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Heads of state of the Peace and Security Council met on 13 June, ahead of the 25<sup>th</sup> AU summit, to discuss the crises in **South Sudan** and **Burundi** and to review the fight against terrorism in Africa.

The recent AU summit also included discussions on issues such as the proposed **Continental Free Trade Area**, alternative sources of funding and the reform of the United Nations Security Council.

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## On the Agenda

### PSC Summit decides on South Sudan human rights report and takes action on Burundi

Heads of state of the PSC have decided to take urgent steps to move the peace process in South Sudan forward. This includes tabling a controversial report on South Sudan and setting up its new high-level panel – almost six months after the decision to appoint it. The PSC also took steps to try to enforce free and fair elections in Burundi, but the government in Bujumbura has already rejected these.

The long-awaited report of the inquiry into human rights abuses in South Sudan – drawn up by a team led by former Nigerian president Olusegun Obasanjo – will be tabled at a meeting of ministers of the PSC next month. The controversial report was withheld at the PSC summit meeting in Addis Ababa in January this year because it was felt it could jeopardise ongoing talks between the belligerents.

### Human rights groups in South Sudan and elsewhere have called for the release of the report

At its meeting on 13 June, ahead of the 25<sup>th</sup> Assembly of the African Union (AU) in South Africa, heads of state and government of the PSC finally decided that the report should be discussed. Human rights groups in South Sudan and elsewhere have called for the release of the report to ensure leaders are held accountable for the atrocities committed in the war, which started in December 2013. The report, among other measures, recommends that the main protagonists in the conflict be barred from participating in a future unity government. Some observers, however, are concerned that the report's tabling at a ministerial level might mean action on it could be delayed even further, until the next meeting of heads of state of the PSC in January 2016.

According to a communiqué following the PSC summit, council members have expressed their deep concern over the situation on the ground in South Sudan and condemned the violation of the ceasefire agreements. In the past few weeks there has been a resurgence in fighting in several parts of the country, notably in the Upper Nile and Unity states.

According to a report by the AU Commission chairperson, Nkosazana Dlamini-Zuma, as of 30 April 2015 1.52 million people were internally displaced while 552 000 had fled to neighbouring countries. About 300 000 people were affected by the upsurge in the conflict in the first days of May 2015, 'as active hostilities and insecurity continue to disrupt humanitarian response activities and restrict road and air access,' says the report. According to the United Nations (UN), South Sudan faces the worst levels of food insecurity in its history. 'Some 4.6 million people are projected to face severe food insecurity during the months of May–July 2015'.

#### Current PSC Chair

##### H.E. Usman Baraya

Ambassador of Nigeria to Ethiopia and the African Union

#### Current members of the PSC

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

## AU back to the drawing board

Dlamini-Zuma told the opening session of the PSC summit that the AU and the Intergovernmental Authority on Development (IGAD) had tried their best to find a political solution, but there had been 'very little progress'. 'We now have to go back to the drawing board and see how we can assist,' she said.

Due to its frustration with the situation in South Sudan, the AU decided at the end of 2014 to appoint an ad hoc high-level panel of heads of state on South Sudan. The panel, which includes Nigeria, Rwanda, Chad and Algeria, and is chaired by South Africa, met on the margins of the Johannesburg summit for the first time. It also held a joint meeting with IGAD members. The AU's new special envoy for South Sudan, former Malian president Alpha Oumar Konaré, was present at these meetings and is said to have started his discussions with the government and the opposition rebels.

Smail Chergui, the AU Commissioner for Peace and Security, told a press conference that the discussions between IGAD and the heads of state were 'very good and constructive' and a joint summit would be held to discuss the mediation efforts in early July.

Other parties to the mediation, including the so-called troika, made up of the United States (US), the United Kingdom and Norway, are also expected to participate in the new efforts, dubbed the IGAD-plus process.

The AU's new special envoy for South Sudan, former Malian president Alpha Oumar Konaré, was present at these meetings

## South Sudan not happy with IGAD-plus

However, these efforts by the AU to take charge of peace efforts after the failure of the IGAD-led talks in March this year are being hampered by the resistance of some parties to enlarging the circle of mediators. South Sudan's Minister of Foreign Affairs Barnaba Marial Benjamin told journalists at the summit that other African heads of state can 'bring positive ideas' about how to move forward, but that the IGAD process has not failed. 'The truth of the matter is the peace process has moved forward ... negotiations are going on in Addis Ababa.'

