

The African Union's Panel of the Wise: A concise history João Gomes Porto and Kapinga Yvette Ngandu

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ACCORD
THE AFRICAN CENTRE FOR THE CONSTRUCTIVE RESOLUTION OF DISPUTES

ACCORD

The African Centre for the Constructive Resolution of Disputes (ACCORD) is a non-governmental organisation working throughout Africa to bring creative solutions to the challenges posed by conflict on the continent. ACCORD's primary aim is to influence political developments by bringing conflict resolution, dialogue and institutional development to the forefront as alternatives to armed violence and protracted conflict.

African Union

The African Union (AU) is a continental union comprising 54 countries in Africa. The body was established on 26 May 2001 in Addis Ababa, Ethiopia, and launched on 9 July 2002 in South Africa, effectively replacing its forerunner, the Organisation of African Unity (OAU). The OAU's main objectives were to, *inter alia*, rid the continent of the remaining vestiges of colonisation and apartheid, promote unity and solidarity among African nations, coordinate and intensify cooperation for development, safeguard the sovereignty and territorial integrity of member states and promote international cooperation within the framework of the United Nations (UN). The advent of the AU shifted focus from supporting liberation movements in the erstwhile African territories under colonialism and apartheid, to spearheading Africa's development and integration. The AU's vision is to achieve 'An integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in the global arena.'

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Acronyms and abbreviations

ACCORD	African Centre for the Constructive Resolution of Disputes
ACIRC	African Capacity for Immediate Response to Crises
AFISMA	African-led International Support Mission in Mali
AGA	African Governance Architecture
AMISOM	African Union Mission in Somalia
APRM	African Peer Review Mechanism
APSA	African Peace and Security Architecture
ASF	African Standby Force
AU	African Union
AUC	African Union Commission
AU CMD	African Union Conflict Management Division
AUHIP	African Union High-Level Implementation Panel on Sudan
AUPD	African Union High-Level Panel on Darfur
AU PW	African Union Panel of the Wise
BCPR	Bureau for Crisis Prevention and Recovery
CAR	Central African Republic
CEN-SAD	Community of Sahel-Saharan States
CEWS	Continental Early Warning System
CMI	Crisis Management Initiative
COMESA	Common Market for Eastern and Southern Africa
CONOPS	Concept of Operations
CPA	Comprehensive Peace Agreement
CSCPF	Continental Structural Conflict Prevention Framework
CSOs	Civil Society Organisations

CSSDCA	Conference on Security, Stability, Development and Cooperation in Africa
CSVA	Country Structural Vulnerability Analysis
CSVMS	Country Structural Vulnerability Mitigation Strategies
DPA	Department of Political Affairs (of the African Union)
DRC	Democratic Republic of the Congo
EAC	East African Community
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West African States
EU	European Union
GIZ	<i>Deutsche Gesellschaft für Internationale Zusammenarbeit/</i> German Agency for International Cooperation
HD Centre	Centre for Humanitarian Dialogue
ICC	International Criminal Court
ICGLR	International Conference on the Great Lakes Region
IfPs	Infrastructures for Peace
IGAD	Intergovernmental Authority on Development
IPI	International Peace Institute
KMF	Knowledge Management Framework
LAS	League of Arab States
LRA	Lord's Resistance Army
M23	<i>Mouvement du 23-Mars/March 23 Movement</i>
MNLA	<i>Mouvement National pour la Libération de l'Azawad/</i> National Movement for the Liberation of Azawad
MoU	Memorandum of Understanding (on Cooperation in the Area of Peace and Security between the AU, the RECs and Standby Brigades of Eastern Africa and Northern Africa)
MSU	Mediation Support Unit (United Nations)

NATO	North Atlantic Treaty Organization
NIF	Neutral International Force
OAU	Organisation of African Unity
OIC	Organisation of Islamic Cooperation
OIF	<i>Organisation Internationale de la Francophonie/</i> International Organisation of La Francophonie
Pan-Wise	Pan-African Network of the Wise
PSC	Peace and Security Council (of the African Union)
PSD	Peace and Security Department (of the African Union)
RECs	Regional Economic Communities
RMs	Regional Mechanisms
SADC	Southern African Development Community
SOPs	Standard Operating Procedures
SSR	Security Sector Reform
TFG	Transitional Federal Government
UMA	<i>Union du Maghreb Arabe/Arab Maghreb Union</i>
UN	United Nations
UNAMID	United Nations–African Union Mission in Darfur
UNDP	United Nations Development Programme
UN DPA	United Nations Department of Political Affairs
UNECA	United Nations Economic Commission for Africa
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution
USA	United States of America

Foreword by the African Union Commission

The African Union Panel of the Wise has, since its launch in December 2007, become a key component of the African Peace and Security Architecture. Indeed, it is remarkable that in a mere eight years, the Panel has matured into a key conflict prevention and resolution instrument, contributing, through the sheer will and determination of its members, to strengthening the Union's ability to better address the scourge of violence wherever it occurs on our continent. The inauguration of the third Panel of the Wise in Addis Ababa, Ethiopia, during December 2014, comprising five new members of the highest calibre, integrity and experience, has renewed our belief in the continued relevance of this important component of the African Peace and Security Architecture. We welcomed with open arms Dr Lakhdar Brahimi from Algeria (representing North Africa), Mr Edem Kodjo from Togo (representing West Africa), Dr Albina Faria de Assis Pereira Africano from Angola (representing Central Africa), Dr Luísa Diogo from Mozambique (representing southern Africa), and Dr Specioza Naigaga Wandira Kazibwe from Uganda (representing East Africa). Their commitment to our continent and to the African Union; their readiness to support us on our quest for peace, stability and development for all peoples of Africa; and their experience, knowledge and expertise will undoubtedly strengthen our efforts in the prevention, management and resolution of violent conflicts in Africa.

This volume comes at the right moment in time. Since its inception, the Panel of the Wise has captured African (and one could add international) curiosity and imagination. After all, we created a structure at the heart of our organisation – of our decision-making on conflict prevention, management and resolution – inspired by the centuries-old practice of African elders' centrality in dispute and conflict resolution in our communities. Independence, experience, maturity, respect – these are but some of the characteristics of Panel members. Above all, as called for in the 2002 Peace and Security Council Protocol, Panel members must be highly respected African personalities who have made outstanding contributions to the cause of peace, security and development on our continent.

Late President H.E. Ahmed Ben Bella of Algeria, former President H.E. Miguel Trovoadá of São Tomé e Príncipe, former OAU Secretary General Dr Salim Ahmed Salim, Dr Brigalia Bam, then Chairperson of the Independent Electoral

Commission of South Africa and Mme Elizabeth Pognon, former President of the Constitutional Court of Benin, were the Panel's first members between 2007 and 2010. As documented in this volume, theirs was not an easy tenure as they oversaw the operationalisation of the Panel and dedicated a considerable amount of their time and energy to creatively devising practical steps to transforming the Panel's Modalities of Operation into realities on the ground.

Yet, to these considerable achievements, the members of the first Panel also treaded new ground in firmly establishing horizon scanning as an activity of the Panel – an initiative in which the Panel monitors, reflects and pronounces itself on key current and future peace and security issues and brings them to the attention of the African Union Commission, the Peace and Security Council and the African Union Assembly in an annual thematic report. Indeed, the Panel has, to date, devoted its attention to four thematic reflections: election-related disputes and political violence; peace, justice and reconciliation in Africa; mitigating vulnerabilities of women and children in armed conflicts in Africa; and, strengthening political governance for peace, security and stability in Africa.

It was also during the tenure of the first Panel that members began, tentatively at first, to engage directly with preventive diplomacy and other forms of peacemaking in countries concerned on behalf of the chairperson and the Peace and Security Council. Indeed, the Panel's work in preventing election-related violence is an excellent example of value addition to the overall peace and security efforts of the African Union: since 2007 the Panel has conducted numerous missions to countries holding elections, even in the face of severe resource limitations and, at times, resistance from member states.

At the July 2010 African Union summit in Kampala, Uganda, and in order to assure a smooth transition to a second Panel, the Assembly reappointed former President Ahmed Ben Bella (North Africa) and Dr Salim Ahmed Salim (East Africa) for a further and final mandate. New members appointed included former President Kenneth Kaunda of Zambia (southern Africa), Mme Marie Madeleine Kalala-Ngoy (Central Africa) and Dr Mary Chinery-Hesse (West Africa). The second African Union Panel of the Wise would be inaugurated on 12 December 2010 in Algiers, Algeria. Moreover, of critical importance for the strengthening of our conflict prevention efforts was the decision taken by the African Union Commission to create the Friends of the Panel of the Wise group

during 2010. This unique collective includes all former Panel members in support of the activities of the Panel. The Friends of the Panel of the Wise have to date proven invaluable in supporting and strengthening the Panel's ability to meet its mandate.

The tenure of the second Panel of the Wise (December 2010 to date) demonstrates the importance, in fact the centrality, of this mechanism as part of the African Peace and Security Architecture. Indeed, its term has been characterised by an expanding portfolio of activities, the development of closer relations with other institutions within the African Union, and critically, the diffusion of the Panel through the creation of the Pan-African Network of the Wise. These processes are well documented by the authors of this volume, who consider that it is during this time that we witness the Panel's full institutionalisation, including, importantly, the creation of the Secretariat of the Panel of the Wise.

This phase is marked by the increasing deployment of Panel members in preventative missions across our continent with clear results. It sees the Panel and its Secretariat becoming key in the development and organisation of the now well-established African Union High-Level Retreat of Special Envoys and Representatives. These are important occasions, not least because the chairperson of the African Union Commission meets with all her envoys, mediators, representatives and with Panel members. In addition, over this period, the Panel and its Secretariat have played a key role in facilitating training, capacity-building, knowledge generation, among others, for the benefit of our special envoys, special representatives and mediators on the ground – in many regards acting as a mediation support unit within the African Union Commission.

Gomes Porto and Ngandu are indeed correct when they emphasise the potential role of the Pan-African Network of the Wise, an umbrella network bringing together similar mechanisms at the level of the regional economic communities and regional mechanisms, African Union high-level representatives and special envoys, Friends of the Panel, and importantly, individual mediators and institutions engaged in conciliation activities at national and sub-national levels. Not only was the creation of the Pan-African Network of the Wise an answer to a felt need, it is in line with Article 11 of the Peace and Security Council Protocol, the 2007 Protocol on Relations Between the African Union and Regional Economic Communities and, perhaps more specifically, the 2008 Memorandum

of Understanding on Cooperation in the Area of Peace and Security Between the African Union, the Regional Economic Communities, and Standby Brigades of Eastern and Northern Africa (henceforth MoU). To date, several missions have been undertaken under the Pan-African Network of the Wise umbrella, demonstrating the practical benefits of increased collaboration and coordination in conflict prevention, management and resolution across our continent.

It is my sincere view that enabling the Panel to take action or pronounce itself at its own initiative gives it, within the context of the African Peace and Security Architecture, the unique ability to demonstrate its own voice, as well as to support, facilitate and, perhaps more importantly, initiate a variety of preventive diplomacy measures aimed at addressing on-going disputes. The Panel's ability to support the Union's special envoys, special representatives and mediators should not be underestimated and must be nurtured. In practice, this may include the utilisation of good offices and fact-finding missions, conciliation and facilitation. Encouragingly, the Panel has, over the years, demonstrated a key number of advantages: its ability to act in confidence and away from media attention; and the experience, age and prestige that allows its members to, with authority, intervene to promote dialogue and build confidence.

Finally, I should emphasise the importance of the capacity building support that the Panel and its Secretariat have given to the African Union's special envoys and special representatives. As the density of our activities in both preventive diplomacy and mediation increase, it is important to support our ability to deliver these in a timely, structured, sustainable and efficient manner. The need to strengthen our technical and operational backing of these activities remains an important priority – indeed, in light of the availability of considerable African expertise in the domain of mediation at the most senior of levels (at the United Nations, African Union, the regional economic communities and our member states), the development of an Operational Mediation Stand-by Team of senior advisers in all dimensions of peace processes, negotiation and mediation is within our reach.



Ambassador Smail Chergui

Commissioner of Peace and Security at the African Union Commission

Foreword by the African Centre for the Constructive Resolution of Disputes

If there was any doubt about the overall efforts of the African Union Commission to strengthen, coordinate and operationalise its capacities to settle disputes peacefully in Africa, then those doubts would surely be put to rest by reading this manuscript. For the very first time, and in a manner that is quite coherent and comprehensive, the authors have traced the history of the African Union Panel of the Wise – perhaps the most unique pillar within the African Peace and Security Architecture.

We at the African Centre for the Constructive Resolution of Disputes saw it fit to publish this manuscript for a number of reasons, two of which are particularly notable. First, it is our firm belief that the Panel's story needed to be told at this critical juncture in the continent's development, where Africa is striving to strengthen its continent-wide peace and security architecture. And what better way to tell the story, and who is better placed to do so, than those who have been intimately involved in the operationalisation of its work. Second, we oftentimes assume, given the persistence of armed and violent conflicts in Africa, that there are no significant efforts underway to either find practical and effective solutions to these conflicts, or to enhance the quality of our collective responses. Through this book, we learn that in spite of the challenges posed by these conflicts and wars, there are indeed considerable efforts to build African institutions and infrastructures to ensure peace, stability and development now and into the future.

Given the timely publication of this book, it is also important to recall that efforts to forge a coherent response to conflicts and to promote the peaceful settlement of disputes in Africa go as far back as the early 1990s. In 1993, under the initiative of the then Organisation of African Unity, the Cairo Summit of Heads of State and Government created the Organisation of African Unity Central Organ and Mechanism for Conflict Prevention, Management and Resolution. The work of the AUC, through the African Union Panel of the Wise, not only builds from these erstwhile mechanisms, but also learns from the challenges they encountered.

The African Centre for the Constructive Resolution of Disputes is grateful to have contributed to and influenced some of these efforts, spanning from the inception of the Mechanism for Conflict Prevention, Management and Resolution in 1993, through to the present. We are equally pleased to have supported the evolution of the Panel and the inception of the Pan-African Network of the Wise, which itself constitutes a laudable step to nurture greater coherence between the work of the African Union Commission and the regional economic communities in preventive diplomacy. Through our collaborative relationship with the Commission, we are grateful that our collective efforts have also coalesced into the annual convening of the African Union’s high-level retreats for special envoys and mediators, which have become a prominent platform for Panel members to share their experiences with current mediators, diplomats and organisations.

We remain cognisant of the challenges that still persist, but are secure in the knowledge that there is a renewed sense of urgency across the continent. The African Union Panel of the Wise represents an embodiment of our collective efforts to harmonise Africa’s experiences and resources to address the challenges posed by violent conflicts and war across the continent. We at the African Centre for the Constructive Resolution of Disputes consider the publication of this book as a small, but no less significant, part of these efforts. We are therefore hopeful that it will re-ignite the spirits of policy- and decision-makers to double their efforts to end wars in Africa, and that this would further add to the existing body of knowledge and information for those who continue to analyse, study and engage from a conceptual angle, in Africa’s on-going efforts to achieve her peace and stability!



Vasu Gounden

Founder and Executive Director, ACCORD.

Abstract

The African Union Panel of the Wise, now in its eighth year of existence, is one of the pillars of the African Peace and Security Architecture. The short history of this important column of the Architecture reveals its gradual institutionalisation within a complex and rapidly shifting environment. The institutionalisation of the Panel of the Wise is discussed with reference to various stages in the development of organisations. These include a first phase characterised by innovation, commitment and initiation (2002–07); a second focused on operationalisation, where creativity and discovery marked the search for an operational niche and where a degree of institutional habituation began to take place (2007–10); and a third period defined by full institutionalisation, an expanding portfolio of activities, and diffusion through creation of the Pan-African Network of the Wise and the formation of the Friends of the Panel of the Wise (2010–14). Understanding the African Union Panel of the Wise requires that reference be made to the wider context of African Union mediation and related peacemaking activities, in light of the persistent misunderstanding in academic and policy circles that the Panel of the Wise is the continental body’s mediation arm. Discussions about the African Union Panel of the Wise must, therefore, include a consideration of existing – and potential – linkages with the special envoys, special representatives and mediators of the African Union Commission and other African Peace and Security Architecture pillars, including the Peace and Security Council, the Continental Early Warning System and the African Standby Force. Finally, in light of current debates around establishing a mediation support unit within the Peace and Security Department, a discussion of the (evolving) role of the Secretariat in doctrinal development of strategies, guidelines, capacity building, learning and knowledge management on mediation is included.

Keywords: African Union, African Peace and Security Architecture, Panel of the Wise, preventive diplomacy; peacemaking, mediation, Mediation Support Unit, conflict resolution.

Introduction

The African Union Panel of the Wise (AU PW) is a key pillar of the African Peace and Security Architecture (APSA) and, at its core, a conflict prevention mechanism. It has, since its launch at the end of 2007, become a key instrument of the African Union (AU), supporting the African Union Commission (AUC) and Peace and Security Council (PSC) in the prevention, management and resolution of violent conflicts in Africa.

Produced at a time when the third instalment of the AU PW welcomed five new members – Dr Lakhdar Brahimi representing North Africa, Mr Edem Kodjo representing West Africa, Dr Albina Pereira Africano representing Central Africa, Dr Luísa Diogo representing southern Africa and Dr Specioza Kazibwe representing East Africa – during its 14th statutory meeting held in Addis Ababa, Ethiopia, on 16 and 17 September 2014, this volume provides a short history of this important structure of the APSA. It reviews and reflects on the first six and a half years of the Panel’s existence (December 2007 to June 2014). To this end, the legal and normative dimensions, as well as the AU PW’s modalities of operation will be discussed. The operationalisation of the AU PW, its structures and organising principles, as well as the variety of activities it has undertaken will be outlined and elaborated on in this volume, based on information gathered from a number of institutional sources as well as from the authors’ own observations. Furthermore, while this book focuses on the short history of the AU PW’s gradual institutionalisation within a complex and rapidly changing environment, failure to position the Panel within the wider context of the APSA and, in particular, the AU’s mediation and related peacemaking activities would render this an incomplete exercise. The common misconception that the AU PW is the AU’s mediation arm is partly due to the fact that reflections on this important pillar of the APSA have not systematically considered existing – and potential – linkages with the AUC’s special envoys, special representatives and chief mediators; other APSA pillars; as well as personnel within the PSD and the Department of Political Affairs (DPA).

This book is organised in three parts. Part One, entitled ‘The Panel of the Wise: A chronicle of institutionalisation’, discusses the history of the AU PW to gauge

the various stages of its institutionalisation in the context of the AU as an organisation.¹

To this end, Chapter One focuses on the very first phase of institutionalisation, where innovation, commitment and initiation were the key dimensions of the process that led to the creation and eventual launch of the AU PW in 2007. Chapter Two focuses on the implementation and operationalisation of the Panel, a phase roughly corresponding to the life of the first AU PW (2007–10). During this time, creativity and discovery characterised the search for practical steps to transform the legal and endorsed modalities of the AU PW into activities and operations on the ground. This is also a key phase in terms of the relationship between the AU PW and the AU, particularly with the chairperson of the Commission, the PSC and the PSD. It is during this phase that, through its activities and operations, a degree of habitualisation began to take place, in both directions, from the AU PW to the wider structure, and from the wider structure to the Panel. The third chapter focuses on the full institutionalisation of the AU PW. Corresponding to the term of the second Panel (2010–13), this phase was characterised by an expanding portfolio of activities, evidence of improved consensus on the practical role and position of the AU PW in the AU's broader conflict prevention efforts. Further, this stage was marked by the Panel's diffusion through the creation of the Pan-Wise and its expansion as a result of the establishment of the 'Friends of the Panel of the Wise'. This stage also saw the Panel deepen its horizon-scanning functions and thematic reflections on key issues of concern.

Part Two contains a series of reflections on the AU PW as an important pillar of the APSA and, in particular, its association with AU mediation and other peacemaking activities. Titled 'Reflections: The Panel of the Wise in the context of the African Peace and Security Architecture', Part Two begins with a discussion of the AU PW's horizon-scanning and thematic reflections. Chapter Four focuses on this important function of the Panel, discusses recommendations based on each reflection with a view to explaining their implications for the current and future work of the AU PW, while at the same time exploring how the horizon-scanning function relates to and can benefit from other APSA mechanisms and instruments and broader initiatives of the AUC.

¹ Here the works of Zucker (1991) and Lawrence, Winn and Jennings (2001) have inspired us with elements of a typology.

The concluding section of this book, Part Three, considers the role of the AU PW with reference to the wider context of mediation and peacemaking activities undertaken by the AU, including the doctrinal development of mediation strategies, guidelines, capacity building, learning and knowledge management solutions.

This reflection is advanced through the discussion of various efforts aimed at strengthening the AU's mediation capacity, with the specific aim of exploring the different ways that the AU PW relates to them, and will potentially relate to them in the future. This is done with the understanding that the linkages between the Panel's conflict prevention activities and the work of the AU are likely to deepen in the years to come. Here, the key role played by the AU PW, its Secretariat and partners in terms of mediation support point to a *de facto* growing portfolio of activities connecting the AU PW, through its Secretariat, to the mediation undertakings of the AU's special envoys, special representatives, mediators and, naturally, the chairperson of the Commission and the PSC. Encouragingly, over the years the Secretariat of the AU PW has assumed several of the functions of a mediation support unit within the PSD. This has come about, in part, as a result of the initiative of members of the Panel, due to lack of human and financial resources but also, importantly, owing to the realisation that mediation should be viewed as a cross-cutting issue to be mainstreamed across various sectors within the AUC and, therefore, one which would benefit from more systematic support.

