Parliament.

In early June, Thabane responded to this situation by abrogating (suspending) Parliament for nine months. The abrogation was accepted by King Letsie III, who is a non-executive monarch and has been largely silent throughout the current crisis. A series of inter-party talks followed, but these failed to deliver a clear solution to the impasse.

Tensions mounted in Lesotho from June to August, despite attempts by SADC to intervene. On Friday 29 August it was announced that Kamoli had been sacked as chief of the army and would be replaced by Lieutenant General Maaparankoe Mahao. This step seems to have triggered the violence of Saturday 30 August.

There has thus been a clear breakdown in the relationship among the coalition partners. The division and political infighting between the different factions not only created a constitutional crisis paralysing government but also persists despite the earlier regional mediation efforts.

### Army a law unto its own

Lesotho's army has a bad track record. Lesotho has seen several incidents of political interference by the army since independence in 1966, the latest being the attempted coup in 1998. At the time, the South

African National Defence Force (SANDF) intervened to squelch the army coup, but the operation – the first since the end of apartheid in 1994 – caused some loss of life. Around 60 people were killed, as were eight SANDF soldiers. The mission was carried out under the auspices of SADC with help from the Botswana army.

Commentators warn that the army's unprofessionalism and the lack of proper civilian oversight could cause further instability if the situation is not reversed. South African and local media in Lesotho reported in early September that Kamoli was still refusing to accept the new army commander and had fled to a secret hideout with 200 of his soldiers. They had reportedly seized weapons from military bases.

Kamoli, who was appointed by Mosisili in 2012, has in the past threatened Thabane publically. Some say he should be charged with high treason for refusing to salute Thabane.

## Lesotho has seen several incidents of political interference by the army since independence

Most troubling is the fact that the security forces are involved in the unfolding power struggle in the coalition government. Apart from the visible division within the LDF, it also seems as though the LDF and the Lesotho police stand on different sides of the political divide. There clearly is a major security sector problem in the country.

### South Africa leads regional intervention

SADC has been concerned about the situation in Lesotho since the suspension of parliament in June this year. Both presidents Jacob Zuma of South Africa and Hifikepunye Pohamba of Namibia travelled to Lesotho in June and July to discuss the situation with the coalition partners. Zuma is said to be an ally of Thabane, although this support could also be merely a manifestation of South Africa's foreign policy, which has tended to support the incumbent in political disputes. This has been the case in Zimbabwe and initially after the last coup d'état in Madagascar.

In July this year, Pohamba, as chairperson of the SADC Organ on Politics, Defence, and Security, met Thabane, Metsing and Joang Molapo, the minister of home

affairs representing the BNP, in Windhoek to discuss the impasse. Following this meeting, a statement was released in which the coalition partners agreed to work together for the good of the country. They agreed 'to make the necessary reforms in order to enable the smooth functioning of the coalition, enhance democratic governance and ensure political stability', according to the statement.

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Back in Maseru, however, the political conflict between the main protagonists continued. During its annual summit in Harare, Zimbabwe on 17 and 18 August, SADC leaders discussed the situation in Lesotho, but said they were satisfied that the coalition leaders would keep to their commitments in the Windhoek declaration. SADC's final statement, however, refers to the situation in Lesotho as a 'stalemate', indicating its awareness that the political divisions continued.

Zuma took over as chair of the SADC Organ at the Harare summit, a position that legitimises even further South Africa's role as chief mediator in the situation in Lesotho. On Monday 1 September Zuma met the three coalition leaders in Pretoria to discuss the crisis. SADC executive secretary Stergomena Tax also attended this meeting.

According to the statement following the meeting, the Lesotho coalition partners agreed on a road map to end the crisis and to reconvene Parliament, which was expected to happen by 19 September. Local media, however, quoted Thabane shortly after his return to Lesotho as saying that conditions were not yet favourable for reopening Parliament.

SADC also committed to sending both a task team and a facilitator to help Lesotho's politicians stick to the agreed road map. Although Thabane had asked for a military intervention by SADC, this was clearly not granted. On Wednesday 10 September, Zuma again travelled to Lesotho together with South African Minister Of International Relations and Cooperation Maite Nkoane-Mashabane. No formal statement was made after the deliberations.