Benjamin said major areas have been agreed upon, but parties are 'ironing out' details of the structure of a government of national unity. He stressed that the government has made compromises, mentioning the agreement made within the ruling Sudan People's Liberation Movement to allow former

detainees to return to their country. The agreement was recently brokered in Arusha by South African Deputy President Cyril Ramaphosa.

Observers, however, say the IGAD process is fraught because of the vested interests of some of its members, including Uganda, who is militarily supporting the government.

Observers say the IGAD process is fraught because of the vested interests of some of its members

## Steps to enforce free and fair elections in Burundi

Heads of state of the PSC, meeting in Johannesburg, also expressed their concern over the violence in Burundi ahead of planned legislative and presidential elections. Protesters are asking that President Pierre Nkurunziza withdraw from the presidential race, since he has already served two terms as president since 2005.

Divisions among member states on how to deal with the issue of Burundi have emerged, following a call by heads of state of the East African Community (EAC), led by Tanzanian President Jakaya Kikwete, for the elections to be postponed to ensure free and fair polls. While a number of leaders on the continent, including Dlamini-Zuma, earlier indicated that Nkurunziza should not stand for another term, the focus in the statements of the AU and mediators has shifted to a call for dialogue and ensuring free and fair elections.

Chergui told the media at the summit that the PSC is calling for 'a consensual political solution' to the crisis in the country. It requested all parties to resume dialogue within one week from 13 June, facilitated by the AU, the UN, the EAC and the Intergovernmental Conference on the Great Lakes Region. Chergui said this dialogue should be about putting in place conditions for free and fair elections, including 'the respect for human rights, the free movement of people, free expression, free media'. He added that other issues such as security, the date of the elections 'and indeed the candidature of the president for a new term' should be discussed.

In its communiqué on Burundi, the PSC also announced that it would deploy human rights observers and military experts 'to verify the process of disarming the militias and other armed groups'. The AU will deploy an election observer mission, if conditions are met for the holding of free, fair, transparent and credible elections, according to the statement. Chergui said the plan was to deploy around 50 military observers, but that this would have to be discussed with the government.

## Nkurunziza dismisses AU proposals

Following the PSC's announcement, however, the government of Burundi rejected the proposals and said it had its own observers that were already overseeing the disarmament process.

Burundi's own security forces are deployed across the country to ensure safety during the election process, the government said in a statement quoted by local and international media.

Nkurunziza did not attend the summit, but his Foreign Minister Alain Nyamitwe said the country was going ahead with the legislative elections planned for 29 June and the presidential elections on 15 July. He accused the media of exaggerating the violence in his country and said protests affected 'a few suburbs of Bujumbura'.

The threat of terrorism on the continent was driven home on the last day of the Johannesburg summit

## New plans to tackle terrorism

The threat of terrorism on the continent was driven home on the last day of the Johannesburg summit when two bomb blasts in Chad's capital Ndjamena killed 27 people and injured at least 100.

Chad has been heavily implicated in the fight against the Nigerian group Boko Haram and is housing the headquarters of the new Multinational Joint Task Force (MNJTF) against the group, launched by heads of state at the January 2015 AU summit in Addis Ababa. The new headquarters of the MNJTF (which will consist of 10 000 troops from Chad, Cameroon, Nigeria, Niger and Benin) was inaugurated on 25 May.

Chergui said at the news conference that there is strong support for the force against Boko Haram and that a UN Security Council presidential statement on the force was expected soon. He also said that Nigeria's newly elected President Muhamadu Buhari had announced support of \$100 million for the force. The Economic Community of Central African States will also contribute \$50 million. In addition, it will receive aid from the European Union (EU). On the margins of the summit, the US announced that it would support the MNJTF with \$5 million.

The PSC also announced at the summit that it planned to hold another high-level meeting against terrorism as a follow-up to the meeting held in Nairobi on 2 September last year. According to Chergui, this is to 'adopt a plan of action' against all terror groups, including al-Shabaab in Somalia, al-Qaeda in Mali, the Islamic State in Libya, Boko Haram in the Sahel and West Africa, and the Lord's Resistance Army.

The international contact group for Libya met for the fourth time on the margins of the summit

## Libya discussions to continue in Spain

The PSC has also been very concerned about the situation in Libya – both due to the instability that the chaos in the country is causing across the region and due to the human trafficking of migrants, who mostly transit Libya on their way to the Mediterranean.

The AU Commissioner for Social Affairs Sidiki Kaloko, who addressed heads of state on migration during a closed session at the start of the summit, says finding a solution to the crisis in Libya is a crucial part of clamping down on illegal migration.