An additional introductory note to this book is needed to explain the inclusion, where appropriate, of brief references to past and present conflict situations on the African continent and the AU's responses to these. These have been included to illustrate that the operations of the AU PW do not occur in a vacuum and are affected and influenced by the evolution of various conflict situations and AU decisions on the best ways to intervene in each.

It is hoped that the issues discussed in this book will contribute to a deeper understanding and appreciation of the work and impact of the AU PW and its Secretariat as a key component of the APSA, and provide relevant information to support continuous reflection on the ways in which the Panel can deepen its role as part of a progressively inter-locked system of conflict prevention, management and resolution, characterised by stronger horizontal and vertical linkages of all the pillars of the AU's evolving peace and security architecture.

PART ONE:

**The Panel of the Wise
A chronicle of
institutionalisation**

1

The Panel of the Wise in the context of the African Peace and Security Architecture: A brief overview

The Panel of the Wise is one of the five pillars of the APSA. This chapter presents a brief overview of the architecture, focusing on its legal and normative dimensions, with reference to the current state of implementation. A detailed exploration of the multiple ways in which the AU PW currently relates to, and can relate to, all the components of the APSA will be undertaken throughout this book. In this discussion, it is necessary to begin by unpacking two key legal instruments, the Constitutive Act of the African Union (2000) (henceforth the Constitutive Act) and the Protocol Relating to the Establishment of the Peace and Security Council of the African Union (2002) (henceforth the PSC Protocol).

According to the Constitutive Act, the AU shall, among other things: accelerate the integration of the continent; defend the sovereignty, territorial integrity and independence of member states; promote peace, security and stability; further democratic principles and good governance; protect human rights; and promote sustainable development (AU 2000: art. 3 (c), (b), (f), (g) and (j)). The AU is guided by some of the principles which characterised the Organisation of African Unity (OAU): peaceful settlement of disputes and conflicts; respect for the sovereign equality of member states; non-interference by any member state in the internal affairs of another; sovereign equality and interdependence of the member states; and respect of borders inherited on achievement of independence (AU 2000: art. 4 (e), (g), (a) and (b)).

With the transformation of the OAU to the AU in 2002, a new set of principles was endorsed, particularly respect for democratic practices, good governance, rule of law, protection of human rights and fundamental freedoms and respect for the sanctity of human life (AU 2000: art. 4 (m) and (o)). While reiterating the principles of sovereignty, territorial integrity, independence and non-interference, the Constitutive Act gives the AU an essential new right and a responsibility, based on a decision by the Assembly of Heads of State and

Government: it may now intervene in member states in response to 'grave circumstances, namely war crimes, genocide and crimes against humanity'. On 3 February 2003, this provision was amended to also include 'serious threats to legitimate order' (AU 2000: art. 4 (h) and (j)).²

To enable the organisation to carry out its new peace and security mandate, through the establishment of 'an operational structure for the effective implementation of the decisions taken in the areas of conflict prevention, peacemaking, peace support operations and intervention, as well as peacebuilding and post-conflict reconstruction', the AU endorsed the PSC Protocol (AU 2002:3). An additional key legal instrument would be adopted at the second extraordinary session of the AU Assembly in 2004, the Common African Defence and Security Policy (CADSP). Together with the PSC Protocol, these two instruments form the legal foundation of the APSA.

Former Commissioner for Peace and Security Ambassador Ramtane Lamamra explained that:

The protocol articulates a framework for preventive diplomacy, peace-making, peacekeeping and post-conflict reconstruction. In institutional terms, it provides for the establishment of a continental peace and security architecture, comprising a Peace and Security Council, a Panel of the Wise, a Continental Early Warning System and an African Standby Force. The protocol also stipulates that the AU shall work closely with the Regional Mechanisms for Conflict Prevention, Management and Resolution, as well as with the United Nations Security Council, relevant UN agencies and other international organisations (Lamamra 2008).

The PSC Protocol therefore defines the new institutions and decision-making procedures or, as they have come to be known, the 'pillars' of the APSA: the PSC, AU PW, CEWS, ASF, and the Peace Fund (AU 2002). In what is a clear indication of the true continental nature of this architecture, the PSC Protocol includes the RMs as 'part of the overall security architecture of the Union', defining the harmonisation and coordination roles of the AU (AU 2002: art. 16).³

At the helm of the architecture, the PSC – a collective security and early warning arrangement intended to facilitate timely and efficient responses to conflicts and

² In addition, the Constitutive Act includes the right of member states to request the support of the AU to restore peace and security in their country. See AU 2000: art. 4 (j).

³ For a detailed discussion of each pillar of the APSA refer to Engel and Gomes Porto 2010.

crises – is tasked with, *inter alia*, anticipating and preventing conflicts and, where conflicts have occurred, undertaking peacemaking and peacebuilding functions. The PSC must promote and implement peacebuilding and post-conflict reconstruction activities to consolidate amity and prevent the resurgence of violence, as well as coordinate and harmonise continental efforts to prevent and combat international terrorism in all its aspects. Finally, the body is tasked with promoting and encouraging democratic practices, good governance and the rule of law, protecting human rights and fundamental freedoms and respect for the sanctity of human life and international humanitarian law, as part of its conflict prevention efforts (AU 2002: art. 3).

Furthermore, the PSC is mandated with performing functions that include early warning and preventive diplomacy, and peacemaking (including good offices, mediation, conciliation and enquiry) (AU 2002: art. 6 (b) and (c)). Other key functions include peace support operations and intervention, peacebuilding and post-conflict reconstruction, humanitarian action and disaster management (AU 2002: art. 6 (d), (e), (f) and (g)). Anticipating and preventing conflicts, undertaking peacemaking and peacebuilding functions, authorising the mounting and deployment of peace support missions, laying down the guidelines for such missions, recommending intervention to the AU Assembly in line with Article 4 (h) of the PSC Protocol, instituting sanctions, promoting harmonisation and close cooperation with RMs for conflict prevention, management and resolution, are among the responsibilities of the PSC (AU 2002: art. 7). Worth noting here is that under Article 7 (l), the PSC has the power to ‘develop policies and action required to ensure that any external initiative in the field of peace and security on the continent takes place within the framework of the Union’s objectives and priorities.’

The PSC is supported by the AUC, AU PW, CEWS and the Peace Fund (AU 2002: art. 2). In this most cursory of reviews of the pillars of the architecture, some detail on the AUC, and in particular the role of its chairperson in preventive diplomacy and mediation are necessary. The PSC Protocol states that the chairperson of the Commission must, under the authority of the PSC and in consultation with all parties involved in a conflict, deploy efforts and take all initiatives deemed appropriate to prevent, manage and resolve a dispute. Indeed, the chairperson can, at his/her own initiative or when so requested by the PSC, use his/her good

offices, either personally or through special envoys, special representatives, the AU PW or RMs, to prevent potential conflicts and resolve those that do occur. In exercising his/her powers, the chairperson is assisted by the commissioner for peace and security and the PSD (AU 2002: art. 10 (1), (2) and (3)).

The various pillars of the APSA evidence different stages of operationalisation at present with:

- the PSC launched in May 2004 and, since then, becoming the locus of peace and security matters within the AU
- the CEWS having developed the majority of the required early warning and conflict analysis tools and methods since 2003 and currently in the process of finalising its implementation
- the AU PW which was launched in late 2007
- the African Standby Force exhibiting varying degrees of readiness as far as its regional brigades are concerned (AU 2010I; Engel and Gomes Porto 2009).

The Panel of the Wise: Legal, normative and operational dimensions

Legal provisions and the normative dimension

Our common wish is that wherever we may be called on to intervene, the Panel of the Wise will be prepared to lend its interlocutors the benefit of the ancestral African values of wisdom and dialogue, and ensure that peaceful solutions prevail, regardless of the nature of the crisis or conflict. This is an essential element for any effective enterprise aimed at resolving peace and security issues arising in our continent, and also an important step for the essential work of reconciliation, be it at national level or between countries in disagreement (Message of the late former President Ahmed Ben Bella of Algeria cited in Murithi and Mwaura 2010:81).

In statutory terms, Article 11 of the PSC Protocol calls for the creation of a panel of the wise 'to support the efforts of the Peace and Security Council and those of the chairperson of the Commission, particularly in the area of conflict

prevention’ (AU 2002: art. 11 (1)). Accordingly, the Panel is to be composed of ‘five highly respected African personalities from various segments of society who have made an outstanding contribution to the cause of peace, security and development on the continent’ (AU 2002: art. 11 (2)). These individuals are selected by the chairperson based on consultations with the member states concerned and with the aim of ensuring regional representation. They are appointed through a decision of the Assembly of Heads of State and Government to serve for a period of three years (AU 2002: art. 11 (2)).

The role of the AU PW, therefore, is primarily ‘to advise the Peace and Security Council and the chairperson of the AU Commission on all issues pertaining to the promotion and maintenance of peace, security and stability in Africa’ (AU 2002: art. 11 (3)). Moreover,

at the request of the Peace and Security Council or the chairperson of the Commission, *or at its own initiative*, the Panel of the Wise shall undertake such action deemed appropriate to support the efforts of the Peace and Security Council and those of the chairperson of the Commission for the prevention of conflicts, and to *pronounce itself on issues relating to the promotion of peace, security and stability* (AU 2002: art. 11 (4), our emphasis).

Enabling the AU PW to take action or pronounce itself at its own initiative gives the Panel, within the context of the APSA, the unique ability to use its voice, as well as to support, undertake, facilitate and, perhaps most importantly, initiate a variety of preventive diplomacy measures, including those aimed at mitigating ongoing disputes. Indeed this provision, perhaps more than any other, has generally been misinterpreted as giving the AU PW the ‘authority to facilitate and mediate potential or ongoing disputes on its own volition’ (Murithi and Mwaura 2010:78).⁴ In this regard, the PSC Protocol contains a clear description of the AU PW’s advisory role, as well as its more operational responsibilities, which relate very specifically to matters of conflict prevention and not mediation *strictu sensu*.

Tracing the origins of the idea of a panel of the wise and its political significance at the time when the AU was founded and the PSC Protocol signed is an

⁴ See also El-Abdellaoui 2009.

interesting exercise. Indeed, the first mention of the need for a Council of Elders at continental level can be traced to the 1991 document entitled 'Towards a conference on security, stability, development and cooperation in Africa (CSSDCA)', also known as the Kampala Document. The development of the CSSDCA was spearheaded by former President Olusegun Obasanjo of Nigeria, who at the time was at the helm of the Africa Leadership Forum, and adopted by the OAU Assembly at the June 1992 summit in Kampala, Uganda (Africa Leadership Forum 1991). The CSSDCA proposed four main clusters of issues, termed '*kalabashes*' which include security, stability, development and cooperation. Within the security *kalabash*, and under Mechanisms for Mediation, Conciliation and Arbitration, there is a specific call for the revitalisation of the OAU's Commission on Mediation, Conciliation and Arbitration. The document adds that 'in conformity with African tradition, the emphasis should be put on timely mediation and reconciliation' (Africa Leadership Forum 1991: n.p.). It further calls for the establishment of an 'African Elders' Council for Peace':

To move Africa from the confinement of purely reacting to events, to a capacity for anticipatory and containment measures for its security, an African Peace Council should be formed and charged with the task of ensuring that peace and harmony reign in the continent and a state of intra-African and inter-African tranquillity is created and maintained. The African Peace Council under CSSDCA should be pre-eminently comprised of the most distinguished personalities and given discretion to effect a measure of intervention in national security problems of participating member states or determine appropriate actions which may involve reconciliation and mediation or recommendation of deployment of African peacekeeping operations or both. The Council should operate under the OAU framework (Africa Leadership Forum 1991: n.p.).

It should be noted that the Kampala Document would be a key inspiration for the AU Assembly's 1993 adoption of the Cairo Declaration on the Establishment of the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution and, therefore, a precursor of the 2002 PSC. Furthermore, the idea of a panel for the AU would have also been partly based on the example set by the Economic Community of West African States (ECOWAS) Council of Elders, which was later renamed the Council of the Wise.

For Astill-Brown and Behabtu (2010:1), the origins of the AU PW are located in two distinct realms: the cultural and philosophical and the legal and institutional. These authors consider that 'in the traditional African context, the concept "wise" refers to how age and experience relate to the ingredients of wisdom and counselling ... wise connotes a high sense of maturity often attributed to the elderly ... needed to bond conflicting parties.... Such age old practice explains the confidence bestowed on the elderly in Africa, illustrating the motivation for the establishment of the Panel'. In this regard, Murithi and Mwaura (2010:79) note:

The insights drawn from indigenous African culture provided a philosophical inspiration for the creation of the Panel of the Wise. Specifically, the wise council of leaders within the typical traditional African community was vital in intervening, resolving and sustaining peace.... The Panel of the Wise is a contemporary rendition of the traditional institution of the council of elders.

Although requiring reflection that is beyond the scope of this volume, it should be noted that customary, also called traditional, African approaches to conflict resolution and peacemaking are often the site of heated debate in academic and policy literature. Methods are often dogged by diametrically opposing views about their contemporary validity, criticisms of the conservative nature of customary authority structures and decision-making processes, as well as their gender dimensions, both in terms of the lack of gender sensitivity, as well as the lack of adequate female representation in these mechanisms. On the other hand, there is some consensus that customary approaches emphasise the importance of social cohesion and values as important elements of dispute resolution and peacemaking, as observed by Osaghae (2000). Malan (1997:24) notes that in customary approaches, 'a typical immediate goal is to reach an agreement which includes more than merely resolving the problem or rectifying the injustice ... what is specifically aimed at in the search for durable peace is genuine reconciliation and, whenever necessary, restitution and rehabilitation'. Importantly, with regard to the often noted limitation of traditional approaches to simple, small-scale conflicts within the boundaries of single ethno-linguistic groups is the recognition by Osaghae (2000), that 'this argument underestimates the volatility of so-called simple conflicts that can quickly degenerate to involve

most groups in the community because of the organic character of traditional communities'. With relation to the AU PW, El-Abdellaoui (2009:8) posits that,

[t]he advantage of a Panel, which is composed of distinguished African personalities with a wealth of experience and who are not representing their countries, is that it can first and foremost undertake activities towards anticipating and preventing conflict. *Raising awareness among decision-makers in a country that a certain situation or policy may pose a threat to stability, for instance, is a rather sensitive endeavour* (our emphasis).

In creating a Panel of the Wise, the AU in many ways recognised the importance of traditional conflict resolution mechanisms and roles and the continuing relevance of these in contemporary Africa, including the significance that councils of elders continue to have in many African societies in mediating disputes and conflicts.⁵

The members of the first Panel of the Wise were appointed on 29 and 30 January 2007 during the Assembly of the African Union Eighth Ordinary Session. Endorsing recommendations made by the chairperson of the AUC, members of the Assembly agreed on the five nominations and urged the AUC to undertake the 'speedy operationalisation of the Panel of the Wise, including the finalisation of the modalities for the functioning of the Panel and the elaboration of a work programme' (AU 2007a: n.p.). The first members of the AU PW were former President Ahmed Ben Bella of Algeria, representing North Africa; former President Miguel Trovoada of São Tomé and Príncipe, representing Central Africa; Dr Salim Ahmed Salim, former OAU Secretary-General, representing the East Africa region; Mme Brigalia Bam, then Chairperson of the Independent Electoral Commission of South Africa, representing the southern Africa region; and Mme Elisabeth Pognon, former President of the Constitutional Court of Benin, representing West Africa (AU 2007a). It is interesting to note the significance of the appointment of two prominent women – an innovation if one thinks of the typical membership of traditional councils of elders. For Murithi and Mwaura (2010:81), these appointments signified to 'African societies that

⁵ See in this regard the 2007 report by the United Nations Economic Commission for Africa entitled '*Relevance of African traditional institutions of governance*'.

there are women of all backgrounds and levels of expertise playing a vital role in the promotion of peace’.

The modalities of the African Union Panel of the Wise

These modalities lay down, among others, the basics of the Panel’s working methods, including its specific mandate, actions, reporting procedures as well as the nature of its relationship with other organs of the Commission (Astill-Brown and Behabtu 2010:4).

On 16 March 2007, the AUC submitted the draft modalities for the functioning of the Panel to the PSC in line with Article 11 (7) of the PSC Protocol which provides that ‘the modalities for the functioning of the Panel of the Wise shall be worked out by the chairperson of the Commission and approved by the Peace and Security Council’ (AU 2002: art. 11 (7)). The PSC would adopt the ‘Modalities for the Functioning of the Panel of the Wise’ (henceforth Modalities) at its 100th meeting, which was held on 12 November 2007 (AU 2007b).

The Modalities constitute a key framework document, expanding the provisions of the PSC Protocol with details on the AU PW’s membership, working methods, mandate and modalities of action, relationship with other organs of the AU, as well as reports and public statements. They clarify that members of the AU PW must not be politically active at the time of their appointment and throughout their tenure (a renewable term of three years), and that the AU PW must elect, on a rotating basis, a chairperson who serves for one year (renewable up to the maximum of three years). Furthermore, the Modalities stipulate that the AU PW can meet as and when required, or at the request of the Council and AUC, but that it has to meet at least three times a year (AU 2007b: section IV (1, 2 and 3)).

The Modalities also reiterate, in line with the provisions of the PSC Protocol, that the AU PW’s primary function is to ‘advise the Council and the chairperson of the Commission on all issues pertaining to the promotion and maintenance of peace, security and stability in Africa’ (AU 2007b:II (1)). As noted by Murithi and Mwaura (2010:78), ‘its remit is clearly stipulated as a supportive one rather than as a parallel institution to the Council or the Commission’ – a provision that is designed to ensure that the Panel does not duplicate, but rather supports, the efforts of the Council and/or the AUC.

Indeed, while undertaking its activities, the AU PW must 'ensure that its initiatives facilitate appropriate action by the Council and/or the chairperson of the Commission within their respective competences as provided for by the Protocol, add value to existing efforts, and contribute effectively to conflict prevention and resolution, as well as to peacebuilding' (AU 2007b:III (2)). To this end, the AU PW is expected 'at all times, [to] keep the chairperson of the Commission and, through him [or her], the chairperson of the Council informed of its activities and consult and coordinate with them as appropriate' (AU 2007b:II (1)).

The AU PW's ability to take initiative and pronounce itself independently are reaffirmed: the AU PW 'may, as and when necessary and in the form it considers most appropriate, pronounce itself on any issue relating to the promotion and maintenance of peace, security and stability in Africa' and 'in carrying out its mandate ... the Panel may act either at the request of the Council or the chairperson of the Commission or at its own initiative' (AU 2007b:II (3 and 4)). Furthermore, the Modalities stipulate that,

The Panel shall, without prejudice to its independence, maintain regular contact with the Council and the chairperson of the Commission, as well as with the chairperson of the African Union, and keep them fully informed of its activities for the purposes of ensuring close coordination and harmonisation. In particular, and prior to an intended visit to or engagement in a given country or region, the Panel shall inform the Council and the chairperson of the Commission for the purposes of coordination and harmonisation (AU 2007b:VII (1)).

The power to pronounce itself independently is regarded by Murithi and Mwaura (2010:78–79) as the value addition that the AU PW brings. They note:

The AU Peace and Security Council is more often than not constrained by the political considerations of its members and the wider AU membership when it comes to intervening in controversial situations such as Zimbabwe. Similarly, the AU Commission is, at least in theory, bound by the decisions of its member states, notably the Executive Council and Assembly, and is therefore not always at liberty to function independently.

Yet, this independence may be constrained by ensuing institutional dynamics which can reduce the AU PW's ability to implement proactive and swift actions when deemed necessary. Although perhaps overemphasising the point, Astill-Brown and Behabtu (2010:18–19) consider that,

... it is clear that the Panel enjoys a high degree of theoretical independence. But in practice, the Panel is almost entirely reliant on the AUC for resources – both human and financial. And the ultimate authority on their working practices and the resources available to them rests with the chairperson and the PSC.

Of critical importance to the work of the AU PW, the Modalities delineate the types of actions it may undertake, as well as the latitude given to the Panel in initiating actions it deems appropriate in any given circumstance – emphasising that members must act in support of, and complement, the efforts of the PSC and the chairperson of the Commission, as well as those of special envoys/representatives and other emissaries.

In terms of the types of actions that the AU PW can implement, the Modalities extensively expand on the provisions of the PSC Protocol, stipulating that the AU PW can 'facilitate the establishment of channels of communication between the council and the chairperson of the Commission, on the one hand, and parties engaged in a dispute on the other hand, in order to prevent such disagreements from escalating into conflict' (AU 2007b:III (1b)). Members can carry out fact-finding missions and conduct shuttle diplomacy between parties to a conflict in cases where groups are not ready to engage in formal talks (AU 2007b:III (1c and d)). Encouraging political dialogue between groups, adopting confidence-building measures and implementing reconciliation processes are also part of the AU PW's modalities of action (AU 2007b:III (1e)). In post-conflict situations, the Panel can also 'assist and advise parties on how to resolve disputes related to the implementation of peace agreements' and encourage belligerents to 'carry out reconciliation processes' (AU 2007b:III (1g and e)).

Furthermore, the Modalities include the provision for AU PW members to support AU mediation teams, allowing for assistance and advice to be provided to groups engaged in formal negotiations. Where a dedicated AU special envoy or representative has been appointed, members of the AU PW can undertake

additional shuttle diplomacy or behind-the-scenes confidence building between parties. As elaborated on in the final section below, this is an important stipulation as it clarifies the often held, but unfounded, expectation that members of the AU PW should ideally be the organisation's mediators.

An additional set of provisions calls on the AU PW to assist and advise parties to a conflict on how to resolve disputes related to the implementation of peace agreements, and develop and recommend ideas and proposals that can contribute to the promotion of peace, security and stability (AU 2007b:III (1g and h)).