The spectre of an eventual South African military intervention still looms large in Lesotho, especially given its September 1998 intervention. South African special forces had intervened, according to sources, on Saturday 30 August to escort Thabane to safety following the army attack. Upon his return to the country on Wednesday 3 September, he was escorted by South African police. Early in September it was reported that SANDF troops were stationed at strategic points around the Lesotho border in case the situation worsens and SADC calls for regional military intervention.

### Concerns of the wider international community

The Commonwealth has been apprised of the situation in Lesotho for some time and expressed its concern in a statement on 30 August. 'There is zero tolerance in the Commonwealth of any unconstitutional overthrow of an elected government. Democracy and the rule of law are central tenets of our association, as set out in the Commonwealth Charter, and any action to subvert constitutional civilian rule is unacceptable,' said Commonwealth secretary-general Kamallesh Sharma in a statement.

The Commonwealth Special Envoy for Lesotho, Rajen Prasad, was also in contact with the main political parties in the country in order to help solve the political crisis, according to the statement.

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In July, the Commonwealth organised a trip to New Zealand for Lesotho's politicians, led by Metsing. The aim of the trip was to study New Zealand's mixed proportional electoral system, which is similar to that of Lesotho. It combines a constituency-based system with proportional representation. This trip came in the midst of the suspension of Parliament, but was not directly linked to the current political crisis as it had been planned several months previously.

United Nations (UN) Secretary-General Ban Ki-Moon also expressed concern about the situation in a statement on 31 August. He urged respect for the

constitutional order in the country and asked all parties to refrain from violence. The UN 'welcomes earlier efforts by SADC, the Commonwealth and other partners of Lesotho to support the restoration of trust among the members of the Coalition Government', according to the statement.

### Major issues for the PSC

A major issue for the PSC is how to ensure that the events of 30 August are not repeated. Related to this is the problem of ensuring that the security forces do not overstep their bounds by interfering in politics.

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Another issue for the PSC concerns the likelihood of success in the on-going efforts to resolve the crisis through political dialogue.

A broader issue is addressing the security sector problem, which the recent crisis has shown to be a critical step in ending the threat of a coup d'état in the country.

### Options for the PSC

Given the nature of the crisis, the PSC could convene a session on the situation in Lesotho to send a clear message to the political and security actors in the country, expressing its concern over the situation and reiterating the rejection of any attempts at unconstitutional changes of government.

The PSC could also express its support for the efforts of SADC to resolve the crisis and request the AU Commission to send a mission to the region, including Lesotho, in support of SADC.

Another option for the PSC is to discuss with SADC and its member states ways and means of addressing the security sector problem in Lesotho to end both the military's interference in politics and the threat of coups in the country.

### Important documents

- AU Commission chairperson statement on Lesotho, 30 August 2014 <http://cpauc.au.int/en/content/african-union-warns-against-any-unconstitutional-change-government-lesotho-au-expresses-full>
- SADC Press statement on Lesotho, Windhoek, 30 July 2014 [Press\\_Statement\\_on\\_Lesotho\\_30\\_July\\_2014.pdf](http://www.sadc.int/documents-publications/show/2764)
- Joint Statement by the SADC Troika and Coalition Leaders of Lesotho, 1 September 2014 <http://www.sadc.int/documents-publications/show/2764>
- United Nations statement on Lesotho <http://www.un.org/apps/news/story.asp?NewsID=48605#.VAN-RcV5OK8>

### Notable dates for October 2014

#### 7 October

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

#### 14 October

- Open session on sexual violence in conflicts

#### 16 October

- Meeting on the situation in Somalia
- Briefing on upcoming elections in Africa

#### 27 October

- Open session on the structural prevention of conflicts: reinvigorating states in fragile situations

#### 29 October

- Briefing to the PSC by the president of the International Committee of the Red Cross
- Update on the Ebola outbreak in West Africa



## 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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