The international contact group for Libya met for the fourth time on the margins of the summit and released a statement expressing its profound concern over the situation in the country. The meeting consisted of representatives of Algeria, Angola, Egypt, Niger, Nigeria, South Africa, Sudan, Tunisia and Zimbabwe (as current AU chairperson), as well as representatives of several EU countries, Russia, China and the US.

Delegates said support was shown to the efforts of UN mediator Bernardino León, who was at the Johannesburg meeting after being unable to attend the two previous meetings of the contact group. In its statement the contact group encourages the protagonists in Libya to agree to the UN's fourth draft political agreement to establish a unity government in the country. The next meeting of the contact group will be held in Spain in September.

# On the Agenda

## Beyond Bashir – what else happened at the AU Summit?



The Johannesburg summit, from 7–15 June, reached important decisions on a range of issues. Highlights of the summit included the launch of negotiations for the Continental Free Trade Area (CFTA); new efforts to make the AU independent of foreign funding; and the affirmation of the AU position on UN Security Council reform.

This was in addition to the decisions on crises on the continent. For more on the deliberations regarding South Sudan, Burundi and Libya, see 'PSC Summit decides on South Sudan human rights report and takes action on Burundi' p2.

## One of this summit's most significant legacies is likely to be on the Continental Free Trade Area

### Towards a Continental Free Trade Area

Ultimately, one of this summit's most significant legacies is likely to be on the CFTA, which – if all goes according to plan – will be in operation by 2017. The CFTA is intended to create a common market uniting all 54 AU members.

AU Trade Commissioner Fatima Hassan Acyl addressed the summit following the adoption on 10 June of the Tripartite Free Trade Area, which links the Southern African Development Community, the East African Community and the Common Market for Eastern and Southern Africa. She is confident of making the 2017 deadline.

'It will be difficult negotiations, it will require sacrifices and [cause] a lot of disagreements, but I think we will prevail. One of the things we need to think about seriously, especially at the beginning, is a compensation mechanism to alleviate the fear of countries that are fearing they're going to lose too much.'

Key to the success of the project will be generating the political will to make it happen. Compensation for the countries that lose out in the short term will help, as will serious research and analysis that can prove why the CFTA is a good idea in the long term. Acyl acknowledges that her department does not have the resources to make this happen and so will rely on partner organisations such as the UN Economic Commission for Africa, the UN Conference on Trade and Development and the African Development Bank.

### Self-reliance, and 300 cows

The AU Trade Commission's lack of resources and reliance on foreign partners is an issue that also plagues the AU Commission generally, and one that the continental body is desperate to address. The 25th summit adopted a declaration of self-reliance, which emphasised the importance of finding alternative sources of funding, and it is starting to make progress in this area.

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2017

THE DEADLINE FOR A CONTINENTAL  
FREE TRADE AREA

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It was notable too that in its final declaration, the summit emphasised the importance of the Third International Conference on Financing for Development, and encouraged heads of state and government to attend. In other words, the summit tacitly recognised that self-reliance is still a long-term goal, and that in the meantime it is important to take every opportunity to constructively engage with foreign partners.

The conference will be held from 13–16 July in Addis Ababa, and is an opportunity to define how foreign aid and financing can be better leveraged to tackle development issues. Decisions made there will have serious ramifications.

As the Overseas Development Institute’s executive director Kevin Watkins explains: ‘This is about governments coming together behind an agenda aimed at eradicating extreme poverty in a generation, avoiding climate catastrophe, building a more equitable global economic order, and “ensuring no country or person is left behind”. These are the defining challenges of our generation. Success in Addis Ababa could open the door to a bold new era of international cooperation. Failure will have the equal and opposite effect. So closely intertwined is the Addis conference with the September UN General Assembly meeting that is due to agree the Sustainable Development Goals (SDGs) and the December climate summit, that a weak deal would create a harmful domino effect.’

## Some African countries have been pushing to abandon the Ezulwini Consensus

### United Nations reform

There is no disagreement among AU member states that the UN Security Council must be reformed to include permanent African representatives. How to achieve that goal, and what exactly African representation should look like, is more controversial.

In 2005, the AU adopted the Ezulwini Consensus. This called for two permanent seats for Africa, to be allocated by Africa, and insisted that either all permanent seats had veto powers or none did. It is an all-or-nothing approach that has been criticised by other international groupings, which worry that the African position is too radical for the existing permanent members to accept, and that a more moderate approach – perhaps accepting permanent seats without veto powers – is more likely to result in change.