In terms of the accountability of the AU PW to the wider AU system, its members have to report to the chairperson of the AUC and, through him or her, the chairperson of the Council (AU 2007b:III (3)) and, following the PSC Protocol, through the PSC to the AU Assembly (AU 2002: art. 11 (5)). The chairperson of the AU PW can address the AU Assembly of Heads of State and Government, and the Panel can submit its views and recommendations to the Council and the chairperson of the Commission 'whenever it considers it appropriate' (AU 2007b:V (1)). However, it has to submit regular reports on its activities to the Council, as well as bi-annual reports to the AU Assembly of Heads of State and Government (AU 2007b:V (2)).

The AU PW can also accept proposals 'from the Pan-African Parliament, the African Commission on Human and Peoples' Rights and civil society groups' (AU 2007b:IV (7)). Indeed, it can receive proposals from civil society organisations (CSOs). In terms of the specific process of interacting with CSOs, the AU PW's 2008 work programme states that the Secretariat will 'facilitate the Panel's outreach efforts to civil society, research and academic institutions, and other relevant organisations' (AU 2008d:25). These bodies have been key research, outreach and advocacy partners to the AU PW in its thematic reflections and horizon-scanning work. Finally, El-Abdellaoui (2009:2) reminds us that the Modalities stipulate that they themselves should be revised, following the operationalisation of the AU PW and on a regular basis.

The African Union Panel of the Wise comes to life

The operationalisation of the Panel came at a time of renewed efforts by the AU, the regional mechanisms and individual member states in order to address the scourge of conflicts in Africa ... As stressed by the Brainstorming Retreat between the AU and the regional mechanisms, held in Algiers on 5 and 6 January 2008, there is need 'to fully apply the principle of non-indifference' enshrined in the AU Constitutive Act and the relevant instruments of the regional mechanisms. It is incumbent upon member states, in conformity with the PSC Protocol and relevant regional instruments, to lend their full and unconditional support to conflict prevention and resolution efforts undertaken at continental and regional levels (Lamamra 2008).

The AU PW was formally inaugurated on 18 December 2007 in Addis Ababa, Ethiopia, at a ceremony attended by representatives of member states of the AU and the diplomatic community (Lamamra 2008; Murithi and Mwaura 2010:81–82). The inaugural working meeting that followed culminated in the election of former President Ahmed Ben Bella of Algeria as chairperson of the Panel.

Members of the first AU PW and their regional representation

(December 2007 – December 2010)

Member's name	Country of origin	Regional representation
Ahmed Ben Bella*	Algeria	North Africa
Miguel Trovoada	São Tomé and Príncipe	Central Africa
Salim Ahmed Salim	Tanzania	East Africa
Brigalia Bam	South Africa	southern Africa
Elisabeth Pognon	Benin	West Africa

* Chairperson of the AU PW

Furthermore, a draft programme of work prepared by the AUC and members of the Panel was distributed for consideration and debate. It focused on how

the Panel should: conduct its meetings, consult with and relate to other AU bodies, engage with countries and regions affected by conflicts, and consider key thematic issues related to conflict prevention and peacebuilding (AU 2007c).

This draft programme of work would be formally adopted at the AU PW's first official meeting on 18 February 2008 (El-Abdellaoui 2009:2). Members began by focusing on procedural matters, particularly how and when they should meet as a collective. It is important to note that, although it is a permanent structure within the PSD of the AUC, with the power to meet whenever necessary, the AU PW does not sit continuously at AU headquarters. The Modalities stipulate that a minimum of three AU PW meetings must be held per year, an arrangement which is different from that of the PSC, which is 'organised as to be able to function continuously' (AU 2002: art. 8 (1)). The establishment of the Secretariat in early 2010 would go a long way in enabling more continuous development and follow-up of the AU PW's activities – as does the provision of the Modalities that stipulates that between formal meetings AU PW members 'shall maintain regular consultations among themselves through appropriate technical means to facilitate the effective discharge of its mandate' (AU 2007b:IV (3)). During the first meeting, members also agreed on the focus of their statutory meetings – in addition to discussing work plans and reviewing the AU PW's reports to the PSC,⁶ the Panel would also consider developments in specific countries and regions, and peace and security on the continent as a whole in order to improve its capacity to anticipate and identify new conflict situations requiring its, and the AU's, attention.

In terms of the types of actions the AU PW could undertake, members considered both the Modalities as well as experience gained by AU PW members prior to the inauguration of the body. Indeed, the first mission of the AU PW – to the Central African Republic (CAR) in 2007 – was undertaken 'shortly after the appointment of the Panel members and thus even before the Modalities had been adopted and the Panel officially inaugurated' (El-Abdellaoui 2009:5). During this mission, AU PW members became involved in assessing the political situation in the country and in preparations for the convening of an inclusive political dialogue. In this context, the Panel carried out a series of consultations with national

⁶ And through it, as noted above, to the AU Assembly in the bi-annual PSC report to the Assembly on its activities and the state of peace and security on the continent.

political parties, trade unions, CSOs and members of the diplomatic community accredited to the country. Following the mandate given to the AU PW by CAR's President François Bozizé to consult rebel groups, Panel members involved duly did so outside the country.

The AU PW subsequently compiled and presented a report on its findings to President Bozizé. It concluded by recommending that a national dialogue be convened in three stages, including:

- i. preliminary consultations focusing on military and security areas
- ii. discussions among representatives of all the political parties and CSOs aimed at defining the content and procedures of the eventual inclusive national dialogue
- iii. an all-encompassing political conference bringing together all stakeholders and facilitated by an external mediator (El-Abdellaoui 2009:6).

On the question of the actions the Panel would undertake, the AU PW decided in the 18 February 2008 meeting that these could include facilitating communication, carrying out fact-finding missions, conducting shuttle diplomacy, confidence building, and advising mediation teams and parties to a dispute. Furthermore, members agreed to the principle of carrying out missions to intervene in conflict situations where the AU already had a presence, e.g. via special representatives or liaison offices, assuming that such operations would support and add value and that the Panel could 'advise and assist national reconciliation efforts aiming at resolving disputes and restoring stability' (AU 2007c:4).

Specifically, the criteria for the AU PW's engagements in conflict-affected countries and regions were also outlined, based on:⁷

- i. the degree to which a conflict situation already receives regional and international attention. Conflicts that have been neglected for lack of resources or other reasons may be especially appropriate for the Panel to engage with
- ii. whether the PSC is already seized with a particular conflict situation and whether additional attention by the Panel may add further value to existing efforts

⁷ Here, analysis reports supplied by CEWS, feedback from discussions with the commissioner for peace and security at the AU, as well as through interaction with experts from a variety of backgrounds contribute to the decision-making of the AU PW.

- iii. whether a given situation has remained in conflict for a considerable amount of time or is in danger of descending into outright violence, despite multiple mediation and negotiation efforts. In such situations, the Panel may advise and strengthen existing efforts, inject new urgency to mediation processes, or take a fresh look at the dynamics at play
- iv. whether a community or country in conflict has experienced a sudden and speedy decline
- v. whether a community or country has experienced difficulties in implementing a peace agreement and, therefore, faces the risk of reverting to war (AU 2007c:16 (i–v)).

Furthermore, members agreed that one of their quarterly meetings would focus on a specific key thematic issue. Indeed, it was here that AU PW members agreed on how to start undertaking what is now commonly known as ‘horizon scanning’ – where the AU PW pronounces itself on key peace and security issues, bringing them to the attention of the AUC, PSC and AU Assembly. Members agreed to adopt an annual focus on a specific theme in order to ‘stimulate a policy debate or to raise awareness on themes related to conflict prevention and peacebuilding’, and that at every meeting a discussion on emerging conflict situations should take place, focusing on ‘a few (not more than three) priority conflict situations’ (AU 2007c:II (18 and 14)). Horizon scanning, partly achieved through the work of the Secretariat and partly at the quarterly meetings of the AU PW and coalescing in the body’s thematic reports, began to take shape.⁸

On how the AU PW should interact with different organs of the AU (particularly the PSC and AUC), members agreed that the Panel should jointly host a meeting with the PSC at least once a year (AU 2007c:II (10)). In addition, regular consultations with the AUC (chairperson of the AUC, commissioner for peace and security, and relevant personnel in the PSD and DPA), were emphasised as important, and the AU PW began to explore its relationship with other pillars of the APSA, among them the CEWS at technical level, in support of its deployments and the formulation of its work plan (AU 2007c).

⁸ Also, El-Abdellaoui (2009:5) notes: ‘the Panel decided that at its first meeting of every year, it will discuss and decide on its annual programme of work. At its second and third meetings the Panel will discuss its reports to the Assembly through the PSC and to the PSC itself, in addition to assessing developments in selected countries as well as generally reviewing the state of affairs on the continent’.

Engagement with the PSC, the chairperson of the AUC and the AUC more broadly (particularly the commissioner for peace and security and the PSD) are central to fulfilling the AU PW's mandate. Examples discussed in this book demonstrate that the Panel has gradually, if tentatively at first, strengthened its engagement with these organs. One should also bear in mind that the very composition of the first AU PW, in terms of the long-term and deep connections of some of its members to the AU, made the Panel best placed to provide discreet advice and support to the chairperson of the AUC, and the AUC broadly. As noted by Astill-Brown and Behabtu (2010:11–12), 'they, individually and collectively, are a regular source of advice to the chairperson of the Commission. By definition, this advice is delivered without fanfare ... reports from within the Commission suggest that advice is both sought and offered; and that it is valued'.⁹ Often, communication between the AU PW and the chairperson of the AUC takes place outside of formal administrative channels.

Finally, but no less important, the AU PW addressed the issue of resources required to allow the fulfilment of its mandate, including the creation of a dedicated Secretariat located within the African Union Conflict Management Division (AU CMD, today's Conflict Prevention and Early Warning Division), within the PSD. The location of the Secretariat was, and continues to be, the subject of some disagreements within and outside the organisation. In this regard, Murithi and Mwaura (2010:79) note that the AU PW 'will inevitably face some of the political, bureaucratic and logistical constraints that are typically found in any inter-governmental organisation', adding that 'it is evident that the Panel of the Wise needs a robust Mediation Support Unit ... that can provide it with timely analyses of the positions, interests and options available to disputing parties'. This will be discussed at some length in Chapter Five and in the conclusion of this book.

The Secretariat was given a range of responsibilities, to be implemented in close coordination with relevant units within the AUC. These include to:

⁹ This point is also made by El-Abdellaoui (2013:64) who notes that 'informal contact is said to take place regularly between the Panel members and especially the chairperson, and during these contacts one could imagine that a Panel member would have the opportunity to carry out his or her advisory role'.

- i. collect and analyse information on developments/priority countries that are part of the AU PW's focus (as well as countries and regions in case of future engagements)
- ii. conduct research and produce substantive knowledge on conflict prevention, peacemaking and mediation
- iii. research and draft background papers, briefing notes and policy briefs in support of the AU PW's country-specific engagements
- iv. identify experts on issues the AU PW works on
- v. accompany the AU PW on missions
- vi. draft and distribute reports of the AU PW, and maintain a record of these
- vii. facilitate coordination and communication between the AU PW and relevant organs of the AU
- viii. prepare the necessary material for the AU PW's internal meetings and consultations with the PSC, the AUC and other relevant actors
- ix. facilitate sharing of information on the AU PW's outreach efforts to civil society, research and academic institutions and others
- x. contribute expertise to and support for the AU PW's efforts to raise debate on specific issues relating to the promotion of peace and security (AU 2007c:III (20)).

In concluding this chapter, it is important to emphasise that the inauguration of the AU PW in December 2007 represented a key moment in the implementation of the APSA. It should also be noted that in many ways, the fact that the AU PW was one of the last pillars to roll out its operations may be symptomatic of both the prevailing dominance of a reactive conflict management approach by the institution, as well as lack of resources. Indeed, from an institutional transformation point of view (from the OAU to the AU), the focus had shifted only nominally towards 'preventive' action, with conflict management – which is often caricatured as 'fire-fighting' – prevailing within both the AUC and the AU as a whole. In addition, the multiple issues raised by the lack of resources must be considered. Based on interviews with diplomats in Addis Ababa, Ethiopia, at the time, El-Abdellaoui (2009:2) explains the delay between the adoption of the PSC Protocol in 2002 and the establishment of the AU PW as follows:

... relevant decision-makers chose to delay setting up this pillar because the Commission was initially not able to provide the Panel

with the required support structures. Thus ... efforts were focused on operationalising those structures for which resources had already been secured.

This first phase of the AU PW's history reveals a combination of innovation and commitment – key components in the institutionalisation process. Innovation because the PSC Protocol included, as a key pillar of the AU's conflict prevention, management and resolution architecture, a body that would be inspired by customary practice, and one in which age and experience, wisdom and counsel, as well as stature, were deemed crucial prerequisites of membership. While not entirely a pioneering idea – as noted, the examples of the CSSDCA as well as the then ECOWAS Council of Elders provided inspiration for the process – the AU PW was intended as a supporting mechanism, albeit one that would have a number of unique powers within the context of the AU's institutional structure, and more specifically, the APSA. Indeed, by being able to both initiate actions and pronounce itself independently of AU structures, the AU PW is a unique body within the AU's institutional context.

Furthermore, and although it would take close to five years from the mooting of the idea of an AU PW to its launching, the commitment of the AUC and that of its first members to developing and adopting operational Modalities, as well as a feasible work plan, was critical in delineating its specific role as a pillar of the APSA. Indeed, the development of the Modalities and their adoption by the PSC was a key event during the first phase of the AU PW's institutionalisation as the Modalities constitute the entity's operational framework, expanding on the provisions of the PSC Protocol, and defining the type of actions the AU PW can undertake, and the latitude given to members in initiating actions on behalf of the AU. The Modalities must therefore be appreciated in the context of a need to structure the role of the AU PW in such a way that it would add value to the APSA and avoid duplicating its efforts. While its responsibilities are firmly within the remit of preventive diplomacy; including good offices, facilitation, conciliation, fact-finding, shuttle diplomacy in support of the PSC and the chairperson, it should be emphasised here that through the Modalities, the AU PW considers its roles to include supporting the AU's mediation efforts and political dialogue, as well as carrying out reconciliation processes.

Chapter Two**Implementation, discovery and
habitualisation: The first Panel of the
Wise (2007–10)**

Tentative first steps

The Panel has tried to focus on issues that are both directly relevant to its mandate as well as supportive of wider AU interests. The Panel's willingness to help identify potential future conflict situations and undertake field missions in support of the chairperson can be seen in this light. As can their interest in tackling the problems of impunity, justice and national reconciliation. The Panel's recommendation to convene an extraordinary session of the AU Assembly dedicated to conflict and crisis situations in Africa has helped in bringing a collective focus to tackling the peace and security challenges facing the continent (Astill-Brown and Behabtu 2010:15).

The second phase of the AU PW, corresponding to the tenure of its first members (2007–10) was characterised by implementation efforts and, simultaneously, learning (as the Panel carefully considered lessons learnt from comparable mechanisms, such as the ECOWAS Council of the Wise and the 'global' elders). In this section, we discuss these efforts – which included putting in place the Modalities – and reflect on the Panel's gradual delineation of its specific operational niche. This period was one of discovery, for if the PSC Protocol and the Modalities clearly spelled out the mandate, functions, membership and operational requirements of the AU PW, it was incumbent on the first five members, and the AUC, to turn these provisions into a workable structure. Institutionalisation was gradual, but it would in time lead to the development of consensus within the organisation on the role and value of this structure. Furthermore, it is also important to note that the AU PW came into existence during a period of change in the AU, when a new AUC chairperson, Dr Jean Ping, assumed duties in April 2008.

By the time the AU PW held its second statutory meeting on 17 and 18 July 2008, preventing conflicts emerging from disputed elections was high on the AU's

agenda. The issue was duly endorsed as the focus of thematic reflection for that year, a decision which was 'influenced by the post-electoral violence that had afflicted Kenya in January and February 2008, as well as the crisis generated by Zimbabwe' (Murithi and Mwaura 2010:82). This statutory meeting, held in Kenya, was attended by the AU Commissioner for Peace and Security, Ambassador Ramtane Lamamra, and the chairperson of the PSC for the month of July 2008 (Lamamra 2008). At this gathering, AU PW members agreed on 'the principle that its members would undertake information-gathering missions aimed at evaluating the situation and examining the modalities of the involvement of the Panel' (AU 2008a:1).

The AU PW also began to assert its voice and opinion on key peace and security matters. In July 2008 for example, Ahmed Ben Bella, who at the time was the chairperson of the AU PW, issued a statement expressing concern at the decision of the International Criminal Court (ICC) Chief Prosecutor, Luis Moreno-Ocampo, to seek an arrest warrant for President Omar al-Bashir of Sudan for alleged atrocities perpetrated by his government in the Darfur region of Sudan. Ben Bella's argument was that if the indictment was pursued, it would lead to the unconstitutional removal of the Government of Sudan.

When the AU PW met in Algiers, Algeria, in October 2008, the situations in the Democratic Republic of the Congo (DRC), Mauritania, Somalia, Sudan and Zimbabwe dominated its deliberations. The AU PW requested the 'Somali parties which have not yet done so to renounce violence and to join the ongoing peace process' and 'urged the Sudanese parties to extend full cooperation to the AU, the UN and the League of Arab States for the reactivation, without delay, of the political process and the restoration of lasting peace' (AU 2008b:2). They also expressed satisfaction at the September 2008 signing, by political parties in Zimbabwe, of a power-sharing agreement and urged the parties to scrupulously honour their commitments.

The *communiqué* issued at the end of the meeting reveals an interesting dimension to the AU PW's perception of its role and function. The AU PW reflects, and at times directly comments, on the AU's efforts at the highest levels. For instance, the AU PW is on record as supporting 'the Commission's efforts in the DRC', and expressing 'satisfaction at the recent visit of the Chairperson of the AU Commission, Mr Jean Ping, to the DRC, encouraging him to pursue and

intensify his efforts aimed at promoting dialogue between the parties'. The AU PW 'welcomed the roadmap adopted by the PSC at its 142nd meeting (on Darfur)', and 'fully supported the decisions of the PSC on the situation in Mauritania ... and the efforts being made by the Commission for the restoration of constitutional order' (AU 2008b:1–2). It is interesting that in these types of pronouncements, AU PW members seem to assume the role of elders by constructively assessing high-level decision-makers' actions.

By the time of the AU PW's fourth statutory meeting, held in Nairobi, Kenya, on 28 and 29 November 2008, the negative trend, which was characterised by a resurgence of *coups d'état* witnessed during the period, was a source of deep concern at the AUC. These included the 6 August 2008 coup in Mauritania, the 23 November 2008 attempted hostile takeover in Guinea-Bissau and the increasing instability in Guinea, which would lead to the 23 December 2008 overthrow of the government by the military. Several sectors within the AUC, not least the PSD, were seized with the issue of how to initiate and implement activities to enable a return to constitutional legality in these countries, in light of the provisions of articles 4(p) and 30 of the Constitutive Act; the PSC Protocol; the July 1999 Algiers Declaration and the Declaration of July 2000 on the Framework for an OAU Response to Unconstitutional Changes of Government (Lomé Declaration), among others. Preventing unconstitutional changes of government from occurring, and strengthening the AU's capacity to deal with these situations would be reviewed at the AU Assembly's 13th ordinary session which took place in Sirte, Libya, from 1 to 3 July 2009 (AU 2009a).

The aforementioned meeting of the AU PW in Nairobi, Kenya, which was preceded by an expert workshop on election-related conflicts and disputes, provided an opportunity for members to reflect on these issues. In addition, on the matter of election-related disputes, the AU PW agreed to convene a consultation with the PSC in February/March 2009, as well as to submit its recommendations to the AU Assembly at its ordinary session scheduled for June 2009. Members would note that 'the AU is already equipped with legal and political instruments on democratic governance and elections, and that the real challenge is to ensure their implementation', calling for 'the early ratification of the AU Charter on Democracy, Elections and Governance and strict adherence to existing AU instruments on democratic governance and elections' (AU 2008c:1).

This concern with ratification, domestication and implementation of existing legal and normative instruments would be and still is an ongoing concern of the AUC as a whole, with direct implications on the AU PW and its portfolio of activities.

During this gathering, the AU PW further reviewed the state of peace and security in Africa, brainstorming on the steps that members could take in support of the AU's ongoing efforts, as well as its work programme for the remainder of 2008 and in 2009 (AU 2008c). Continuing the supportive, if somewhat evaluative, approach of earlier meetings, the AU PW 'encouraged the PSC and the chairperson of the Commission to pursue and intensify their efforts in furtherance of peace, security and stability on the continent, as well as to ensure that the AU played a more proactive role in protecting affected civilian populations, including in mobilising humanitarian assistance from within the continent, dispatching fact-finding missions and ensuring that those involved in serious violations of human rights and international humanitarian law are held accountable' (AU 2008c:2). The AU PW specifically discussed Zimbabwe, calling on 'SADC and the AU to instil a new sense of urgency in their efforts to overcome the current obstacles in the implementation of the power-sharing agreement and to take all actions required to this end', encouraging the 'chairperson of the Commission, in close cooperation with the regional stakeholders, to explore all possibilities of assisting in overcoming the current impasse' (AU 2008c:2). On Sudan, the AU PW repeatedly encouraged the AUC and the PSC, with the support of the AU's partners, to find a 'peaceful and just solution, which takes into account the complementary goals of combating impunity and promoting peace, reconciliation and healing in Darfur' (AU 2008c:2).