Some African countries – in particular South Africa, which is eyeing a permanent seat for itself – have also been pushing to abandon the Ezulwini Consensus in favour of something more moderate. The issue was up for debate at the summit and emphatically resolved, albeit not in South Africa’s favour. ‘[The Ezulwini Consensus] shall continue to serve as the only viable option that reflects Africa’s legitimate right and aspiration to rectify, inter alia, the historical injustice endured by the Continent,’ said the AU in a post-summit statement. Reports suggest that South Africa’s credibility as Africa’s representative on the UN Security Council was called into question, with the country’s decision to vote in favour of military action against Muammar Gaddafi in 2011 held against it in the debate.

UN reform was also on the agenda of civil society organisations speaking on the margins of the summit. Elect the Council, a new campaign by the Institute for Security Studies, calls for civil society to play a greater role in pressuring for reform

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60%

THE CONTRIBUTION OF AFRICA'S SIX WEALTHIEST COUNTRIES TO THE AU BUDGET

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and determining the nature of that reform, with the goal of making the UN Security Council more representative, more credible and thus more effective.

## Other commitments

African leaders also committed to a host of other initiatives and projects at the summit. At this stage, it is too early to tell which of these will evolve into anything beyond the final summit declaration. Key initiatives to watch out for include the establishment of an African Volunteer Health Corps to combat medical emergencies; a campaign to consign the hand-held hoe, and the back-breaking labour that its use entails, to the museum; a scorecard to monitor member states' progress in women's empowerment; and the establishment of a panel of 10 heads of state, led by Senegalese President Macky Sall, to champion education, science and technology.

## Quotable quotes from the 25<sup>th</sup> AU summit

- 'Women and girls pin their hopes on the Union to act decisively' – AU Commission Chairperson Nkosazana Dlamini-Zuma speaking at the opening of the 27<sup>th</sup> ordinary session of the Executive Council on 11 June.
- 'Access to [affordable] energy is of utmost importance ... and has become a serious threat to peace, security and stability in our countries' – Senegal's President Macky Sall speaking at the 33<sup>rd</sup> NEPAD Heads of state and government orientation meeting on 13 June.
- 'We are visiting extreme misery upon the people of South Sudan. Why? And for what?' – Dlamini-Zuma speaking at the opening of the PSC Summit on 13 June.
- 'Let us learn to be brotherly and principled and refuse causing trouble for our people,' – Zimbabwe's President Robert Mugabe, Chairperson of the AU, speaking at the opening of the 25<sup>th</sup> ordinary session of the AU Assembly on 14 June.
- 'The youths trying to cross the Mediterranean is an embarrassment to us; we all have a duty to stop the push factors that make young people risk life and limb [trying to emigrate]' – Nigeria's President Muhamadu Buhari, at the opening of the Assembly.
- 'We do have a plan to deal with all terrorists,' – AU Commissioner for Peace and Security Smail Chergui addressing journalists at the summit on 15 June.





# Situation Analysis

## Omar al-Bashir at the AU summit – the fragility of security without justice

Sudanese President Omar al-Bashir's presence at the AU Summit in Johannesburg on 14 and 15 June despite the International Criminal Court (ICC) charges against him has many longer-term implications. The decision by the South African government to allow al-Bashir to attend was in defiance of South Africa's obligations under the Rome Statute and a court order preventing his departure from the country on 15 June.

At the 25<sup>th</sup> AU Summit, the AU Assembly reaffirmed its position on the ICC. In particular, in its final 'Decisions, declarations and resolutions', it called for the suspension of charges against al-Bashir; for the UN Security Council to withdraw the referral case in Sudan; and for the suspension or termination of charges against Kenyan Deputy President William Ruto until the African concerns about and proposals for amendments to the Rome Statute are considered.

Particularly relevant among those proposed amendments is Namibia's push to amend Article 27 of the Rome Statute, which specifies that an official capacity, such as head of state, shall in no case exempt a person from criminal responsibility under the statute.

### The ICC is losing the battle to maintain its legitimacy in the eyes of African leaders

The debate around al-Bashir once again puts the AU in a difficult position. It has repeatedly called for an end to impunity on the continent; in fact, 'condemnation and rejection of impunity' is a principle enshrined in the AU Constitutive Act. But without the ICC, is there any other body capable of holding people to account for international crimes?

#### **The dual role of international justice**

There will certainly be ramifications for South Africa following its decision on al-Bashir, especially as the country re-evaluates the strained relationship between its judicial and executive branches of government. There will also be ramifications for the ICC, which is losing the battle to maintain its legitimacy in the eyes of African leaders. And there will be ramifications for al-Bashir, who appears to have been granted de facto immunity from prosecution, on the African continent at least.