This fourth statutory meeting also allowed the AU PW to carry out direct fact-finding, consultations and promote good offices with Somali stakeholders, as per its Modalities. The body also issued a statement on the situation in Somalia (AU 2008e). Indeed, the Panel held direct discussions with Nur Hussein Adde, then prime minister of the Transitional Federal Government (TFG) of Somalia and Sharif Hassan Sheik Aden, the chairman of the Central Committee of the Alliance for the Re-liberation of Somalia. The AU PW noted that 'at a time when the suffering of the Somali people has reached an unprecedented scale, the Panel is of the strong view that the Somali leaders should imperatively transcend the

internecine political struggles and divisions that are currently consuming their energy' (AU 2008d:2). Furthermore, it called on 'all the Somali parties that [had] not yet done so to join the peace and reconciliation process and demonstrate the much needed spirit of accommodation and tolerance in order to end the suffering of their people' (AU 2008c:2). It recognised the ongoing role of the Intergovernmental Authority on Development (IGAD) in attempting to broker peace in Somalia, but concluded that it was necessary for 'AU member states to fully assume their responsibilities [...] by urgently providing troops' and 'the much-needed financial and logistical support to AMISOM'. The AU PW, however, also 'strongly urged the United Nations Security Council to fully assume its responsibilities, in particular by authorising without any further delay the establishment of an international stabilisation force' to reinforce and ultimately replace the African Union Mission in Somalia (AMISOM) (AU 2008e:3).¹⁰

Finally, a decision was taken to make the thematic focus for 2009 the 'problematic of fighting impunity and its relationship with reconciliation and healing', a choice that was informed by the situations in northern Uganda and Darfur (AU 2008c:3). It is also important to note some of the constraints that the AU PW faced at this point. With regard to preventive diplomacy missions, for example, and following discussions and recommendations contained in what at the time was still a draft report on the theme of election-related violence and disputes, AU PW members were coalescing on the idea that they could add value by focusing on missions to countries with scheduled elections.

Nevertheless, for the rest of 2008 and the first quarter of 2009, although the AU PW had agreed on several missions to be undertaken, only one operation was conducted, to South Africa. This choice was based on the justification below:

... as South Africa was scheduled to hold general elections in April 2009, amidst reports of some tension and even incidents of violence in a few areas, it was agreed that Dr Salim Ahmed Salim would visit that country with a view to consulting major political stakeholders. The purpose of the visit, which took place from 23 to 26 February 2009 in the context of the prevention of election-related violence, was to support the consolidation of South African democracy, learn from the South

¹⁰ See also Murithi and Mwaura 2010.

African experience and to see how best this experience could be shared among African countries (AU 2009b:3).¹¹

The inability to fully implement planned activities was related partly to resource constraints and unavailability of AU PW members to go on missions, but was also a consequence of resistance to interference from concerned countries. At the time, the AU PW did not have a Secretariat in place, which affected its resource base. Indeed, in the final observations on its activities contained in its July 2009 report, the AU PW states that:

... since its inauguration, the Panel has made sustained efforts to effectively carry out its mandate. This organ has met regularly to discuss the state of peace and security on the continent. The Panel also completed its thematic reflection on the issue of election-related conflicts and disputes ... at the same time, much remains to be done to enable the Panel to fully play its role as stipulated in Article 11 of the Protocol establishing the Peace and Security Council. In this respect, it is important to accelerate the ongoing efforts for the establishment of the Secretariat of the Panel (AU 2009b:6).

Mention should also be made of the support of the UN Ten-Year Capacity Building Programme for the AU in setting up the Secretariat of the AU PW. As part of this programme, the UN DPA's Mediation Support Unit (MSU) supported a 'short-term consultant to work with the African Union to undertake the necessary groundwork to define a framework for the Secretariat'. Responsible for 'identifying the needs and requirements for the establishment of the Secretariat; documenting lessons learnt from other mediation support units of regional and international organisations; developing a framework for mediation tools and guidance; producing a communications strategy; and convening and participating in meetings that will enable the AU PW to be operationalised', this consultant 'in effect functioned as a one person Secretariat throughout the period' (Murithi and Mwaura 2010:84). This situation improved marginally during 2010, when two staff positions were allocated to the Secretariat, albeit

¹¹ Also, based on interviews with AU officials at the time, El-Abdellaoui (2009:6) notes that 'the Panel indicated that it would undertake more missions of this nature, although the chairperson of the Commission is expected to sustain the momentum gained on this issue as the Panel moved on to work in support of its theme for 2009'.

at 50 per cent of their time. As noted by Astill Brown and Behabtu (2010:9), 'the two staff posts in the Panel's Secretariat are currently established as ad hoc because they do not appear on the organogram for the AUC agreed at the Maputo Summit in 2003 ... in order to provide effective support to the Panel, this small team would need to grow – at the very least to provide enhanced analytical and political support as well as improved links with other functions of APSA'.

Gaining momentum, finding its niche

The past year provided the Panel with an opportunity to explore what works, what does not and exactly what support it requires (El-Abdellaoui, 2009:11).

On 5 and 6 March 2009, the AU PW convened its fifth meeting in Addis Ababa, Ethiopia, with President Ahmed Ben Bella, Mme Elisabeth Pognon and Dr Salim Ahmed Salim in attendance. Members reviewed conflict and crisis situations on the continent, expressing 'deep concern at the ongoing conflicts and violence' with particular reference to 'the crisis in Madagascar, appealing to all concerned to demonstrate a spirit of compromise and accommodation'. In addition, the Panel conveyed 'utmost sadness and indignation at the assassination of President João Bernardo Nino Vieira of Guinea-Bissau and the Chief of Staff of the Army, General Batista Tagma Na Wai' (AU 2009c:1).

Of note is that the AU PW had its first formal exchange of views with the PSC at its 176th meeting (AU 2009l) with a view to brief the AUC on the Panel's work, as well as to consider possible joint activities (Astill-Brown and Behabtu 2010). Discussions were also held on the topic of the situation in Madagascar. With regard to AU PW confidential consultations with the chairperson of the AUC, El-Abdellaoui (2009:6) noted at that time that,

There are no further public records of the various interactions for collaboration and consultation purposes between the Panel and other organs, most importantly the PSC and the chairperson of the Commission, apart from mention of the attendance of representatives of these organs at the Panel's formal meetings. It was confirmed, however, that informal consultations between Panel members and especially the chairperson of the Commission take place on a regular basis.

The Panel would meet with the PSC again on 5 June to officially present its report entitled ‘Strengthening the role of the African Union in the prevention, management and resolution of election-related disputes and violent conflicts in Africa’.¹² As noted above, the Panel’s first thematic focus had led it to agree on the need to undertake regular pre-election visits to countries scheduled to hold presidential and/or parliamentary polls. Although we will return to this issue in Chapter Four, it is important to note here that the Panel was of the view that these missions should take place about three to six months before elections were held; that they should be conducted systematically in both stable countries where voting was well conducted (for lessons learnt), as well as in nations where the potential for election-related violence could be observed. The missions should also be seen as providing the AU PW with the opportunity to advocate for the ratification of relevant AU instruments adopted by AU policy organs, especially the African Charter on Democracy, Elections and Governance; to campaign for the establishment of a ‘code of good conduct’; and to engage with as many and as diverse stakeholders in the target countries as possible.

The AU PW’s recommendations were organised under six clusters:

- i. preventive and early warning mechanisms
- ii. electoral governance and administration
- iii. AU coordination of electoral assistance
- iv. post-election conflict transformation mechanisms
- v. international coordination and partnerships
- vi. strategic interventions by the AU PW (AU 2009m).

The PSC considered the report a significant contribution and ‘re-affirmed its support to the Panel of the Wise in its pursuit of preventive diplomacy and good offices’ (AU 2009n:2). The report was duly submitted and adopted by the Assembly of Heads of State and Government in July 2009, in Sirte, Libya. Commending the AU PW for choosing an issue relevant to conflict prevention and peacebuilding in Africa and which contributed to the implementation of Decision 187(X), the gathering asked the AUC ‘to take all necessary steps to

¹² This report published in 2010 by the International Peace Institute with the title ‘Election-related disputes and political violence: Strengthening the role of the African Union in preventing, managing, and resolving conflict.

implement the recommendations of the Panel and to report to it regularly on the progress made' (AU 2009k:1).

The AU PW's work on election-related violence and the operational recommendations it makes to the AU reveal that, above all, it is finding its niche – in this case specialising in the prevention of election-related violence. It should be noted here that mediation was, and still is, undertaken by special representatives and envoys appointed directly by the chairperson (for example in the crises in Mauritania,¹³ Guinea,¹⁴ Madagascar,¹⁵ Darfur and Guinea-Bissau¹⁶) and international contact groups and not by AU PW members.¹⁷ This, coupled

¹³ In Mauritania, an international contact group was established, comprising the Organisation of Islamic Conference, League of Arab States (LAS), International Organisation of La Francophonie (OIF), UN and EU, as well as the permanent and African members of the UNSC. This was in addition to the direct efforts and missions of the chairperson, the commissioner for peace and security and other AU envoys to Mauritania (including contacts with the then Chairperson of the AU, Colonel Muammar Gaddafi, the late president of Libya). Moreover, the political dialogue between Mauritanian parties that began in Dakar, Senegal, between 27 May and 2 June 2009 was held under the auspices of President Abdoulaye Wade of Senegal and the International Contact Group for Mauritania (AU 2009a).

¹⁴ In Guinea, the chairperson of the AUC appointed Mr Ibrahim Fall, former Foreign Minister of Senegal and former UN Assistant Secretary-General for Political Affairs as special envoy. An international contact group was set up by the AUC, co-chaired by the AU and ECOWAS and comprising the chairpersons of the Community of the Sahel-Saharan States (CEN-SAD), UN, Organisation of Islamic Cooperation (OIC), OIF, EU, Mano River Union, PSC and ECOWAS, as well as permanent and African members of the UNSC (AU 2009a).

¹⁵ In Madagascar, the AUC chairperson sent emissaries, including Amara Essy, Commissioner for Peace and Security, Ramtane Lamamra, as well as Mr Ablassé Ouedraogo, former Foreign Minister of Burkina Faso (they would become the special envoy to Madagascar). Here, too, the Commission set up an International Contact Group on Madagascar which met for the first time on 30 April 2009. It included permanent and African members of the UNSC, the Indian Ocean Commission, SADC, COMESA, the UN, OIF, EU and Libya as chairperson of the AU and PSC.

¹⁶ The chairperson of the AUC appointed Mr João Bernardo de Miranda, former Foreign Minister of Angola, as special envoy to Guinea-Bissau in March 2009.

¹⁷ Likewise, facilitators and special envoys were nominated for Burundi and CAR, and in Madagascar an international joint mediator in the person of former President Joaquim Chissano of Mozambique was appointed by SADC. Other examples include the Comoros, where the chairperson of the AUC appointed a special envoy, Mr Francisco Madeira. Similarly, at its 12th Ordinary Session, the AU Assembly 'gave its full support to the decision taken by the PSC, at its 142nd meeting held on 21 July 2008, to request the Commission to establish an independent high-level panel made up of distinguished African personalities, with the mandate to examine the situation in Darfur in depth and submit recommendations on how best to address the issues of accountability and combating impunity, on the one hand, peace, reconciliation and healing, on the other ... the Panel was inaugurated on 19 March under the leadership of its chairperson, former President Thabo Mbeki' (AU 2008f:1).

with the fact that there was insufficient linkage to the potential complementary support of the AU PW on the ground in these efforts (as per the Modalities), partly explains the need for the Panel to define specific areas where it could add value to the efforts of the AU. This issue will be discussed in more detail in Chapter Five.

With regard to strengthening the AU's capacity to manage unconstitutional changes of government, the chairperson hints at deeper involvement of the AU PW. Following a request by the AU Assembly to 'submit concrete recommendations for the implementation of the appropriate preventive measures against unconstitutional changes of government, and for enhancement of efficiency and early warning capacity building, good offices and mediation, including the Panel of the Wise'(AU 2009d:1) , the chairperson noted that,

... it is important to build [the] AU's proactive capacity, through a much more dynamic preventive action. What needs to be done in this regard is, among other things, to rely on the information gathered through the Continental Early Warning System, establishment of which is at an advanced stage, to make full use of the Panel of the Wise and other eminent personalities to defuse tensions and crises ... similarly, the chairperson of the Commission should use the powers conferred on him [or her] by the protocol establishing the PSC to contribute more effectively in preventing crises and tensions that could result in unconstitutional changes [of governments] (AU 2009a:17).

The AU PW met for the sixth time in Tripoli, Libya, on 7 June 2009. In their consideration of existing situations, members discussed developments in Guinea-Bissau and Madagascar, expressing concern over unconstitutional changes of government and political assassinations. Importantly, the body recommended that an extraordinary session of the AU Assembly, dedicated to the discussion of conflicts and crisis situations in Africa, be convened (AU 2009e).

In August 2009, the Assembly held a special session, during the summit in Tripoli, focused on 'Enhancing Africa's resolve and effectiveness in ending conflict and sustaining peace'. Aligned with the recommendation of the AU PW, the conference aimed to review the various conflicts and crises in Africa,

and to develop approaches to ensure the effective implementation of existing decisions adopted by the AU's policy organs. Particular focus was placed on the evolving situations in Darfur, the Great Lakes region and Somalia. Attention was also paid to the challenges of post-conflict reconstruction and stabilisation, with specific reference to the roles that could be played by member states and RMs. Delegates at the summit also discussed accelerating the operationalisation of the APSA, which was outlined in the conference's outcome document, officially termed the 'Tripoli declaration on the elimination of conflicts in Africa and the promotion of sustainable peace' (AU 2009f).

Following a detailed analysis of the causes and consequences of violence in Africa, the chairperson of the AUC devotes a considerable part of the report on 'Enhancing Africa's resolve and effectiveness in ending conflict and sustaining peace', to issues of structural conflict prevention and peacebuilding and details all AU instruments that can guide the continental entity's activities (and those of member states and RECs in that regard) (AU 2009i). The report clarifies the chairperson's understanding of the priorities of his/her own office, as well as that of the PSC, with regard to conflict resolution efforts. It makes only cursory references to the AU PW: one to register the submission of the report on electoral violence to the AU Assembly, and the other to record that 'the Panel of the Wise became operational [in] December 2007, and has met six times since then. In its work, the Panel has initiated thematic reflections on issues relevant to conflict prevention: election-related conflicts and violence and impunity, justice and reconciliation' (AU 2009i).

At the end of the special session, heads of state and government adopted the Tripoli Declaration. They stated:

... we are determined to deal once and for all with the scourge of conflicts and violence on our continent, acknowledging our shortcomings and errors, committing our resources and our best people, and missing no opportunity to push forward the agenda of conflict prevention, peacemaking, peacekeeping and post-conflict reconstruction ... to this end, we recommit ourselves to accelerate the full operationalisation of the APSA ... we agree to increase our contributions, both financial and technical, in support of the APSA (AU 2009f:22).

At the time of the AU PW's seventh meeting on 9 and 10 November 2009, a number of serious conflict situations occupied the attention of both the PSC and the AUC. These included Burundi, CAR, Guinea, Madagascar, Niger, Somalia and Sudan (in particular Darfur and the implementation of the Comprehensive Peace Agreement (CPA)) (AU 2009g). The PSC would undertake a field mission to Sudan from 23 to 25 November 2009 to consult with Sudanese stakeholders, representatives from the diplomatic community and from the United Nations–African Union Mission in Darfur (UNAMID). In addition, the challenges posed by unconstitutional changes of government continued to occupy decision-makers at the AUC and the PSC in particular.

At the retreat of the PSC held in Ezulwini, Swaziland from 17 to 19 December 2009, the PSC called for the 'revitalisation of the mechanism for structural prevention of unconstitutional changes of government' (AU 2010b:7), underscoring the importance of all member states signing and ratifying the Charter on Democracy, Elections and Governance. In addition, the chairperson emphasised that 'relentless efforts should be made to ensure the monitoring and effective implementation of the recommendations made by the Panel of the Wise in its report on the strengthening of the role of the African Union in the prevention, management and resolution of election-related disputes and violent conflicts' (AU 2010b:9). Once again, the chairperson called for 'much more dynamic preventive action by the AU' and noted that 'what must be done in this regard is ... to make full use of the Panel of the Wise', among others (AU 2010b:9).

Of note during this period was the creation of the African Union High-Level Implementation Panel (AUHIP) on Sudan. The African Union High-Level Panel on Darfur (AUPD) had already been created with the mandate to recommend the best ways to address the three interlocking issues of peace, justice and reconciliation in Darfur. The AUPD was inaugurated on 19 March 2009 under the leadership of former South African President Thabo Mbeki. It considered the Darfur crisis a symptom of the wider crisis of the Sudanese nation, and was of the view that it could not foresee a 'lasting solution except within the framework of the resolution of the Sudanese crisis on the basis of sustained democratic transformation of the country as articulated in the CPA of January 2005'. Furthermore, the AUPD stressed that 'the problem of Darfur requires a political settlement and a process of negotiations that address all the issues of peace,

justice and reconciliation, and that the Darfur negotiations should be inclusive ... the Panel recommended the establishment of a hybrid court to try those who assume the greatest responsibility for the crimes in Darfur' (AU 2010c:5 and 11).

At a special meeting of the PSC at the level of heads of state and government held in Abuja, Nigeria, on 29 October 2009, the AUPD submitted a comprehensive report on the situation in the country and the steps ahead, with the PSC endorsing it as an effective roadmap for achieving peace, reconciliation, justice and healing in Darfur. Furthermore, the PSC 'requested the chairperson of the Commission to establish an AUHIP, comprising former presidents Thabo Mbeki, Pierre Buyoya and Abdulsalami Abubakar, to assist in the implementation of all aspects of the AUPD recommendations, as well as in the implementation of the CPA and other related processes' (AU 2010m:2). The AUHIP duly held its inaugural meeting in Addis Ababa, Ethiopia, on 2 and 3 December 2009 (AU 2010m). The example set by the AUHIP, in its process and approach, would be the subject of reflection at several AU PW meetings, including panel-to-panel meetings and high-level retreats. As part of the ongoing implementation of a Knowledge Management Framework (KMF) for Mediation Processes at the AUC, the plan was for the AUHIP to be used as a case and studied in detail by the AU PW.

Furthermore, the AU PW held discussions with members of the AUPD during its seventh statutory meeting, also convened in Addis Ababa, Ethiopia, on 9 and 10 November 2009. Delegates commended the 'report and recommendations of the AU High-Level Panel on Darfur'. They discussed the AU PW's plan of action for the implementation of the report on election-related violence and disputes; reviewed the state of peace and security in Africa; and continued their deliberations on the second theme on 'Impunity, justice and reconciliation in Africa'. At this gathering, the AU PW further took the decision to focus on the situations of women and children in armed conflicts as its main theme for 2010. Also worth noting is that it was at this meeting that a Secretariat of the AU PW was first mooted (AU 2009g).

Once in place, the Secretariat was almost immediately tasked with supporting the AU's 2010 'Year of Peace and Security in Africa' initiatives, with particular focus on the 'Make peace happen' campaign. The objectives defined by the

chairperson of the AUC for the year of peace are ones which, in time, the AU PW Secretariat would adopt and which would define a substantial part of its work:

... the Year of Peace and Security will also be marked by renewed efforts to enhance the mediation capacity of the AU and its relevant structures. Among others, this effort will involve providing regular training in mediation, establishing a roster of potential envoys and technical mediation experts, establishing effective systems of communication, information-sharing and decision-making among partner organisations in the field and between their respective headquarters and field operations, and convening regular lessons learnt workshops in mediation experiences undertaken by the AU, the UN, and various other actors in Africa (AU 2010a:4).

Furthermore, the AU articulated its specific approach to mediation as follows:

Efforts will also be exerted towards making 'African solutions' into a rigorous project rather than a slogan only. At the root of these is a consultative methodology that involves a systematic process of engaging with the affected populations in a conflict-affected country, and drawing upon their analysis and proposals. The African Union High-Level Panel on Darfur, chaired by former President Thabo Mbeki and involving former presidents Abdulsalami Abubakar and Pierre Buyoya has demonstrated the value and efficacy of such a method and strategy. This approach began with the two premises that the true experts of any conflict are the people who are enduring it, and that any workable and lasting solution must draw upon the experiences and aspirations of the people, and be owned by the people (AU 2010a:8).

On the issue of unconstitutional changes of government, the chairperson emphasised that 'the AU should not only have a 'zero tolerance' policy on *coups d'état*; it should also show the same firmness with regard to transgressions in democratic standards' (AU 2010b:11). Recalling that the AU possesses a set of key instruments – the Lomé Declaration; the African Charter on Democracy, Elections and Governance adopted in January 2007; as well as relevant provisions of the Constitutive Act and the PSC Protocol – the chairperson elaborated on the charter's provisions. In addition to the four dimensions defined

in the 2000 Lomé Declaration,¹⁸ the African Charter 'considerably reinforces the legal system governing the reaction of the AU to unconstitutional changes of government'. It does this by adding to the definition of unconstitutional change of government 'any amendment or revision of the constitution or legal instruments, which is an infringement on the principles of democratic change of government' (AU 2007d:10). It duly toughens the sanctions to be applied in case of an unconstitutional change. Indeed, in addition to suspending the country concerned, the charter provides for: barring perpetrators of unconstitutional changes from elections held to restore constitutional order; stopping them from holding any positions of responsibility in political institutions of their country; trial before the competent court of the AU; and the possibility of the AU Assembly applying other forms of sanctions, including punitive economic ones (AU 2007d).