These are all significant. Even more significant, however, are the broader questions around the future of international justice in Africa and, crucially, whether the precedent set by the treatment of al-Bashir will have an impact on security issues on the continent.

Overlooked in much of the debate so far is that international justice, in whatever form it takes, serves a dual role. It is not only about providing justice to the victims



of war crimes and other atrocities; it is also meant to act as a deterrent to others who might contemplate similar acts. Immunity of any description defeats this purpose.

'By its very nature immunity prevents accountability for wrongdoing. There is an accepted treaty norm and practice of states that there is no immunity for international crimes. Any form of shielding from accountability that al-Bashir or any other African leader has enjoyed sends the wrong message that in the international criminal justice system, there are some animals on the farm that are more equal than others, excluding them from accountability for international crimes that they are alleged to have committed,' said Allan Ngari, a senior researcher with the Institute for Security Studies.

In other words, the role of organisations such as the ICC, or the mooted African Court of Justice and Human Rights, is both to atone for past offences and to prevent future ones. As far as peace and security is concerned, it is the second factor that is most important. This raises the questions: To what extent has the al-Bashir incident degraded the ICC's capacity to act as a deterrent in Africa? And what does this mean for peace and security on the continent?

### To what extent has the al-Bashir incident degraded the ICC's capacity to act as a deterrent in Africa?

Admittedly, this deterrence effect is largely untested. 'It is a recognised theory in criminal law that retribution does contribute to deterrence of crime generally. I am, however, not aware of empirical research specifically on international crime to this effect. Nevertheless, appropriate penalties for international crimes administered by properly constituted courts of law send clear messages that these crimes will not go unaccounted for,' said Ngari.

#### The ICC as a deterrent

Situation-specific evidence suggests that the ICC has already influenced behaviour. Stephen Lamony, the Senior Advisor for AU, UN and Africa situations at the Coalition for the International Criminal Court, pointed to two examples where the threat of court proceedings has had a demonstrable effect.

The first was a reduction in the use of child soldiers in the wake of the Thomas Lubanga verdict (in 2012, Lubanga was sentenced to 14 years' imprisonment for using children as young as 11 in his militia group in the Democratic Republic of the Congo [DRC]). The second was the lack of post-election violence in Kenya in 2012. Lombard attributes this to the indictment of Uhuru Kenyatta, Ruto and others in the wake of

the 2007/2008 post-election violence, which showed that such actions had serious consequences.

Lamony worried that even though it was far too soon to make any conclusions about the ICC's effectiveness as a deterrent, removing it entirely would encourage impunity. 'Allowing accountability to fall by the wayside will promote a culture of impunity; it is worth remembering that African states joined the ICC because they did not want a repeat of the Rwandan genocide. Already in Sudan, suspects wanted by the ICC remain at large and continue to commit crimes in Darfur and other places,' he said.

### Allowing accountability to fall by the wayside will promote a culture of impunity

Whatever deterrence factor the ICC does offer, it is in the process of being rejected by a majority of African leaders. At the AU summit in Johannesburg, African leaders – al-Bashir among them – reaffirmed their commitment to reforming the ICC and called for the termination or suspension of the charges against al-Bashir and Ruto. On the sidelines, several states expressed their intention to withdraw from the Rome Statute entirely, among them South Africa – previously one of the court's most powerful allies.

While the ICC does still have some supporters on the continent – most notably Botswana, which called on all signatories to the Rome Statute to cooperate with the ICC; and the DRC, which, just days after the summit concluded, passed new legislation incorporating the Rome Statute into national law and strengthening cooperation with the ICC – these have become the exception rather than the rule.

#### African Court of Justice still a long way off

The AU is making important strides towards the creation of the African Court of Justice and Human Rights. This continental court would have three chambers, one of which would have jurisdiction over international crimes. When this is established, it should be able to both dispense justice and act as a deterrent.

However, the establishment of this court remains a long way off. 'The criminal chamber will in all likelihood not be established for a long time, one of the main reasons being that international criminal justice is expensive and someone would have to pay. Also, a number of states, for example Sudan, would be quite unlikely to sign up,' said Magnus Killander, a legal expert with the University of Pretoria's Centre for Human Rights. He noted that the continent has form in this regard:

30 states have yet to ratify the protocol that created the African Court on Human and People's Rights (this court is operational, but does not have jurisdiction over international crimes).