The AU PW held its eighth meeting in Kinshasa, the DRC, on 21 May 2010. During the gathering members considered the conclusions of, and adopted recommendations from, an experts' workshop held in the same city on 19 and 20 May 2010 on the theme 'Women and children in armed conflict'. Members also discussed the AU PW's programme of work for 2010. Following review of the peace and security situation on the continent, the Panel issued pronouncements of support for the efforts of the AU and RECs (in this case the Southern African Development Community (SADC) on Madagascar, the AU on Comoros, and the dispatching of multidisciplinary missions to Burundi and the DRC, and AMISOM to Somalia) (AU 2010d; AU 2010e).

During the July 2010 15th Ordinary Session of the Assembly of Heads of State and Government held in Kampala, Uganda, the AUC reported on the activities of the AU PW as the term of the first panel was coming to an end on 17 December of that year. At this meeting, the chairperson recommended the retention of two members of the AU PW to 'ensure the much-needed continuity, while bringing in three new personalities' (AU 2010f:7).

¹⁸ The Lomé Declaration defined what constitutes an unconstitutional change of government, the set of common values and principles for democratic governance, measures and actions that the AU can progressively take to respond to unconstitutional changes of government, and implementation mechanisms.

On that occasion, the chairperson also considered that:

Since its operationalisation, the Panel has played a commendable role in support of my efforts and those of the PSC. In this respect, I would like to highlight the thematic reflections initiated by the Panel on topics relevant to conflict prevention ... the role played by the Panel in steering this kind of reflection needs to be strengthened. This implies that the Panel, with the support of the Commission and other actors, actively engages member states and other stakeholders to disseminate its recommendations, mobilise the required political will and, as appropriate, ensure a monitoring role, including through the publication of reports on steps taken at national, regional and continental levels' (AU 2010f:5).

Furthermore, the chairperson recalled the mandate of the AU PW as detailed in the Modalities, considering that:

Due to a variety of constraints, the Panel has not been able to fully discharge the above-mentioned responsibilities. For one, the Panel's size – five members – is such that it cannot play the required role in all the situations warranting its attention. This constraint is compounded by the fact that the Panel members are not engaged on a full time basis. They do have other commitments that are also equally demanding on their attention and time. This has meant that in some situations it has not been possible to undertake the missions that the Panel has been planning to contribute to diffusing tensions, facilitating dialogue among conflicting parties, and creating conditions conducive to the successful implementation of peace processes. Against this background, there is need to enhance the capacity of the Panel to enable it to play a more proactive role in operational prevention. In this respect, I intend to put in place a structure called 'Friends of the Panel'. This structure will be composed of five to ten eminent African personalities drawn from the different regions ... their role would be to support the Panel in its preventive efforts, by undertaking visits to potential conflict areas, carrying out fact-finding missions, assisting and advising mediation teams and engaging in formal negotiations ... it is my strong view that

this arrangement will significantly enhance the effectiveness of the Panel (AU 2010f:6).

Preliminary observations and the 2010 APSA Assessment

The Panel of the Wise is a new and innovative component of [the] APSA. It is both independent of, and directly connected to, the AU, giving it a political and organisational role and influence that is unique amongst the various high-level panels associated with Africa. But it is still finding its place; and too many observers seem not to fully appreciate its potential, or its distinct mandate (Astill-Brown and Behabtu 2010:19).

The second phase of the institutionalisation of the AU PW corresponds to the lifespan of the first Panel (2007–10), a period characterised by implementation efforts, and during which learning and discovery played a significant role. Indeed, as noted above, it was incumbent on the first members of the AU PW, with the support of the AUC, to practically implement the provisions of the PSC Protocol and the Modalities. In fact, we would add that it was the responsibility of these individuals to clarify the specific remit of the activities of the AU PW to address significant misunderstanding, within and outside the AU, around the exact role of this body.

Tentatively, the first AU PW put in place the mechanisms for the work of the entity and pronounced itself on key peace and security issues, as well as the AU's responses to these, at every statutory meeting, as well as reflecting and deciding on specific actions to be taken. In this light, the AU PW's annual decisions on its thematic foci, discussions on ongoing conflict situations (which marked every statutory gathering since the AU PW's inception), and the decision to concentrate on preventing election-related disputes and conflicts, are all worth emphasising. In addition, the fact that the AU PW held meetings and had formal exchanges of views with the PSC, including presenting its reports, are early indications of the importance of the Panel's interactions with the AU broadly, and the structures of the APSA in particular.

Also of note is the limited number of missions conducted by the AU PW in its first two years of existence, 2008 and 2009. There are some important constraints that affected the first Panel's operations – *inter alia* lack of resources and the absence of a dedicated Secretariat to manage the day-to-day operations of the AU PW – which must be considered.

Some important observations were made during the first period of institutionalisation of the AU PW in the March 2010 APSA assessment study by the PSD (AU 2010I). The assessment aimed to review progress made by the AU, RECs and RMs in the operationalisation of the APSA and to identify specific gaps, needs and priorities with reference to each of its key pillars, including the AU PW. The decision which came to be known as the Akosombo Decision to undertake the assessment was made during the 10 to 11 December 2009 meeting between the chief executives of the AU, RECs, RMs and the European Union (EU). Also of importance is a 2010 study by external consultants entitled 'Mapping the African Union Panel of the Wise'. It must be noted here, though, that it did not form part of the Panel's internal operational and strategic processes (Astill-Brown and Behabtu 2010).

The APSA assessment places emphasis on the dimensions of vertical (AU-RECs/RMs) and horizontal (APSA pillars) coordination. Focusing on vertical synchronisation between the AU and the RECs/RMs, the assessment noted progress made in terms of operationalising the ASF and CEWS in line with their clearly articulated roadmaps. Yet, vertical coordination at the levels of the PSC, the AU PW and the Peace Fund were considered not as advanced. Authors of the assessment noted: 'at the time of writing this report, there was no direct linkage between the PSC, the Panel of the Wise and similar structures in the RECs/RMs' (AU 2010I:8). This is also an issue highlighted by Astill-Brown and Behabtu (2010), as they emphasise the necessity of the AU PW coordinating with other entities which perform complementary functions, without necessarily determining how and with which bodies the AU PW should work. They further explain that the value addition of the Panel should be in its ability to tap into both formal and informal networks.

The APSA assessment team was more critical about horizontal coordination, considering that 'the inter-locking system that is envisaged, whereby the decisions of the PSC benefit from information and analysis from other components,

such as the early warning systems at the AUC and the RECs has been limited' (AU 2010I:8–9). In its recommendations to the PSC, the assessment suggests that 'the AU should clarify the role of the Panel of the Wise and its relationship with the PSC ... the relationship between the two entities has so far been very limited' (AU 2010I:17).

For Astill-Brown and Behabtu (2010:15, 20), the AU PW had performed two key functions, which add value to the AU: it helped identify future threats and conflict trends through horizon scanning and acted as a source of discreet advice and counsel for the chairperson. In terms of enhancing the role of the AU PW, the assessment made several key recommendations, including that:

The role of the Panel in the AU's preventive strategy should be clarified. It is critical to establish whether the Panel will be involved in direct mediation or it would continue to play a supporting role of mediation efforts as has been the case so far.... Efforts should be made to ensure that the Panel is properly linked up with other APSA components at the AU Commission and the RECs. Ensuring that the Panel engages with other APSA structures and its equivalents in the RECs on the issues on its agenda is an important first step in improving coordination. From a practical standpoint, there should be periodic meetings (at least twice a year or as the need may be) between Panel members and their counterparts in the RECs.

The Panel should develop a robust communication strategy as that would give visibility to its engagements. This is particularly critical for its pronouncements on key thematic issues.... Resources should be provided to RECs to establish dedicated secretariats to support the activities of Council members (AU 2010I:10).

The quotes above reveal that in this first phase of institutionalisation, the role of the AU PW was often the subject of debate – mirroring perhaps misconceptions about its role as the mediation arm of the organisation which were noted earlier in this volume. Indeed, the assessment considered it critical to establish whether the AU PW should be involved in direct mediation, with the authors maintaining that:

... while the Panel is envisaged to be involved in conflict prevention, it is not clear at what stage of the prevention process it intervenes. In other

words, does prevention mean preventing conflicts from happening or managing conflicts from escalating? If prevention is understood as the former, then the Panel's role would be somewhat of the advocacy type; and if it is the latter, the Panel might be drawn into direct mediation contrary to the role envisaged for it in the Modalities document' (AU 2010I:39).

The need to clarify what the AU PW is and what it does was also emphasised during the Panel's mapping exercise, which will be explained in more detail in the final chapter of this book. In short:

The Panel is not a mediation or early warning mechanism. Both are long-term, labour-intensive tasks inappropriate to the Panel's mandate and to the profile of its members. The Panel should, however, consume (and perhaps could help improve) CEWS material; and should understand and advise on the AU's emerging mediation mechanisms. The proposed establishment of the Mediation Unit will help to draw a better distinction between the Panel's mandated, long-term conflict prevention function and those tasks, such as mediation and early warning, which some observers seek to project onto it (Astill-Brown and Behabtu 2010:20).

The issue of sustainability was also highlighted in the 2010 assessment as the operationalisation of the APSA had 'been largely dependent on partner support', which was 'partly explained by the fact that the recruitment of staff at the AU is constrained by the Maputo structure, which limits the number of personnel that can be hired through its regular budget' (AU 2010I:6). Astill-Brown and Behabtu (2010:22) proposed a staff complement of at least six people for the Secretariat for the entity to have sufficient administrative and policy support for its thematic reflection processes and to maximise the Panel's relationships with other functions of the APSA.

Finally, the APSA assessment focuses on the AU PW's location within the structure of the AU and whether it should continue to be located within the AU CMD (now Conflict Prevention and Early Warning Division) or move to the office of the chairperson or the PSC Secretariat. It notes that:

... there are two options. The first is to maintain it in its current location on condition that its reporting to the office of the chairperson and

the PSC is streamlined. Currently, the Panel's Secretariat reports to the office of the chairperson through the director of the Peace and Security Department and the commissioner; a cumbersome process. The second option is to move it to the office of the chairperson. This would significantly increase its visibility within the Commission and strengthen its link with the office of the chairperson, which has had so far a more direct working relationship with the Panel than even the PSC (AU 2010I:40).

It should be noted here that at the time (as it does to date) the Secretariat of the AU PW benefited from the backing of several sections of the AUC. This includes support to prepare and produce reports for the PSC, as well as administrative help provided by the Conflict Prevention and Early Warning Division.

Chapter Three**Institutionalisation, consensus and diffusion:
The second Panel of the Wise (2010–13)*****The first Cairo retreat and the
Panel of the Wise's strategic vision***

During the first six months of 2010, the PSC focused on the situations in Comoros, Côte d'Ivoire, Darfur/Sudan, Guinea, Guinea-Bissau, Madagascar and Somalia. They were also concerned about another *coup d'état* which took place in Niger on 18 February 2010, 'against a backdrop characterised by a political stalemate arising from the decision of President Mamadou Tandja to revise the country's constitution, in violation of the provisions of the country's basic law and its commitments to ECOWAS' (AU 2010k:14). Efforts at mediation which were largely unsuccessful because the ousted government of Niger rejected the draft peace agreement presented by the mediator were initiated by ECOWAS, with the support of the AU. The PSC suspended all the country's activities in the AU, and the AUC chairperson appointed Professor Albert Tevoedjre, a mediator from Benin, as special envoy to Niger (AU 2010k).

To ensure a smooth transition to the second configuration of the AU PW when the term of the first panel came to an end on 18 December 2010 the AU Assembly, at its 2010 summit held in Kampala, Uganda, followed the recommendation of the chairperson and re-appointed President Ahmed Ben Bella (North Africa) and Dr Salim Ahmed Salim (East Africa) for a further and final mandate of three years. New members appointed included former President Kenneth Kaunda of Zambia (representing southern Africa), former Minister of Human Rights in the DRC, Mme Marie Madeleine Kalala-Ngoy (representing Central Africa), and former Vice-Chair of the National Development Commission of Ghana, Mme Mary Chinery-Hesse (representing West Africa) (AU 2010f). The AU Assembly also paid tribute to outgoing members, former President Miguel Trovoada, Mme Brigalia Bam and Mme Elisabeth Pognon, and expressed that they looked forward to their 'continued support and contribution as members of the team of "Friends of the Panel of the Wise"' (AU 2010f:1). The establishment of the

Friends of the Panel of the Wise was in line with the AU Assembly's Decision 310, which aimed to enhance the capacity of the AU PW to more effectively engage in conflict prevention work (AU 2010f).¹⁹

The second AU PW was inaugurated on 12 December 2010 in Algiers, Algeria. On that occasion, the Panel re-elected Mr Ahmed Ben Bella as its chairperson.

Members of the second AU PW and their regional representation

(December 2010 – September 2014)

Member's name	Country of origin	Regional representation
Ahmed Ben Bella*	Algeria	North Africa
Marie Madeleine Kalala-Ngoy	DRC	Central Africa
Salim Ahmed Salim	Tanzania	East Africa
Kenneth Kaunda	Zambia	southern Africa
Mary Chinery-Hesse	Ghana	West Africa

* Chairperson of the AU PW

As one of the activities of the Year of Peace and Security in Africa, the AUC organised what would become a key annual meeting with relevance to the work of the AU PW, in particular its Secretariat: The AU High-Level Retreat on the Promotion of Peace, Security and Stability in Africa. Held in Cairo, Egypt, from 26 to 28 August 2010, this elite gathering brought together senior officials, special envoys and representatives of the AU, RECs/RMs, UN, EU, League of Arab States (LAS), International Organisation of La Francophonie (OIF) and Organisation of Islamic Cooperation (OIC), as well as representatives of the permanent members of the United Nations Security Council (UNSC).

Of key operational and strategic importance for the preventive diplomacy and mediation work of the organisation this gathering, which came to be known as the first Cairo Retreat, included a closed meeting between the chairperson of the AUC and all AU special envoys, representatives and chief mediators, as well as members of the AU PW. Indeed, this closed meeting, comprising briefings,

¹⁹ See also PSC 2010b.

discussions, strategic planning sessions and the exchange of experiences, has preceded all retreats since 2010. It is also one of the few occasions where all special envoys/representatives and mediators, as well as members of the AU PW meet during scheduled AU activities and events.

During the first Cairo Retreat, participants focused on several key issues on the agenda of the AU PW. These included unconstitutional changes of government; election-related violence; peace, justice and reconciliation; and challenges linked to the implementation of peace agreements, among others (AU 2011a). At the end of the meeting, delegates urged national stakeholders to 'take full ownership of peace processes in their respective countries' and pledged to support them in their efforts to do so (AU 2010g:2). In addition the declaration passed expressed the following:

Bearing in mind that the achievement of lasting peace on the continent requires an ever closer coordination of efforts between all stakeholders, at both strategic and operational levels, the participants encourage the AU to organise another retreat next year and to institutionalise it thereafter ... further agree to ensure a regular exchange of views and information, as well as close action on the ground, among all concerned ... where required ... in support of peace in Africa (AU 2010g:3).

The themes identified at the first Cairo Retreat were included in the discussions of the second instalment of the AU PW, as well as those of the newly constituted Friends of the Panel at the ninth statutory meeting of the AU PW which took place in Algiers, Algeria, from 12 to 14 December 2010 (AU 2010h).

The meeting reviewed the state of peace and security on the continent, with briefings from the Commissioner for Peace and Security, Ambassador Ramtane Lamamra, UN Assistant Secretary-General for Political Affairs, Taye Zerihun, Special Representative of the UN Secretary-General for West Africa, Said Djnnit, the Special Representative of the Chairperson for Somalia, Ambassador Boubacar Diarra, and the Mediator in Residence of the UN, Ahmed Ould Abdallah (AU 2010h). The AU PW expressed particular concern about the situation in Côte d'Ivoire and 'fully supported the decisions taken by the PSC, urging Mr Gbagbo to respect the will of the people and to allow the president-elect, Mr Alassane Dramane Ouattara, to assume his duties'. Moreover, the collective

noted that the meeting was 'taking place at a particularly important moment in the history of Sudan, with the referendum on self-determination scheduled to be held in southern Sudan on 9 January 2011'. The AU PW pledged its 'full support to the efforts being deployed by the AU, through the AUHIP' (AU 2010h:1-2). Discussions also focused on the DRC, Guinea, Madagascar, Niger and Somalia, with the Panel welcoming 'the completion of the process of restoring constitutional order in Guinea and the progress made in Niger', and expressing 'its deep concern at the continued deadlock in Madagascar' (AU 2010h:2).

At this meeting, members of the AU PW reviewed the first draft of its report entitled 'Non-impunity, truth, peace, justice and reconciliation in Africa: Opportunities and constraints' which, among others, proposed adoption, by the relevant policy organs of the AU, of a policy framework on transitional justice, noting that,

The Panel intends to play a central role in terms of advocacy, with particular emphasis on the ratification of African and international instruments relating to human rights, ensuring that mediators and peacemakers throughout Africa are aware of relevant norms and institutions as they set up transitional justice mechanisms, the implementation and monitoring of existing transitional justice mechanisms, and the mobilisation of civil society (AU 2010h:3).

Importantly, the Panel used the ninth meeting to review its vision for the following three years – a process that took into consideration the conclusions of both the mapping exercise referred to above, as well as the 2010 APSA assessment, but which was grounded in the provisions of the Modalities. Members acknowledged the 'need to intensify its conflict prevention efforts' and 'undertake, whenever necessary, field missions to help defuse tensions and prevent them from escalating into open conflicts' (AU 2010h:2-3). The strategic document that formed the basis of these discussions considered that,

[t]he Panel should play a more active role in operational prevention. In this regard, it is crucial that the Panel undertakes regular missions to potential conflict and crises areas. Accordingly, at every regular meeting, the Panel should continue to consider the current state of the continent with a view to identifying emerging conflict situations and,

as necessary, alert the PSC and the chairperson on emerging trends (AU 2010i:4).

In addition, the AU PW agreed to intensify its interaction with the PSC and the chairperson and to take specific measures to ensure more effective implementation and follow-up of the recommendations it adopted under its thematic reflection on election-related conflict and violence. In this regard, the document notes:

The Panel needs to pursue its thematic areas and play a more active role in following up on its decisions. This implies that the Panel, with the support of the Commission and other actors, actively engages member states and other stakeholders to disseminate its recommendations, garner the required political will and support, and, as appropriate, assume a monitoring role. The Panel also needs to publicise its work, particularly the steps taken at national, regional and continental levels (AU 2010i:3).

In this sense, members deliberated on the need to take further steps to ensure effective implementation of recommendations made (AU 2010h). Again, clearly referencing both the mapping and assessment reports, the AU PW recognised the need to ‘enhance its relations with similar bodies in the regional mechanisms’, which could ‘involve convening yearly meetings with such organs, as well as inviting members to attend the Panel’s regular meetings and to contribute to its activities’ (AU 2010i:4).

Finally, and related to some of the recommendations above, a 28 March 2011 open session with the PSC on the theme ‘Women and children and other vulnerable groups in armed conflicts’, is worth noting. Two members of the AU PW, Mme Mary Chinery-Hesse and Mme Marie Madeleine Kalala-Ngoy presented the Panel’s preliminary report on the topic. In its turn,

The Council reiterated the need to involve the Panel of the Wise, supported by civil society and women’s organisations, in a coordinated advocacy campaign for the ratification, domestication and implementation of relevant instruments relating to the situation of women and children in armed conflict (AU 2011k:3).

Following some reflection on the catastrophic consequences of conflict on women and children, the PSC highlighted the importance of gender mainstreaming across AU-related activities, calling for enhanced participation of women in formal mediation/negotiation processes, and the appointment of women as special envoys/representatives.

***The North Africa uprisings:
The African Union Panel of the Wise
steps up a gear***

The first months of 2011 were marked by popular uprisings in Tunisia and Egypt, and the gradual deterioration of the situation in neighbouring Libya. In Tunisia, the 19 March announcement of a constitutional referendum and preparations for presidential and legislative elections, scheduled for September and October of the same year, prompted renewed efforts by the AUC, partly involving the AU PW, to broker peace. The chairperson noted that,

The popular uprisings that occurred in Tunisia and in Egypt were unparalleled and posed serious doctrinal problems, because they do not correspond to any of the cases defined by the Lomé Declaration on Unconstitutional Changes of Government, whereas the management of the Libyan crisis poses the problem of African leadership in the promotion of peace and security in the continent and partnership with other members of the international community ... if the AU was unable to anticipate these developments, it has nonetheless reacted creatively in the face of situations which were not provided for in its instruments (AU 2011b).

Among others, these innovative strategies to the challenges in North Africa included good offices and fact-finding visits by the chairperson himself to Tunisia (21 and 22 March 2011) and Egypt (26 and 27 March 2011), followed by a visit by members of the AU PW to Tunisia on 11 and 12 April 2011, 23 and 24 April 2012 and again from 1 to 6 July 2013. This was the first time that the AU PW allowed information about its direct involvement in a situation into the public domain. The team that worked on Tunisia comprised H.E. Miguel

Trovoada and Mme Mary Chinery-Hesse. It convened with the aim of marking, first ‘the continued support of the AU for the efforts of the authorities and people of Tunisia in the current political transition in the country and, second, to assess the situation in that country, in order to identify possible accompanying measures to be taken by the AU’ (AU 2011c:1). The AU PW met with a variety of stakeholders and ‘saluted the courage of the people of Tunisia for their preference for peaceful change, and commended them for their solidarity and cooperation with international humanitarian organisations’ (AU 2011c:1). In addition, the Panel welcomed the invitation from Tunisian authorities for the AU to support the country in conducting and observing its elections (AU 2011c). By publicly sharing information on its mission, the AU PW implemented some of the recommendations in the strategic document referred to above, particularly in terms of increasing its visibility as an instrument of the AU. Notwithstanding this case, often the specificities of certain conflicts in Africa dictate that the AU PW is unable to publicise its involvement in interventions.

Shared values in the context of the Arab Spring

The January 2011 AU summit of heads of state and government, convened with the theme ‘Towards greater unity and integration through shared values’, introduced the concept of shared values – with a focus on governance – as a key element of African integration. Shared values include democratic governance, popular participation, the rule of law, human and peoples’ rights, and sustainable socio-economic development as key objectives of the AU.

The AUC’s efforts to put in place an African Governance Architecture (AGA), as clearly noted in the declaration on the theme of the summit, were an important outcome of the event, with implications for the work of the AU PW (AU 2011d). Furthermore, the PSC would later in the year request the AU PW to ‘undertake a comprehensive review, including the early convening of a workshop bringing together relevant stakeholders, of the existing mechanisms relating to democratisation and governance in Africa, and make recommendations to [the] Council at a meeting to be convened no later than December 2011’ (AU 2011l:3).

Unsurprisingly, Egypt, Libya and Tunisia took centre stage at the Panel’s tenth meeting, which was convened on 12 May 2011 in Addis Ababa, Ethiopia. In

addition to members of the AU PW and Friends of the Panel, Mr Leopold Quedraogo, representing ECOWAS' Council of Elders, as well as Ambassador Berhane Ghebray and Honourable Betty Bigombe, both representing the Common Market for Eastern and Southern Africa (COMESA) Committee of Elders, were in attendance (AU 2011e). This is a good illustration of increasing collaboration between similar mechanisms at the level of the RECs, first, in meetings and, then, in joint missions with the AU PW. At this meeting,

With respect to the popular uprisings in North Africa, the Panel emphasised that these developments provide a unique opportunity to deepen the democratisation processes on the continent and ensure that the commitments made by member states in numerous AU instruments are upheld and fully implemented ... the Panel highlighted the recommendations made by two of its members to Tunisia on 6 and 7 April 2011 (AU 2011e:3).

The AU PW was also extensively briefed by former President Jerry Rawlings of Ghana, AU High Representative for Somalia; Ambassador Boubacar Diarra, Special Representative of the Chairperson of the Commission for Somalia; and Honourable Kipruto Arap Kirwa, IGAD Facilitator for Somalia, among other representatives of the international community and experts in the field. Expressing 'deep concern' at the humanitarian situation in Somalia, the AU PW reiterated its call for Somali stakeholders to 'demonstrate the required political will to overcome the current crisis and to rise to the challenges facing their country', reminding them of their primary responsibility in achieving peace in Somalia (AU 2011e:2).

Libya was also the focus of detailed discussion and reflection by members of the AU PW. Calling on all parties to the conflict to achieve an immediate and complete ceasefire and, particularly, to end violence against civilians (including migrants), the AU PW:

Expressed its full support to the AU Roadmap for the Resolution of the Libyan crisis, as articulated by the Peace and Security Council at its 265th meeting held on 10 March 2011, stressing that this roadmap provides a viable basis for ending the current bloodshed, alleviating the suffering of affected civilian populations, and meeting the legitimate aspirations of the Libyan people ... the Panel welcomed the efforts and commitment

of the members of the AU High-Level Ad hoc Committee on Libya and stressed the unique contribution the committee can make in the search for a lasting solution to the Libyan crisis. It called on AU partners to extend their support to the committee, whose role is duly recognised by the UN Security Council Resolution 1973 (2011) (AU 2011e:3).

It should be recalled that the AU Ad Hoc High-Level Committee on Libya, comprising five heads of state and government and the chairperson of the Commission, was mandated to engage with all parties in Libya and continuously address the evolution of the crisis on the ground. In addition, the committee was tasked with facilitating inclusive dialogue among Libyan parties to reach agreement on appropriate reforms; engage partners, in particular the LAS, OIC, EU and UN to facilitate coordination of efforts and seek their support to resolve the crisis early (AU 2011f).

Finally, at this meeting, the AU PW adopted its thematic report entitled 'Non-impunity, justice and national reconciliation', including a policy framework on transitional justice for the AU. Members also reviewed the draft report on 'Sexual violence, women and children in armed conflicts' and the status of implementation of recommendations contained in its thematic report on 'Strengthening the role of the African Union in the prevention, management and resolution of election-related disputes and violent conflicts in Africa'.

There was an exchange of views on the PSC's request for a comprehensive review of the existing mechanisms relating to democratisation and governance in Africa (AU 2011f). Indeed, this application would be reiterated by Dr Kenneth Kaunda and Dr Mary Chinery-Hesse during the AU PW's briefing on its activities to the PSC on 13 May 2011 (AU 2011m). Looking forward to the planned mission of the AU PW to Egypt, the PSC 'stressed the important role that the Panel can play in accompanying and supporting the ongoing transitions in both Tunisia and Egypt' (AU 2011m:1). The AU PW was subsequently deployed to Egypt from 4 to 6 June 2011.

This mission had two main objectives: reiterating the AU's continued support for the efforts of the authorities and people of Egypt in the political transition, and assessing the situation on the ground to identify possible measures the AU could take (AU 2012a). Panel member Mme Chinery-Hesse and Dr Brigalia Bam,

member of the Friends of the Panel, and H.E. Sir James Mancham, Founding President of Seychelles (member of the Committee of Elders of COMESA) formed the mission. They were assisted by Ambassador Soad Shalaby, an Egyptian national, and also a member of the COMESA Committee of Elders. The AUC noted that:

It should be recalled that the AU and the regional economic communities signed a memorandum of understanding in 2008 calling for greater collaboration and coordination of efforts between them in all areas of work, including conflict prevention, management, reconstruction and mediation. The involvement of the Committee of Elders in the mission of the Panel of the Wise is, therefore, a tangible expression of the keenness of the AU and the RECs to strengthen relations with each other, and harmonise their strategic approaches (AU 2012a).

At the same time the PSC, the chairperson, and commissioner for peace and security continued their efforts on Côte d'Ivoire, Libya, Niger, Somalia, Sudan (with focus on Darfur and implementation of the CPA) and Tunisia. Meeting four times on the situation in Côte d'Ivoire alone, the PSC recalled its previous decisions recognising Mr Alassane Dramane Ouattara as the president-elect and its resolution to put in place a High-Level Panel for the Resolution of the Crisis in Côte d'Ivoire.²⁰ Of note is that former President Laurent Gbagbo of Côte d'Ivoire refused to accept the proposals made by this panel. A military campaign saw forces loyal to Ouattara, with the support of the French operation *Licorne* and the United Nations Operation in Côte d'Ivoire (UNOCI), acting under United Nations Security Council Resolution (UNSCR) 1975 (2011), arrest Gbagbo on 11 April 2011. Militias and mercenaries loyal to the former president continued to resist until they were defeated on 4 May 2011.

In Tunisia, the situation evolved positively, with the departure of President Zine El Abidine Ben Ali, and the visits of both the chairperson of the AUC as well as the AU PW to the country. The chairperson explained that,

The uprisings in Tunisia and Egypt have unveiled a profound process that potentially contributes to democratic consolidation across Africa ...

²⁰ This high-level panel/group was composed of the heads of state of Mauritania (chairperson), Burkina Faso, Chad, South Africa and Tanzania, as well as the chairperson of the AUC and the president of the ECOWAS Commission.

the grievances that have driven North African revolts have a universal ring to them: widespread dissatisfaction with authoritarian and insular governments that have been adept at manipulating constitutional rules to retain power; increasing income inequalities, high poverty levels, and declining living standards for middle classes; and disproportionately high levels of youth unemployment, leading to social alienation. New tools of mobilisation, such as the social media, have only contributed to sharpening the organisational tools of the new groups and constituencies (AU 2011j:18).

The Libyan crisis warranted significant attention during the first half of 2011, with some positive evaluation by the PSC of the Libyan government's (and President Muammar Gaddafi's) acceptance, of the AU Roadmap, particularly on the issue of a ceasefire and the deployment of an effective and credible monitoring mechanism.²¹ Yet, the escalation of the situation during the first months of 2011, with the indiscriminate use of force against protesters in the eastern part of the country, led to the 5 March 2011 establishment of a Transitional National Council based in Benghazi (AU 2011j).

On 12 March 2011, the UNSC decided to impose a no-fly zone over Libya, to protect civilians and civilian-populated areas under attack or threat of attack in the country, while excluding all foreign occupation forces of any sort from every part of Libyan territory. The campaign to enforce the no-fly zone started immediately after the Paris summit, which was held on 19 March of that year. From 31 March 2011, the North Atlantic Treaty Organization (NATO) assumed sole command of international air operations over Libya (AU 2011j). The PSC would recall the AU Assembly's decisions during the May 2011 extraordinary session as follows:

This meeting came against the background of the intensification of the NATO-led air campaign, including the use of attack helicopters; continued fighting between the Libyan government troops and the Transitional National Council elements ... deterioration of the humanitarian situation

²¹ The roadmap for the resolution of the Libyan crisis revolved around the: (i) immediate cessation of all hostilities, (ii) cooperation of the competent Libyan authorities in facilitating the timely delivery of humanitarian assistance to needy populations, (iii) protection of foreign nationals, including African migrants living in Libya, and (iv) adoption and implementation of the political reforms necessary for the elimination of the causes of the current crisis (AU 2011j).

for the civilian population as well as for the African migrant workers ... pending the establishment of such a ceasefire, the Assembly demanded an immediate pause in the fighting and in the NATO-led air campaign, to provide respite to the civilian population, stressing [that] the pursuit of the NATO-led military operation defeats the very purpose for which it was authorised in the first place and further complicates any transition to a democratic dispensation in Libya (AU 2011j:11, 35–36).

From Cairo II to full steam ahead

Following the July 2011 summit the PSD, and the Secretariat of the AU PW in particular, prepared for the Second High-Level Retreat on the Promotion of Peace, Security and Stability in Africa. This second meeting was dedicated to the theme 'Strengthening political governance for peace, security and stability in Africa'. It was organised in cooperation with the Government of Egypt, and with the support of the African Centre for the Constructive Resolution of Disputes (ACCORD) and the Centre for Humanitarian Dialogue (HD Centre), partners of the AU PW Secretariat. An impressive number of high-level participants, from the AUC and PSC (including the chairperson and the commissioner for peace and security, special representatives and special envoys), as well as representative of the RECs, member states, the UN and its organisations (such as the United Nations Economic Commission for Africa (UNECA) and the United Nations Development Programme (UNDP)), the EU, LAS, OIF, relevant think tanks and academic institutions graced the event. Former heads of state were also in attendance.

Central to this retreat, as would be the case in future meetings, were sessions devoted to horizon scanning, in this case focusing on trends, challenges and prospects for political governance.²² Participants also discussed the role of governance in preventing conflicts, including leadership and accountability; the part played by public opinion and civil society, and the modalities through which the private sector could support good governance; and, finally, the restoration of peace when governance breaks down, particularly in cases of election-related

²² For an in-depth discussion of this theme, based on the contributions of participants and presentations made, refer to ACCORD 2012.

conflicts, constitutional crises, security sector reform (SSR) and management of natural resources. Delegates focused on North Africa, noting that ‘the North African uprisings have unveiled a profound process that has the potential to contribute to democratic consolidation on the continent’ (AU 2011g:2).

Considering that the AU had over the years adopted several instruments relating to governance, human rights, elections and democracy, respect for diversity and minority rights, among others, delegates recommended that the ‘focus for the AU should no longer be the adoption of additional instruments, unless exceptional circumstances require, but rather the implementation of the existing ones’ (AU 2011g:2). Among many recommendations on how the AU could go about improving the implementation of existing normative and legal instruments on governance, participants recommended ‘greater involvement of the AU Panel of the Wise, the Pan-African Parliament and the African Commission on Human and Peoples’ Rights in the overall efforts to promote good governance and prevent conflicts’. Furthermore, ‘participants welcomed the steps being taken by the AU Panel of the Wise to undertake a comprehensive review of existing mechanisms relating to democratisation and governance in Africa, and to make recommendations to the PSC’ (AU 2011g:3–4).

Following Cairo II, the AU PW moved full steam ahead, conducting a total of seven missions until its 12th statutory meeting on 30 April 2012. A cursory review of these missions is contained below.

Within the framework of the AU’s efforts to promote a peaceful and transparent second post-conflict electoral process in the DRC, and as a means of implementing the recommendations in its report on election-related disputes and political violence, the AU PW went on an information/fact-finding mission to the DRC between 6 and 8 October 2011. This joint mission included representatives from no less than five institutions, including high-level representatives of COMESA, the International Conference on the Great Lakes Region (ICGLR), SADC, and the Economic Community of Central African States (ECCAS).²³ To sustain the

²³ These organisations were respectively represented by Ambassador Simbi Mubako of Zimbabwe, Member of the Committee of Elders of COMESA; Mme Liberata Mula-Mula, Executive Secretary of ICGLR; Hon. Judge John Billy Tendwa of Tanzania, Chairman of the Electoral Advisory Committee of SADC; and Ambassador Yaya Mahamat Liguita, Chairman of the Electoral Commission of Chad. See also AU 2011n.

momentum already gained and to increase the visibility of efforts, the AU PW's mission was followed by a 6 to 8 November 2011 visit by Dr Jean Ping, chairperson of the AUC, to the DRC. Dr Ping was accompanied by Panel member Dr Brigalia Bam.

The delegation met with President Joseph Kabila, several Congolese political actors, representatives of the Bureau of the Independent National Electoral Commission (CENI), the Group of African Ambassadors accredited to the DRC, the president of the senate, the speaker of parliament, the minister of foreign affairs, the minister of the interior, religious leaders including the cardinal of the Catholic Church, the special representative of the UN secretary-general, representatives of UN agencies, the head of the EU delegation in the DRC, and European ambassadors.

The AU PW's DRC missions demonstrated the importance of this type of engagement, which only a structure like the AU PW can provide. In fact, in addition to good offices and fact-finding through engaging the main political and civil society actors in the DRC, the aim of these missions included providing a platform for the numerous Congolese opposition political parties' voices to be heard and encouraging the inclusivity of the process. These visits also aimed to contribute to strengthening cohesion among partners, in particular those of the regional organisations involved in the missions (AU, ICGLR, COMESA, SADC and ECCAS).

Through these missions, the AU PW gradually tested the doctrine it developed in its first thematic report on the purpose, timing and focus of such missions. As noted in the AUC's report to the PSC on the AU PW's activities during 2012:

The Panel has agreed to undertake regular pre-election visits to countries that are expected to hold presidential and/or parliamentary elections in 2011, as a means of implementing the recommendations contained in its report on 'Election related disputes and political violence', adopted in July 2009 by the AU Assembly. The primary objectives of the missions are to invest in prevention and early warning, as laid down in the report of the Panel, and to promote and/or strengthen peaceful, free and harmonious electoral processes, as stipulated in the AU governance charter. The missions are also meant to afford the Panel the opportunity

to advocate for the ratification of relevant AU instruments adopted by the AU policy organs, especially the Charter on Democracy, Elections and Governance, to advocate for the establishment of a 'code of good conduct', and to engage with as many and as diverse stakeholders on the ground. These missions enable the Panel to make recommendations to the Commission and the PSC on appropriate measures to take and/or interventions (AU 2012a).

Before 2011 ended, the AU PW had convened the first of a series of experts' workshops on the Cairo II theme: 'Strengthening political governance for peace and security'. The inaugural meeting, held on 5 and 6 December in Zanzibar, Tanzania, was followed by the AU PW's 11th statutory meeting on 7 December 2011 (AU 2011h). In line with the Panel's recognition of the strategic need to deepen its relations with similar mechanisms at the level of the RECs/RMs, representatives of the ECOWAS Council of the Wise, East African Community (EAC), IGAD, Council of Elders of COMESA and SADC Panel of the Wise were at the meeting. Notably, the AU PW and its counterparts from the RECs agreed to continue enhancing their collaboration, and to systematically undertake joint initiatives aimed at preventing election-related violence. The AU PW also reviewed its framework on impunity, justice and national reconciliation and discussed its reports on women and children in armed conflicts, as well as efforts to strengthen political governance for peace and security (AU 2012a).

It is also worth noting that Panel members increasingly used statutory meetings, country missions and expert workshops to have informal consultations with the chairperson of the AUC, the commissioner for peace and security and members of the PSC. For example, the mission to the DRC discussed above presented an important opportunity to consult with the chairperson of the AUC. During the AU PW's 11th statutory meeting in Zanzibar, members met with the chairperson of the AUC to discuss African peace and security challenges and the best ways to address election-related disputes, in particular in countries preparing for polls in 2012. The AU PW would reiterate its commitment to continue working closely with the chairperson and to support his efforts, particularly in the area of conflict prevention (AU 2011h).

During January 2012, the members of the AU PW went on pre-election missions to Senegal (twice) and Egypt (represented by Panel member Mme Mary

Chinery-Hesse and Friends of the Panel member H.E. Miguel Trovoada) and briefed the PSC on these assignments on their return. The pre-election mission to Senegal, from 21 to 25 February 2012, was undertaken in collaboration with ECOWAS, represented by former President Olusegun Obasanjo of Nigeria. This trip, designed with conciliation in mind (as tensions were gradually escalating in the country) included facilitating the organisation of peaceful, free and fair elections as a priority. The intervention was primarily a good offices and fact-finding mission, which aimed to sensitise all political actors to respect democratic processes and abide by the constitutional and electoral laws of the country. President Obasanjo agreed to head the AU election observation mission organised by the DPA. Also in February 2012, the Panel, represented by Friends of the Panel members Dr Brigalia Bam and Mme Marie Madeleine Kalala-Ngoy, went on a pre-election mission to Mali.

The AU PW also had follow-up consultations in Tunisia on 23 and 24 April 2012, using the forum provided by a workshop on the theme 'Strengthening Political Governance for Peace, Security and Stability in Africa', which was held jointly with the Kenya-based Africa Leadership Centre. Here, members continued discussions on how best to review existing mechanisms on democratisation and governance in Africa and submit concrete recommendations to the PSC.

Following the sessions, on 30 April 2012 the AU PW hosted its 12th meeting, also in Tunisia. Chaired by Dr Mary Chinery-Hesse, the gathering was attended by the chairperson of the AUC and the AU commissioner for peace and security, as well as former President Moncef Marzouki of Tunisia and the Chairman of the Tunisian political party Ennahda Movement. Representatives of IGAD, the Community of Sahel-Saharan States (CEN-SAD) and COMESA were also in attendance (AU 2011h). Unfortunately on 11 April, a few weeks before the AU PW's 12th meeting, its chairperson, H.E. former President Ahmed Ben Bella, passed away. Following the loss of this distinguished and proactive member of the Panel, Dr Salim Ahmed Salim assumed the responsibility of chairing the AU PW for the remainder of its mandate.

Debating the security situation in Africa, the AU PW expressed particular concern about the tension prevailing in the relations between the Republic of Sudan and the Republic of South Sudan, welcomed the PSC's adoption of the roadmap outlining the actions required to defuse tensions and facilitate the

implementation of existing agreements and requested the two countries to comply scrupulously and fully with the roadmap. Furthermore, AU PW members strongly condemned recent coups in Guinea-Bissau and Mali, with members encouraging the two organisations (the AU and ECOWAS) to work closely together to ensure the restoration of constitutional order. The actions of armed and terrorist groups in northern Mali received particular attention from the AU PW, which expressed its deep concern (AU 2011h).

In the period leading to the January 2012 summit, the PSC focused on the situations in Côte d'Ivoire, the DRC, Egypt, Guinea, Libya, Madagascar, Somalia, Sudan (with focus on Darfur), and relations between Sudan and South Sudan, as well as the issue of the Lord's Resistance Army (LRA) (AU 2012a). The Comoros and Madagascar were gradually getting past the stalemates that had characterised their political environments for a number of years. Madagascar signed, under the aegis of SADC, a roadmap aimed at achieving a smooth exit from the crisis, while Côte d'Ivoire showed slow, but consistent, improvement. Likewise, if perhaps more cautiously, the PSC welcomed the signing of Somalia's End of Transition Roadmap at a UN, AU and IGAD-facilitated consultative meeting of Somali stakeholders that took place in Somalia's capital, Mogadishu, from 4 to 6 September.

In Sudan, PSC activities focused on the efforts of the AUHIP in initiating a new round of negotiations which were urgently needed to halt the escalating moves by both the governments of Sudan and South Sudan. Among its considerations were the following outstanding issues: sharing of oil/wealth; the 14 July 2011 adoption of the Doha Document for Peace in Darfur; the signing of an Agreement between the Government of Sudan and the Liberation and Justice Movement; and ending the violence in Sudan's Blue Nile and South Kordofan states (AU 2012a). Although the AU Assembly expressed satisfaction at the way the elections in the DRC were conducted, the many cases of violence and overall atmosphere of tension that characterised the 28 November 2011 polls were of concern.

In the same year, Mali's descent into armed rebellion, following the escalation of violence by the *Mouvement National pour la Libération de l'Azawad* (MNLA) and the subsequent *coup d'état* by the Malian army on 22 March 2012, as well as the revolution in Guinea-Bissau, two weeks before the second round of presidential

elections scheduled to take place on 29 April 2012, seized the attention of the AU. The result was that both countries were suspended from all AU-related activities, and ECOWAS imposed sanctions on Mali at the end of March 2012.

Likewise, the deteriorating situation in eastern DRC, the creation of the rebel group March 23 Movement (M23) from traitorous members of the Armed Forces of the Democratic Republic of Congo (FARDC) and serious humanitarian challenges, characterised by widespread displacement, violence against women and children, drew attention, yet again, to Central Africa.