Moreover, even when the African Court of Justice and Human Rights is up and running, it will only deal with situations that arose after its establishment, and it will have no jurisdiction over sitting heads of state or senior government officials.

## The AU is making important strides towards the creation of the African Court of Justice and Human Rights

In this context, a hasty withdrawal from the ICC would create an accountability gap, in which no institution would be empowered to investigate and prosecute international crimes. This will contribute nothing to peace and security on the continent; if anything, it will embolden would-be perpetrators.

If the AU was serious about rejecting impunity and preventing further war crimes and crimes against humanity, it would hang on to the justice provided by the ICC – as flawed as it may be at times – until a viable alternative is ready.

### Relevant documents

#### AU Documents

Decisions, Declarations and Resolutions of the 25th Assembly of the African Union, 14–15 June 2015 (<http://www.au.int/en/content/johannesburg-14-15-june-2015-decisions-declarations-and-resolution-assembly-union-twenty-fif>)

Draft Protocol on Amendments to the Protocol on the African Court of Justice and Human Rights, 15 May 2014 ([http://www.iccnw.org/documents/African\\_Court\\_Protocol\\_-\\_July\\_2014.pdf](http://www.iccnw.org/documents/African_Court_Protocol_-_July_2014.pdf))

Decisions and Declarations of Extraordinary Session of the Assembly of the African Union, 12 October 2013 ([https://www.iccnw.org/documents/Ext\\_Assembly\\_AU\\_Dec\\_Decl\\_12Oct2013.pdf](https://www.iccnw.org/documents/Ext_Assembly_AU_Dec_Decl_12Oct2013.pdf))

#### Other

Rome Statute of the International Criminal Court, 1 July 2002 ([http://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/0/rome\\_statute\\_english.pdf](http://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf))

# Addis Insight

## ACIRC survives the AU Summit



Heading into the 25<sup>th</sup> AU summit in Johannesburg, the future of the African Capacity for Immediate Response to Crises (ACIRC) was in doubt, with analysts predicting that it would be merged with the African Standby Force (ASF) or scrapped entirely. Neither of these outcomes came to pass. Instead, the AU Assembly commended ACIRC for contributing to self-reliance on the continent – and emphasised that it was only an interim measure.

Created at the 21<sup>st</sup> AU summit in 2013, ACIRC has been divisive from the start. The force is intended to provide the AU with the kind of rapid military response that could be deployed to stop or prevent emerging genocides, crimes against humanity, or war crimes by armed rebel forces.

This is an essential tool for the AU, which is often perceived as being slow to act, and was launched in reaction to the AU's perceived failure to intervene effectively in Mali and the Central African Republic (CAR).

Planning for a similar force, however, already exists within the AU. The African Standby Force (ASF) is a pillar of the African Peace and Security Architecture, and its Rapid Deployment Capability is supposed to be able to deploy anywhere on the continent within 14 days. However, full operationalisation of the ASF is long overdue, and its Rapid Deployment Capability is non-existent at present.

Created at the 21<sup>st</sup> AU Summit in 2013, ACIRC has been divisive from the start

### ACIRC is self-funded and voluntary

There are some crucial differences between ACIRC and the rapid response force envisaged for the ASF. ACIRC works directly through the AU, whereas the ASF works through regional economic communities; ACIRC is self-funded and based on the voluntary participation of member states, whereas the ASF requires significant AU funding and must coordinate large numbers of member states; and ACIRC is deployed at the behest of a lead country with AU approval, whereas the ASF is deployed by the AU itself with approval from regional economic communities.

In practice, this means that while ACIRC is more responsive and less of a burden on the AU itself, its deployment is contingent on member states' volunteering resources and participation. On the other hand, the ASF's Rapid Deployment Capability will be a more predictable tool, and the AU will have greater control over its deployment (provided that regional economic communities cooperate) – but it will be far more difficult to operationalise.

Neither is perfect, however. 'The key challenge [for ACIRC] lies in the word "immediate", which is quite impossible given that no one south of the Sahara has adequate air- or even sealift, and those to the north have so far largely avoided

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# Amani II

A JOINT MILITARY EXERCISE OF THE  
AFRICAN STANDBY FORCE TO TAKE  
PLACE IN SOUTH AFRICA

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providing that capability,' commented Helmoed Heitman, a South African defence analyst. 'But ACIRC might be a better bet than the ASF, which was predicated entirely on the countries of a region dealing with its problems. The result was there to be seen in Mali, where the standby force stood by and watched; and in the CAR where the elements of the Central African Standby Brigade stood aside and let the rebels into Bangui – except for the Chadian troops, who joined the rebels,' said Heitman.