The Pan-African Network of the Wise

Deepening conflict prevention synergies between the African Union and regional economic communities: Legal and normative dimensions

The AU PW's focus on strengthening its work and relations with similar structures in the RECs and RMs was clear from discussions at the group's 12th statutory meeting. In Tunis, Tunisia, the Panel confirmed the organisation of a special high-level meeting to engage on the modalities of ensuring deeper and more systematic collaboration with these actors. They proposed to hold this meeting in Ouagadougou, Burkina Faso (AU 2012b).

The Secretariat of the AU PW launched its preparations for the Ouagadougou high-level retreat by developing a detailed concept paper exploring the modalities of collaboration between the AU PW and similar mechanisms of the RECs/RMs. The paper explored options for setting up a continental network of panels and supported reflection and strategic thinking about ways of ensuring enhanced cooperation by delegates attending the Ouagadougou retreat (AU 2012c). This meeting is significant in that it was the first high-level retreat convened by the AU PW itself.

We noted above how the Panel had already begun to link more directly and substantively with similar mechanisms at the level of the RECs and RMs. The AU PW deployed its members, supported by members of the Committee of

Elders of COMESA, to Egypt; coordinated an information/fact-finding mission to the DRC in October 2011, which was reinforced by high-level representatives of COMESA, the ICGLR, SADC and ECCAS; arranged visits to Liberia, Senegal and Sierra Leone; and hosted experts' workshops which were often attended by representatives of the RECs and RMs.

The AU and regional panels of the wise and similar mechanisms are tasked with parallel responsibilities: to prevent and manage conflict, monitor elections, and mediate disputes. At a legal and normative level, the PSC Protocol (in Article 16) is clear in its consideration of the RMs as part of the overall security architecture of the AU. The chairperson of the AUC is expected to work closely with RMs to ensure effective partnership, harmonisation and coordination so that the activities of the RMs correspond with the objectives and principles of the AU (AU 2002: art. 10 (1, 2 and 3)).

In fact, in addition to the positive practical joint experiences of the AU PW and similar mechanisms at the level of the RECs in and of themselves justifying the need for a more systematic approach to collaboration, other key legal instruments (apart from the PSC Protocol) are worth mentioning. These include the Protocol on Relations between the African Union and Regional Economic Communities, adopted in July 2007 and, perhaps most importantly, the 2008 MoU.

While the Protocol on Relations between the African Union and Regional Economic Communities describes the nature of collaboration and coordination on peace and security policies in its second chapter (Article VII, sections 2 (b) and 30), the MoU signed in Algiers, Algeria, goes into detail about the forms of cooperation that could or should take place.²⁴

The MoU defines the 'principles, rights and obligations to be applied in the relationship between the Union, the RECs and the coordinating mechanisms, in matters relating to the promotion and maintenance of peace, security and stability in Africa, subject to their respective competencies' (AU 2008g: art. 1).

Among the objectives of relevance to the focus of this book, we highlight the institutionalisation and strengthening of cooperation and coordination of

²⁴ The parties to the MoU are the AU, Arab Maghreb Union (UMA), CEN-SAD, COMESA, EAC, ECCAS, ECOWAS, IGAD, SADC, East Africa Standby Brigade Coordinating Mechanism (EASBRICOM), and the North Africa Regional Capability (NARC). See AU 2008g.

activities (partnerships); the full operationalisation and effective functioning of the APSA; regular exchange of information on pertinent activities; development and implementation of joint programmes and activities towards the achievement and maintenance of peace; and ensuring that the activities of the RECs and RMs are consistent with the aims of the AU (AUC 2008a: art. 2). These goals are to be pursued on the basis of 'adherence to the principles of subsidiarity, complementarity and comparative advantage' (AU 2008g: art. 4).

Key areas of cooperation, which are explicitly defined in Article 5 of the MoU, include ensuring the operationalisation and functioning of the APSA; prevention, management and resolution of conflicts; and capacity building, training and knowledge sharing. Article 7 goes into detail on conflict prevention, management and resolution, calling on the AU and RECs/RMs to 'intensify their efforts towards the prevention of conflicts through, among other things, fostering policies aimed at promoting democratic principles and practices, good governance, the rule of law and the protection of human rights and fundamental freedoms, respect for the sanctity of human life and international humanitarian law' and, 'work together and draw on each other's expertise to contribute to the implementation of regional and continental instruments relevant to the promotion and maintenance of peace, security and stability in Africa' (AU 2008g: art. 7).

Article 7 further calls for cooperation between the AU and RECs/RMs to 'enhance their capacity to anticipate and prevent conflicts and actions that may lead to genocide and crimes against humanity' and, where conflicts have occurred, 'to cooperate in peacemaking and peacebuilding activities to resolve these conflicts and prevent their recurrence, including through good offices, mediation, conciliation, enquiry and deployment of peace support missions, as provided for in the PSC Protocol and other relevant regional instruments' (AU 2008g: art. 7).

Finally, the MoU calls for more capacity building and knowledge sharing activities, urging parties to 'engage in staff exchange and secondment programmes, as well as sharing of best practices and lessons learnt' (AU 2008g: art. 13). Some activities suggested in the MoU include: regular exchange of information, analysis and assessments; establishment of desk-to-desk consultations; meetings and regular discussions at both political and technical levels; institutional presence through the establishment of liaison offices; and joint activities and field coordination (AU 2008g: art. 13).

The principles of subsidiarity and comparative advantage are central to the articulation of the strategic and operational details of a possible continental network of panels. In this regard, we agree with Astill-Brown and Behabtu (2010:7) that while ‘the AU employs a principle of regional subsidiarity in dealing with peace and security issues across the continent’ which ‘recognises the comparative advantage of the RECs who often enjoy improved local knowledge’, this ‘outsourcing’ of responsibility to the various RECs is not intended to down-play the need for coordination at sub-regional and continental level, where organs such as the AU PW could be of critical importance. In fact, as highlighted by the authors of the 2010 APSA assessment study, issues of ‘vertical coordination’ (between AU and RECs) remain of critical importance (AU 2010l:23).

Panels and similar mechanisms at the regional economic communities/regional mechanisms: An overview

It is interesting to note which RECs/RMs have mechanisms similar to the AU PW. The Council of the Wise of ECOWAS was formed in 1999; COMESA’s Committee of Elders was launched in 2008; SADC’s Panel of Elders was established in August 2010; and IGAD put in place a Mediation Contact Group, with similar responsibilities to those of the AU PW. The discussion in this section will be supported by an overview of the status of implementation of these mechanisms at the level of the RECs/RMs.²⁵

Economic Community of West African States

The Council of the Wise of ECOWAS predates the AU PW by several years, and is credited as having inspired the creation of the continental Panel. The ECOWAS Protocol on the Mechanism for Conflict Prevention, Management and Resolution, Peacekeeping and Security of 1999 established the ECOWAS Council of Elders (later to become the Council of the Wise) as an institution that would work to support the ECOWAS Mediation and Security Council. According to the Council of the Wise’s draft statute, ‘the Council shall be composed of not less than 15 members drawn from various segments of society in member states’,

²⁵ This section builds on information in AU 2012c.

with the president of the ECOWAS Commission compiling a list of eminent personalities to sit on the panel annually. The Council of the Wise of ECOWAS is composed of distinguished women and men, political, traditional and religious leaders, whose appointment requires the approval of the ECOWAS Mediation and Security Council at the level of the heads of state and government of the region. The Mediation and Security Council can mandate the Council of the Wise of ECOWAS to undertake third-party interventions in potential crisis situations. In addition to the revised treaty of 1991 and the protocol referred to above, several ECOWAS legal and normative instruments underpin the actions of the Council. These include the Supplementary Protocol on Democracy and Good Governance of 2001 and the ECOWAS Conflict Prevention Framework of 2008 (ACCORD 2013).

Similar to the AU PW, the president of the ECOWAS Commission and the Mediation and Security Council can request the Council of the Wise of ECOWAS to address particular conflict situations; the Council can also initiate interventions as it deems necessary. In consultation with the president, and in cooperation with special representatives, envoys and mediators, ECOWAS' Zonal Bureaux and other ECOWAS agencies in member states, the ECOWAS Council of the Wise:

- i. advises the president of the ECOWAS Commission on all issues pertaining to the promotion and maintenance of peace, security and stability in West Africa and on the continent
- ii. undertakes actions deemed appropriate to support the efforts of the Mediation and Security Council and the president of the ECOWAS Commission for the prevention of violent conflicts
- iii. pronounces itself on any issue relating to the promotion and maintenance of peace, security and stability in the region
- iv. acts at the request of the president of the ECOWAS Commission (ECOWAS 1999).

We should note, however, that unlike the AU PW, the Council of the Wise of ECOWAS is not a standing structure, but one that takes the form of a 'list of eminent personalities, who, on behalf of ECOWAS, can use their good offices and experience to play roles of mediators, conciliators and facilitators' (ECOWAS 1999: art. 20).²⁶

²⁶ See also El-Abdellaoui 2009.

In consultation with the relevant organs, the Council can give advice; facilitate the establishment of channels of communication between parties engaged in a dispute and between them and the president of the Commission; carry out fact-finding missions; conduct shuttle diplomacy; encourage parties, where appropriate, to engage in political dialogue, adopt confidence-building measures, and carry out reconciliation processes; assist and advise mediation teams engaged in formal negotiations; assist and advise parties on how to resolve disputes related to the implementation of peace agreements; and develop and recommend ideas that can contribute to the promotion of peace, security and stability in West Africa.

In undertaking any of the actions listed above, the Council of the Wise of ECOWAS must ensure that its initiatives facilitate appropriate action by the Mediation and Security Council and the president of the Commission, add value to existing efforts, and contribute effectively to conflict prevention and resolution, as well as to peacebuilding. It must meet at least twice a year, and/or at any time at the request of the president of the ECOWAS Commission or as dictated by circumstances. Between meetings, members of the Council must remain in regular communication through appropriate channels to facilitate the effective discharge of their mandate.

Similar to the AU PW, the Council of the Wise of ECOWAS can submit its views and recommendations on any matter relating to the promotion and maintenance of peace, security and stability to the president of the Commission. In addition, it must submit regular reports on its activities to the same office as well as the commissioner for political affairs, peace and security. Detailed bi-annual reports to the president are also a requirement. The ECOWAS Council of the Wise may issue press releases or statements, or communication in any other form it considers appropriate, on any matter under its consideration or on any meeting or consultation it hosts.

Finally, the ECOWAS Commission is tasked with providing administrative, technical and logistical support, including sharing information on specific crises, mediation and negotiation processes, as well as available research and advisory capacities to support conflict prevention and management efforts. In a bid to strengthen its preventive diplomacy capacity, ECOWAS is in the process of establishing a permanent Mediation Facilitation Division, with the mandate

to support the Council of the Wise, among other tasks. Moreover, plans are underway to establish a Forum of Former Presidents to complement the work of the Council (PSD 2010).

As noted in the report of the AU PW high-level retreat, similar to other regions, the Council of the Wise of ECOWAS has faced some challenges, which include,

... the lack of ECOWAS-dedicated staff to support the Council of the Wise ...; financial constraints; absence of a dedicated work plan for the Council of the Wise; insufficient feedback from member states. Some recommendations proposed to address these challenges include ensuring availability of technical assistance for the ECOWAS office supporting the Council of the Wise; collaboration between the AU and RECs' panels and councils of the wise; development of a joint annual programme of the continental network; joint financing and budgeting to support the joint annual work plan instead of relying on donors; and formal recognition of the panels and councils of the wise by the statutory-making institutions of the AU and RECs so that consulting with the panels becomes natural and routine (ACCORD 2013:36).

Notwithstanding these issues, since its establishment, members of the Council of the Wise of ECOWAS have been deployed to Liberia, Guinea, Guinea-Bissau, Niger, Sierra Leone and Togo to engage with local stakeholders to find solutions to conflicts in their countries. Since 2008, the Council has intensified its activities around electoral processes and local dispute resolution in the region: it conducted two fact-finding missions to, and an election observation assignment in, Côte d'Ivoire, one fact-finding and one election observer mission to Ghana in December 2008, and fact-finding and election observation assignments in Guinea-Bissau and Guinea, also in 2008.

Community of Sahel-Saharan States

CEN-SAD established a structural component called the CEN-SAD Permanent High-Level Mediator for Peace and Security in 2000. Members of the body have since taken part in arbitration efforts in CAR, Chad, Mali and Niger, with varying outcomes. Yet, as noted in the 2010 APSA assessment study, 'there is no support mechanism for the High-Level Mediator at the CEN-SAD secretariat, whose

overall staffing level is skeletal ... to date, there is no evidence of cooperation between the high mediator and the Panel or its equivalents in the RECs' (PSD 2010:54).

Common Market for Eastern and Southern Africa

The regional body COMESA officially established a Committee of Elders as part of its preventive diplomacy strategy in 2009. The initial idea of creating a Committee of Elders for COMESA had been proposed in November 2006 at the seventh meeting of ministers of foreign affairs of COMESA countries. They recommended the establishment of a group drawn from the region to strengthen the RECs' preventive peacebuilding assignments, including in mediation, dispatching of peace envoys, shuttle diplomacy efforts and providing leadership for COMESA election observation missions. The Committee comprises nine standing members who are supported by a unit in the secretariat. The first elders were elected in 2009 and included: Ambassador Immaculate Nahayo of Burundi, Ambassador Soad Shalaby of Egypt, Ambassador Bethuel Kiplagat of Kenya, Ambassador Anund Priyay Neewoor of Mauritius and Ambassador Atem Garang Deng Deduek of Sudan. Ambassador Gherbray Berhane of Ethiopia and Honourable Betty Bigombe from Uganda were elected into the Committee during the 13th COMESA summit in 2010. There are plans to establish a mediation support unit within COMESA's secretariat to support the mediation efforts of the Committee of Elders.

The first ever retreat of the Committee took place from 29 November to 2 December 2011 in Mombasa, Kenya, with the objective of developing rules and procedures on how the Committee would function. Respected elders who attended the retreat included Ambassador Nahayo, Ambassador Shalaby, Ambassador Berhane, Ambassador Neewoor, Ambassador Dekuek, Honourable Bigombe and Ambassador Simbi Veke Mubako from Zimbabwe (ACCORD 2013).

As noted above, COMESA's Committee of Elders has carried out joint pre-election assessment missions with the AU PW, to the DRC and Egypt, and has observed elections in the DRC, Uganda and Zambia.

Intergovernmental Authority on Development

The Intergovernmental Authority on Development has considerable experience in mediating conflicts – the CPA between Sudan and Southern Sudan and the TFG in Somalia are two of the most notable cases of its role in mediation work in the region. Efforts to institutionalise mediation within IGAD began in earnest in 2007. The organisation, as part of its 2010–14 Peace and Security Strategy, prioritised the establishment of a mediation support unit ‘to facilitate IGAD mediation efforts’ (ACCORD 2013:34), and created a Mediation Contact Group.

East African Community

The EAC aims to establish a Panel of Eminent Persons to undertake mediation within and among EAC member states. The concept is still in development and is embedded in the EAC policy on conflict prevention, management and resolution and the two draft protocols that were, at the time of writing, waiting to be approved by EAC member states. One of the most unique features of the planned EAC Panel of Eminent Persons is that membership will not be restricted to individuals from the five member states; the Panel could include qualifying high-level personalities from other regions.

Southern African Development Community

In southern Africa, SADC opted to utilise a dual structure: the Mediation Reference Group and the SADC Panel of Elders. Using this model, the REC deployed mediators and special envoys to engage the governments and stakeholders of both Zimbabwe and Madagascar on the conflicts in their countries.

Economic Community of Central African States

In Central Africa, ECCAS is in the process of fully operationalising the *Comité des Ambassadeurs* (Committee of Ambassadors) tasked with undertaking preventive diplomacy and mediation. It was originally established in 2007 to assist the general secretariat of ECCAS to transfer the Central African Economic and Monetary Community’s peacekeeping force (CEMAC) to ECCAS. In 2008, a workshop organised by the general secretariat recommended the establishment of a mediation unit.

The Ouagadougou retreat: Crafting a continental network of panels and similar mechanisms

The Ouagadougou retreat took place on 4 and 5 June 2012 in Burkina Faso. In attendance were representatives of the AU PW's regional counterparts, including the Council of the Wise of ECOWAS, SADC's Mediation Reference Group and Panel of Elders, COMESA's Committee of Elders, and IGAD's Mediation Contact Group. In addition, the secretariats of ECCAS, EAC, the Arab Maghreb Union (UMA) and CEN-SAD were represented. Participants from organisations with similar mandates, like the Regional Centre for Pastoralist Elders (RCPE) and the Global Leadership Foundation (GLF), as well as mediation experts and high-level representatives, academics and civil society partners also attended. The retreat was organised with the support of ACCORD (2013).

A key objective of the event, as noted, was to enable these institutions – but particularly at this stage the AU PW and similar mechanisms at the level of the RECs – to strategise on collaboration, cooperation and coordination of their efforts. This included a review of mandates and modalities of operation of all panels and similar mechanisms, and a reflection on lessons drawn from years of operation, including discussing weaknesses and identifying opportunities for more proactive approaches to conflict prevention. The purpose, as far as the Secretariat of the AU PW was concerned, was that by the end of the meeting participants would agree on draft joint modalities of work and a draft programme of work. As noted in the Secretariat's concept note distributed to participants before the meeting,

Avenues identified to do so include regular exchanges of information on activities pertaining to the promotion and maintenance of peace, security and stability; enhanced coordination of activities; the implementation of joint programmes; and initiatives aimed at strengthening the continent's capacity in relevant areas. Specific areas of cooperation include the operationalisation and functioning of the African Peace and Security Architecture; the prevention, management and resolution of conflicts; humanitarian action and disaster response; post-conflict reconstruction and development; arms control and disarmament; counter-terrorism and the prevention and combating of trans-national

crime; border management; capacity building, training and knowledge sharing; resource mobilisation; and other areas of shared priorities and common interest (ACCORD 2013:12).

The opportunity for more systematic reflection on the modalities of collaboration between panels across the continent proved invaluable to those who drafted an initial operational framework and plan of action for a continental network of panels. During the retreat Dr Chinery-Hesse, a member of the AU PW, noted that 'the collaboration between the AU and RECs is imperative, given that these institutions work for the same constituencies and aim to achieve similar goals and objectives' (ACCORD 2013:32). Following recommendations made by the commissioner for peace and security, this new network was named the Pan-Wise. In its report on the meeting, ACCORD (2013:8) explained that:

The establishment of the Pan-Wise was unequivocally embraced by representatives from the AU and the RECs. The Pan-Wise provides an avenue for consolidation and enrichment of peacemaking frameworks on the African continent. It was agreed that the details and operation modalities of the Pan-Wise were to be submitted to the policy organs of both the AU and the RECs for further deliberation and acceptance.

The Ouagadougou retreat included a session with H.E. President Blaise Compaoré of Burkina Faso who commended the AU PW's role and work, and urged the use of elders' wisdom in the pursuit of peace. He also called for urgent additional international support to resolve the crisis in Mali, stressing the need for dialogue, and his readiness to continue to back the process. The forum also offered a unique opportunity for discussions on the ongoing peace processes in the region, including in Guinea-Bissau; and on issues related to governance in Africa.

Encouragingly, delegates discussed a draft framework for the operationalisation of the Pan-Wise. Participants had reviewed a draft framework and background paper prior to the meeting, and used that as the basis of their reflections on: opportunities and challenges of collaboration, cooperation and coordination of efforts; regular exchanges of information; enhanced coordination of activities; and implementation of joint programmes and initiatives aimed at identifying concrete opportunities for future collaboration (AU 2013a).

The advantages of creating a continental network of panels seemed obvious. First and foremost, by strengthening formal and informal communication linkages, panels could, in more efficient and predictable ways, join forces to give pronouncements on key (often controversial) issues with more authority, legitimacy and, therefore, influence. Pooling their strengths together in a more systematic way would also contribute to assuring panels' independence – a unique characteristic of these mechanisms mentioned above. Secondly, a continental network could better support collaboration in research, thereby strengthening panels' thematic foci and horizon scanning functions. Finally, a network of panels would allow for the co-development of communication strategies, and production and wide dissemination of information about panels' mandates and work, and promote interaction with other actors, including wider African audiences.

A continental network of panels was regarded as having the potential to address some of the more strategic and normative policy harmonisation dimensions of peacemaking by regional and sub-regional organisations. Thinking through proposals for the modalities of practical interaction between the AU and the RECs to undertake preventive diplomacy and peacemaking remains an area that requires urgent attention. This could possibly be the focus for such a network, as it would be ideally placed (in light of the experience of its members) to strategically reflect on these issues and develop recommendations that would translate into operational guidelines. Such an approach could deepen institutionalised cooperation between the AU and the RECs in peacemaking and peacebuilding activities, and in good offices, mediation, conciliation and enquiry.

In light of the many obstacles that typically affect conflict prevention work, a continental network of panels could strengthen the ability of members to ensure political buy-in from both their member states and relevant stakeholders. Some system-wide coordination, therefore, even if loosely defined as a network, could potentially strengthen African panels' ability to more efficiently overcome obstacles to their activities. These challenges are many and include countries blocking panels' interventions, necessitating preventive diplomacy; the political attention that early warning requires if early responses are to be effective; and panels' ability to operate and initiate interventions of their own volition (AU 2012c).²⁷

²⁷ These issues were discussed at length in the Secretariat's background paper. See AU 2012c.