## Two mutually exclusive forces

Nonetheless, despite their differences and shortcomings, the two proposed forces are intended to do the same thing. Although ACIRC was originally envisaged as an interim solution until the ASF became operational, there is a concern that the two are mutually exclusive; that as long as funding, resources and political will are directed towards ACIRC, the ASF will never properly get off the ground.

In the run-up the AU summit in Johannesburg, the AU knew it needed to make a decision: does ACIRC have a future?

It would be simply too risky to get rid of ACIRC before the ASF's Rapid Deployment Capability was completely ready

Broadly speaking, there were three options confronting defence chiefs and heads of state and government. First, ACIRC could be scrapped entirely, and the AU could focus its energies on implementing the ASF's Rapid Deployment Capability. Second, it could somehow be incorporated into the ASF, perhaps replacing the Rapid Deployment Capability but working with ASF structures. Third, it could continue in its current form.

Dismantling it entirely was always going to be the most difficult option. 'It would be tricky to dismantle ACIRC, which is spearheaded by South Africa [the country which hosted the summit]. If there are changes then they could be in name or integrating ACIRC in the [ASF]. It will be humiliating for the host if ACIRC is dismantled,' said Norman Sempijja, a post-doctoral researcher at the University of the Witwatersrand and co-author of an upcoming policy brief on ACIRC's effectiveness.

In addition, it would be simply too risky to get rid of ACIRC before the ASF's Rapid Deployment Capability was completely ready. '[ACIRC] is the only valid current response capability. If there's another Mali now, and we don't have ACIRC, we don't have the ability to intervene and save lives,' said Andre Roux, an Institute for Security Studies consultant and conflict management expert. 'There's a massive difference between normal peacekeeping and that [rapid response] capacity. While ACIRC remains a coalition of the willing and able, I don't see it going away. This is a capacity that is being volunteered for use in the absence of capacity in the ASF.'

Recognising this, the AU Assembly instead offered an endorsement of ACIRC's contribution. At the same time, it emphasised that ACIRC was only a temporary solution.

The summit decision strongly suggests that ACIRC's future is limited

## Rapid Deployment Capability

'Africa must also be self-reliant in finding African solutions to African problems in the peace and security domain, both in terms of funding and enhancing our collective capability to respond to conflict situations. [ACIRC] is the interim mechanism that we have created for this purpose while we are operationalising our African Standby Force,' the Assembly said in its post-summit 'Decisions, declarations and resolutions'.

In response to a question from the PSC Report, Ambassador Smail Chergui, the AU Commissioner for Peace and Security, outlined what this meant for the relationship between ACIRC and the ASF, and maintained that the two were not mutually exclusive. 'We are working in communion. And there is no contradiction between the two. Whatever we achieve in ACIRC will serve the objectives of ASF. So we are proceeding cautiously to achieve that goal by the end of the year.'

Chergui noted that there would be further integration between ACIRC and the ASF – most significantly the Amani Africa II field training exercises, to be held in South Africa later this year, in which both forces will participate. Despite this, the summit decision strongly suggests that ACIRC's future is limited. As soon as the ASF can operationalise its own Rapid Deployment Capability, ACIRC will have served its purpose and is likely to be dismantled.

# PSC Interview

'The AU needs to start talking about migration'



The AU Commission has expressed concern about the large number of African migrants who have died this year while trying to cross the Mediterranean Sea to Europe. Dr Mustapha Sidiki Kaloko, AU Commissioner for Social Affairs, addressed heads of state at the recently-concluded AU summit on the issue of migration. He was asked just before the summit what the AU is doing to prevent disasters such as these from happening.

**The recent death of thousands of migrants in the Mediterranean Sea came as a big shock to many people across Africa. In May, the AU organised a memorial service dedicated to these African migrants. Will it be discussed during the coming AU summit, held in Johannesburg?**

Personally and from the point of view of my department, we're really trying to make sure that we start talking about this. I don't mean just bilaterally or among member states, but we must create as many opportunities as possible to sit down and make decisions about the issue of migration.

The May 27 event in Addis Ababa [to commemorate those who died crossing the Mediterranean] took the form of a memorial service, but our partners from the International Organisation for Migration (IOM), the United Nations High Commission for Refugees (UNHCR), the International Labour Organisation (ILO) and the European Union (EU), as well as a number of the origin and transit countries, were all there to make statements. This is the kind of dialogue that I would like to promote.

Something that we have also been working very hard on is to address the root causes of the problem.

Somehow, we have to make the member states stable

**Compared to the very heated debate over this in Europe, we don't hear the voice of African countries or the AU Commission when things like this happen.**

It is true that the AU has not talked a lot publicly about these problems, but in fact we have always been proactive on this issue. I would like to emphasise that we do have a lot of programmes that we are working on, together with the EU. We really do appreciate what they are doing after the people cross the Mediterranean.

But something that we have also been working very hard on is to address the root causes of the problem. Somehow, we have to make the member states of the AU stable and friendly to the young people who are trekking out to the Mediterranean, so they don't feel they have to go. That's going to be over the longer term, but we still have medium-term plans.

## What are your concrete initiatives?

Following the Lampedusa tragedy [when 300 migrants died in a shipwreck off the Italian coast in 2013], the African Union Commission (AUC) has tripled its efforts in engaging member states and partners to address the issues of irregular migration, human trafficking and smuggling of migrants. To this end, we have initiated the AU Horn of Africa Initiative, launched at a regional ministerial meeting in Khartoum involving Egypt, Eritrea, Ethiopia and Sudan in October 2014. Its main objective is to foster improved cooperation in addressing the challenges of human trafficking and smuggling within and from the Horn of Africa. It requires urgent regional and global action.

The solutions must be comprehensive, durable and holistic and must be situated within the context of poverty eradication and sustainable development.

## The AU has also focused on the free movement of people within its borders. How can that help to tackle disasters such as these?

In January 2015, the AU Assembly adopted the Joint Labour Migration Program (JLMP). This was developed jointly by the AUC, the IOM, the ILO and the United Nations Economic Commission for Africa (UNECA). With more than half of African migrants seeking decent opportunities, it is aimed at facilitating the free movement of persons within Africa. This has the potential to reduce the pressure and consequently the number of African migrants likely to use irregular and dangerous migration channels. It is also expected to deepen continental integration and economic cooperation.

The president of Rwanda is championing this issue and chaired a meeting on the free movement of people in East Africa that took place in Kigali in March 2015 and involved all the regional economic communities.

If you establish free movement, depending on their needs people may find an alternative, a place to go instead of trying to cross the Mediterranean illegally. The meeting provided a forum for balanced and comprehensive discussions on the potential role of intra-regional migration and mobility within Africa as powerful drivers of sustainable economic and social development. We're working very hard on this medium-term solution.

## Would you say that the constant migration to Europe is indicative of a failure by African countries themselves, more than 50 years after the creation of the Organisation of African Unity in 1963?

In the 1970s, I was growing up in Sierra Leone and if you asked me to migrate to Europe, I would have said no, because

my country was doing well, I was very comfortable. But the problems are getting worse now: governance and poverty problems, peace and security issues. People move to live better lives outside Africa. We're talking about Africa on the rise and it is true. The long-term solution is that we must make sure that we create job opportunities.

## Is it the role of the AU to track those responsible for human trafficking and smuggling of migrants? Does it have enough resources to do so?

It is not so much a question of resources, although that is part of it. I believe that to tackle the issue of human traffickers and smuggling, all the countries involved on the major routes need to sit together and share ideas, see what they can do on those borders. A border separates two countries, so you can't address the issue of a border only from one side.

I'm sure the human traffickers start right from the point of origin, operate in the transit areas, and are then present at the end. If there is nobody to receive these migrants, they will not go. So, this explains what we're doing with the Horn of Africa initiative. We said, 'Let's talk at a high level and see what we can do.'

## But technically, how would you, for example, judge those responsible for these transnational crimes?

That is one of the issues still outstanding. Europe is also trying to develop measures whereby it could destroy traffickers' boats. That's good, but is this initiative backed by the UN, to do it legally? We do not yet have the institutions and regulations in place. Besides, if you take the current problem in the Mediterranean, it is Libya that is the transit point, where most of the migrants are departing from. But which government in Libya are you engaging at the moment to see if you can institute some kind of legal framework? Of course, our Peace and Security Department [at the AU] is working very hard to bring the various factions in Libya together, but a lot still needs to be done.

## What is your reaction to the recent events in South Africa and the violence linked to xenophobia in that country, especially since it is hosting the AU summit?

Xenophobia is a problem that everybody condemns. I said at the time [when the violence broke out in April 2015] that this is the kind of thing the government of South Africa can handle, but they should also be doing more to fight xenophobia. I have just returned from South Africa, and I can say they are doing their best.



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The Institute for Security Studies is an African organisation that 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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