Delegates also noted some difficulties that panels, among them the AU PW, experience when they operate in highly complex environments. They explained that 'states are at times reluctant to surrender some of their political powers to supranational institutions ... members of the AU Panel of the Wise were urged to collaborate with state institutions, especially in implementing early warning activities and taking appropriate action' (ACCORD 2013:19). An additional dimension that was emphasised related to the 'increase in the number of structures and institutions of peacemaking' which 'can create a cacophony of peacemaking actors'. The cases of Côte d'Ivoire and Madagascar were also discussed. Known in mediation literature as the 'complexities of multi-party mediation', this is a critical issue that could be an area of focus for the AU PW's future reflections.²⁸ Delegates at the retreat also proposed the development and implementation of a clearer strategy for division of labour and subsidiarity, avoiding overcrowding of mediators on the same conflict situation. Furthermore, the AU PW and similar mechanisms were 'encouraged to take the discussions to middle and grassroots-level actors', with particular focus on Track II and civil society actors, but also to eminent personalities from a variety of backgrounds – a recommendation that would be taken on board in broadening the membership of the Pan-Wise (ACCORD 2013:45–48).

Practically, a more sustained and predictable networking arrangement offered the prospect of a strengthened support base, provided by the various panels to their respective institutions on ongoing peacemaking efforts, as this will become an increasingly growing portfolio of activities. Sharing experiences and knowledge, best practices and lessons learnt, as well as joint training and capacity-building initiatives were regarded as key to the mandate of such a network because of the potential of these activities to improve and strengthen institutional capacities to document and record experiences and effective strategies.

Another advantage of a continental network of panels is that it could also support the AUC in awareness raising and possibly in monitoring implementation of treaties, protocols and decisions of the AUC, RECs, RMs and member states, which are relevant to peace and security, as well as governance, human rights and others.

²⁸ See for example two studies on Guinea-Bissau and Angola: Gomes Porto 2014a and Gomes Porto 2014b.

Furthermore, and bearing in mind the importance of horizontal and vertical coordination, such a network could become the hub of coordination between panels and other pillars of the architecture; particularly the CEWS. The CEWS has the potential to become a vital resource for the AU PW due to its ongoing monitoring and analysis of information on the state of the continent and development of scenarios and policy/response options. As noted earlier, the AU PW's closer interaction with the CEWS is increasingly important for the Panel's pursuit of a more systematic horizon scanning function. Indeed, as per the PSC Protocol, it is important to bear in mind that the CEWS also incorporates early warning mechanisms at the level of the RECs, which should be linked directly to the AU Situation Room. The use of CEWS tools, particularly the Africa Media Monitor, Africa Prospects and CEWS Portal, could be significant for the Pan-Wise as well (AU 2012c).

On the basis of these discussions, institutions represented at the retreat agreed to establish the continental network as the Pan-Wise, approving that 'the details and operation modalities of the Pan-Wise were to be submitted to the policy organs of both the AU and the RECs for further deliberation and acceptance' (ACCORD 2013:8). The Pan-Wise was thus conceived as 'an umbrella network bringing together the various mechanisms, the Union's high-level representatives and special envoys, the Friends of the Panel, and individual mediators and institutions engaged in mediation activities at various levels – with the aim of enabling them to work on joint activities and cement their partnership, on the one hand, and that between the AU and RECs at large' (AU 2013c:2). Delegates agreed to convene a follow-up meeting to agree on the modalities of work of the new entity.

Finally, it is important to mention the session devoted to horizon scanning where ACCORD's Founder and Executive Director, Mr Vasu Gounden and Mr Francesco Mancini, Senior Director of Research at the International Peace Institute (IPI) gave presentations. Ten major trends were identified as having the potential to pose renewed challenges to conflict prevention, management and resolution efforts in Africa in the years to come. These are:

- i. the challenges of ongoing, recurrent conflicts
- ii. underdevelopment
- iii. weak and uncoordinated civil society

- iv. weak states and institutions
- v. governance, democracy and election-related violence
- vi. regional dimensions of conflict
- vii. limited national frameworks and institutions of peace
- viii. population trends and dynamics
- ix. poverty and inequality
- x. coordination of peacemaking efforts (ACCORD 2013:15).

Although the AU PW has, since its inception, researched and reflected on some of these, and even developed recommendations, it would be useful for the AU PW to discuss how best to address selected global trends as part of its horizon scanning function in the years to come.

The launch of the Pan-African Network of the Wise

We endorse the establishment of the Pan-Wise network comprising the Panel of the Wise, similar structures within the RECs/RMs and all other actors contributing to peacemaking through preventive action and mediation, as agreed to during the second retreat of these organs held in Addis Ababa from 11 to 12 April 2013 (AU 2013b:1–2).

The Pan-Wise network met again at the follow-up retreat held in Addis Ababa, Ethiopia, on 11 and 12 April 2013. Again, the event was organised with the support of ACCORD. Devoted to the theme 'Institutionalising the Pan-African Network of the Wise: Contribution to Pan-Africanism and African Renaissance', this second retreat of the AU PW and similar mechanisms also included individual mediators and institutions engaged in conciliation activities at various levels (among them ombudsmen, local councils of elders, pastoralist mediators, etc.) (AU 2013c). Widening participation and membership in the Pan-Wise would become an important dimension of future discussions within the network.

The process of institutionalising the Pan-Wise, agreeing on the modalities of operation and a work plan, as well as the promotion of experience sharing were key objectives of the meeting. In his opening words, Ambassador Ramtane Lamamra, Commissioner for Peace and Security, recalled that the Ouagadougou decision on the establishment of the Pan-Wise had been overwhelmingly supported at the seventh meeting of senior officials of the AU and RECs/RMs

for conflict prevention, management and resolution. Indeed, delegates at this gathering had called for the organisation of another retreat to institutionalise Pan-Wise following examination of the draft framework for its operationalisation and plan of action. Commissioner Lamamra emphasised that ‘a clear and well-articulated document’ was needed to come out of this retreat, which would enable the Pan-Wise to be developed through a bottom-up approach by involving a wider pool of actors, such as African mediators, mediation associations, local governments and civil society. He explained that the Pan-Wise must be ‘an innovative system which should be broad-based, effective and representative of both our member states and the people of Africa’ (AU 2013k:4–5).

Departing from the legal and institutional basis for the creation of the Pan-Wise, as well as the rationale for such a network, the framework defines, as core members:

... the AU Panel of the Wise and its existing and future counterparts at sub-regional level including: the Economic Community of West African States’ Council of the Wise; the Southern African Development Community’s Mediation Reference Group and Panel of Elders; the Common Market for Eastern and Southern Africa’s Committee of Elders; and the Intergovernmental Authority for Development’s Mediation Contact Group. The secretariats of the Economic Community of Central African States, East African Community, Union of Maghreb States and the Community of Sahel-Saharan States shall be part of the network while, and until such time as these organisations develop and implement their respective panels. To enhance the effectiveness of the Pan-African Network of the Wise, it shall also include, as partners, institutions and personalities working at different levels in the area of conflict prevention and mediation, such as the Forum of Former Heads of State, the African Association of Mediators, and others. When appropriate to the agenda of the Pan-African Network of the Wise, the AU chairperson, as well as African mediators, special envoys, special representatives, chief mediators and their mediation teams, shall be invited to participate in network activities (AU 2013a:2).

In the operationalisation of the network, Pan-Wise members committed to participating in: retreats and meetings; joint missions; collaborative research;

experience sharing, and best practice and lessons learnt documentation; joint training and capacity building initiatives; policy harmonisation and strategic orientation on conflict prevention and peacemaking; ongoing contact and communication; awareness-raising and guardianship of institutional norms in light of conflict prevention and peacemaking activities on the ground; coordination between panels and other pillars of the APSA; and other regular joint activities. Members also agreed that coordination of the Pan-Wise would rest with the Secretariat of the AU PW (AU 2013a).

Members decided that they should meet a minimum of two times per year. In terms of the key areas for joint implementation, members agreed to strengthen collaboration, with a view to jointly undertaking information/fact-finding missions, pre- and post-election assessment missions, election observation missions and post-conflict assessment missions (including the possibility of developing joint reports and briefings). Moreover, with regard to collaborative research, members agreed to join forces in undertaking thematic research and horizon scanning, with the aim of achieving the systematic development of research projects and activities (AU 2013a).

On the topics of experience sharing, best practice and lessons learnt documentation, and joint training and capacity building initiatives members agreed to, either as part of the agenda of their retreats or at workshops especially convened for the purpose, focus on experience sharing with a view to strengthening the support that the various panels provide to their respective institutions in their ongoing conflict prevention and peacemaking efforts. Members committed themselves to working together on improving and enhancing their respective institutions' capacities to document and record experiences and lessons learnt; as well as to jointly develop and share 'rosters' of envoys and technical mediation experts (AU 2013a).

Discussing the need for conflict prevention and peacemaking policy harmonisation and strategic orientation, members were in agreements that the network must reflect and engage on these issues, within the context of the APSA. This could entail thinking through the modalities of practical interaction between the AU and the RECs on preventive diplomacy and peacemaking. A good example of this would be the co-development of operational guidelines which interpret existing normative principles and best practice to enhance

institutional cooperation between the AU and the RECs in conflict prevention and peacemaking (AU 2013a).

Network members also agreed to strengthen their day-to-day contact and communication, either directly through their secretariats and/or liaison offices (RECs/RMs) at AU headquarters in Addis Ababa, Ethiopia. Nevertheless, members acknowledged that additional preventive diplomacy and peacemaking efforts might be required to ensure ongoing desk-to-desk contact; sharing of information and analysis; co-development of conflict prevention strategies and plans where appropriate; and awareness raising.

Importantly, the meeting agreed on a plan of action for the period 2013–14, focusing on four interrelated clusters (AU 2013d). The first relates to activities to deepen practical collaboration on conflict prevention, mediation and related peacemaking activities. Regarded as a priority, this set includes deployment of joint missions,²⁹ strengthening horizontal and vertical linkages on conflict prevention, mediation and related peacemaking activities,³⁰ as well as collaborative horizon scanning.³¹ The second cluster focuses on knowledge management, best practices and lessons learnt including, among others, expanding the AU PW's KMF to the Pan-Wise, and supporting the AUC to develop a network of mediators and peacemakers across the continent. The final two clusters include training and capacity building, and the development of an outreach and communications strategy.³²

²⁹ In terms of the deployment of joint missions, foreseen activities include the development of a common calendar and establishment of a database of resource persons and identification of focal points in each organisation, and beginning to write joint reports and undertake evaluations.

³⁰ This dimension includes developing recommendations on modalities of practical interaction on preventive diplomacy, mediation and related peacemaking activities between APSA actors; convening a meeting to discuss how best to practically strengthen the link between APSA early warning systems and similar mechanisms.

³¹ Activities include defining a limited number of core themes on conflict trends and challenges in Africa that could guide its initiatives; exploring the operational dimensions of conducting joint/collaborative horizon scanning; and defining its role in relation to the CSCPF.

³² For more detail refer to AU 2013d.

Cairo III: Taking stock of ten years of the African Union

Continuing crises and conflicts

The period between the Ouagadougou retreat and the launch of the Pan-Wise in Addis Ababa, Ethiopia, was punctuated by activities of AU institutions, particularly the PSC and the chairperson, in the continuing crises in Guinea-Bissau, Mali and Somalia; the post-secession state of affairs between Sudan and South Sudan and, in particular, the armed confrontation in Heglig, a small border town in Sudan's South Kordofan state; the escalation of violence in the DRC and the continuing presence of the LRA; the situations in Egypt, Libya and Tunisia; challenges in the Sahel; and the difficulties of implementing a roadmap to end the political impasse in Madagascar. These were the main issues on which the PSC focused during the first six months of 2012 (AU 2012I).

We previously mentioned the coups in Mali, in March 2012, and in Guinea-Bissau in April of the same year. The escalation of violence and the *de facto* occupation of the northern part of Mali by the MNLA, Ansar Dine, *Mouvement pour l'Unification et le Jihad en Afrique de l'Ouest* (Movement for Unity and Jihad in West Africa (MUJAO)) and al-Qaeda in the Islamic Maghreb (AQIM), entities that the AU regarded as 'armed terrorist and criminal groups', were of particular concern. Here, the AU supported ECOWAS' condemnation of the state of instability and the possibility of deploying an ECOWAS force to the country, urging the UNSC to endorse such a roll-out. A Support and Follow-up Group on the Situation in Mali was inaugurated on 7 June 2012 in Abidjan, Côte d'Ivoire.

Positive developments in 2012 included Interim President Dioncounda Traoré's return to Bamako, Mali, and the 20 August formation of the government of national unity. These changes allowed the PSC to lift the country's suspension from the AU. The situation on the ground, however, was far from resolved. The AUC went on to develop a Strategic Concept for the Resolution of the Crises in Mali, in collaboration with Malian authorities and relevant stakeholders (AU 2013I). The adoption of the concept of operations (CONOPS) for an African-led International Support Mission in Mali (AFISMA) by ECOWAS was endorsed by the PSC 'in response to the request of the Malian authorities to regain the

occupied regions in the north of the country, dismantle the terrorist and criminal networks and restore effectively the authority of the state over the entire national territory' (AU 2013I). At its 341st and 348th meetings, the PSC urged the UNSC to fully support the harmonised CONOPS and its strategic concept, and to authorise, for an initial period of one year, the planned deployment of AFISMA. On 20 December 2012, the UNSC finally sanctioned the deployment of AFISMA for an initial period of one year, in line with UNSCR 2085. The PSC noted:

... as these efforts were underway, the terrorist and criminal armed groups launched a massive attack on the positions of the Malian army, with the view to occupying the area of Sevare, which controls access to the strategic town of Mopti, leading directly to Bamako. At the request of the Malian government and within the framework of resolution 2085 (2012) France launched the Serval Operation to block the attempted progress of the terrorist and criminal armed groups (AU 2013I:36).

In line with what the AU considered to be a holistic approach to the multiple crises faced by Mali, it considered it 'important to simultaneously make determined efforts to promote the broadest possible national consensus among the Malians on the challenges faced by their country'. It was in this context that the chairperson appointed former President Pierre Buyoya as High Representative for Mali and the Sahel.

On Darfur, although there was faltering movement in the implementation of the Doha Document for Peace in Darfur, serious delays in agreeing on ceasefire and security arrangements were observed. The situation gradually deteriorated, with increased fighting between government forces and armed movements, renewed attacks on UNAMID troops, and general crime and lawlessness. The PSC suggested that:

[t]he rise in hostilities between the armed movements and government forces have recently become entwined with inter-tribal rivalries, farmer-herder disputes, and competition over control of gold producing areas. This situation has led to considerable civilian casualties and displacements across Darfur. It has also had an impact on humanitarian access and the security of humanitarian personnel (AU 2013I:25).

At the same time, the AUHIP continued its efforts on the Sudan/South Sudan situation, in line with the provisions of the roadmap adopted in April 2012 and endorsed by UNSCR 2046. This plan required the Sudanese parties to 'implement a series of measures, within a clearly defined timetable, to halt hostilities and reduce tension, build confidence between the two states, and complete negotiations on the outstanding issues under the facilitation of the AU High-Level Implementation Panel within three months' (AU 2013I:26). Negotiations took place from May to August, and then through September, with the presidents of the two countries finally signing 'a series of agreements covering security arrangements, oil and transitional financial arrangements, the status of nationals of one country resident in the other, post-service benefits, trade, banking, border issues and other certain economic matters' (AU 2013I:26). Sudan's Abyei region and the resolution of disputed border areas were left out of these agreements. The AUHIP later developed a Proposal on the Final Status of the Abyei Area, which was accepted by the PSC on 24 October 2012. The parties, however, 'were not able to discuss either the implementation of the Abyei Temporary Agreement or the Final Status of the Abyei Area' during an agreed six-week period. The PSC noted:

It is against this background that the chair of IGAD, Prime Minister Hailemariam Desalegn of Ethiopia, visited Khartoum and Juba on 26 and 27 December 2012, respectively. He took the opportunity to engage the Presidents of Sudan and South Sudan directly on the outstanding issues, and invited them to attend a Summit meeting in Addis Ababa. The summit between President Omar Hassan Al Bashir and President Salva Kiir Mayardit was convened by the AUHIP in Addis Ababa on 4 and 5 January 2013. The meeting marked progress on all issues under discussion. The two Presidents agreed to the full and unconditional implementation of the Agreement on Temporary Arrangements for Administration and Security in Abyei Area (AU 2013I:28).

In the DRC, escalating violence against civilians perpetrated by M23 also occupied the attention of AU institutions during this period. Efforts by the executive secretariat of the ICGLR, in conjunction with neighbouring states, to find a solution to the crisis provoked by the M23 rebellion notwithstanding, the situation in the east of the country had deteriorated substantially.

The chairperson of the Commission appointed Ambassador Boubacar Gaoussou Diarra of Mali as the AU special representative for the Great Lakes region on 1 November 2012. He was tasked with speeding up the operationalisation of the Joint Verification Mechanism and the establishment and deployment of a Neutral International Force (NIF). Later, the PSC would welcome the decision of the SADC extraordinary summit held on 8 December 2012 in Dar es Salaam, Tanzania, to deploy its Standby Brigade in the eastern part of the DRC, within the framework of the NIF (AU 2013I).

During the period under analysis, the AU PW continued to undertake pre-election missions. From 25 to 29 September 2012, members travelled to Ghana ahead of the 7 December 2012 elections, while from 30 September to 5 October 2012, a delegation was in Sierra Leone, working with ECOWAS to undertake a pre-election assessment in the country. The purpose of both fact-finding and good offices missions, following established practice, was to 'assist in the facilitation of the organisation of peaceful, free and fair elections by making consultations with all stakeholder to alleviate the risk of an election crisis' (AU 2013I:19).

The third high-level retreat of special envoys and representatives

The period following the July 2012 summit saw the Secretariat of the AU PW assist the AUC in organising the Third High-Level Retreat of Special Envoys and Representatives on the Promotion of Peace, Security and Stability in Africa. This meeting took place on 5 and 6 November 2012, again in Cairo, Egypt, and was convened with the theme 'Transforming the African Peace and Security Landscape in the Next Decade: Appraisal and Opportunities'. The coordination and hosting of the event was supported by ACCORD and the Cairo Regional Center for Training on Conflict Resolution and Peacekeeping in Africa (CCCPA). Similar to past events, top officials and mediators from the AU, AU PW, RECs and RMs; the chairperson of the AUC and the commissioners for peace and security and political affairs; representatives of the LAS, EU, OIF and UN, African and international think tanks, civil society partners and individual experts were in attendance.

Coinciding with the 10th anniversary of the AU, the main idea behind this meeting was to provide opportunities for candid discussions about the continental body's achievements, and the challenges ahead that could affect its peace and security agenda. The retreat was thus organised to allow for reflection on AU experiences, examination of current and emerging trends and dynamics in Africa, and review of the operationalisation of the APSA, including an appraisal of the peacekeeping, mediation and conflict management efforts of the AU (AU 2012e).

Reflecting on the operationalisation of the APSA, delegates discussed how best the architecture could address the structural dimensions of violent conflict, including strategies for the creation of necessary preconditions for 'structural' and 'dynamic' stability and ways of graduating from mitigating conflicts to transforming and resolving them. Calling for renewed efforts to prevent conflicts, contributors noted that

while peacekeeping and peace enforcement should remain options to be implemented whenever the need arises, priority should be given to the prevention of conflicts both through the effective implementation of relevant AU instruments on governance, human rights and democracy and respect for diversity (structural prevention), as well as strengthening the capacity of the AU to more effectively deploy preventive diplomacy initiatives (AU 2012f:2).

Whereas the efforts of the AU and the RECs in direct, operational prevention (including preventive diplomacy, but also good offices, fact-finding and conciliation missions) were positively considered, the retreat found that 'the APSA is yet to be fully operationalised and all its components integrated, with the relationship between the AU and the RECs ... not yet as harmonious as provided for under the APSA'. The meeting welcomed the recent creation of the Pan-Wise, but called for the 'full implementation of the APSA and mobilisation of the required human and financial resources, as well as the full integration of all existing instruments in the peace and security domain' (AU 2012f:2).

The question of how the APSA can best be employed to confront challenges of terrorism, transnational organised crime, piracy and secessionism was raised, as was the problem of how the AU and RECs could best address the challenges

of state-building, weak governance and corruption, election-related violence and conflicts, unconstitutional changes of government, border disputes and conflict at local level. To this end, specific working groups were convened around the themes of governance and state collapse, terrorism and the transnational dimension of conflict, contemporary secessionist movements, and challenges of state-building and post-conflict peacebuilding (AU 2012f).

The Cairo Plan of Action

Delegates attending the Cairo retreat endorsed a plan of action to take some recommendations forward in the run-up to the fourth retreat, scheduled for 2013. The Cairo Plan of Action included recommendations on: policy coherence; integration of the APSA and AGA; early warning of conflict; preventive diplomacy, mediation and conflict resolution; international partnerships; and funding peace and security initiatives (AU 2012f).

Of significance to the discussion in this book, the strategy calls on the chairperson of the AUC to map existing oversight and monitoring mechanisms in the AU. It notes the chairperson's proposal, in his report to the 16th ordinary session, which suggested that the PSC should review its achievements in supporting democratisation processes in African states in a report submitted annually. The Cairo Plan of Action also called on the chairperson of the AUC to initiate consultations with the RECs and Pan-African Parliament, as well as the Economic, Social and Cultural Council (ECOSOCC) and other relevant AU organs and institutions so representatives could discuss the design and implementation of other oversight and monitoring mechanisms (AU 2012g).

On the integration of the APSA, AGA and conflict prevention, the Cairo Plan of Action notes the substantial challenges with harmonisation, particularly with regard to the APSA itself, and to the APSA and other important policies of the AU. The consultations that were held within the framework of the 'Year of Shared Values' between the PSC and the DPA, and which focused on ensuring greater synergy between the APSA and AGA in Banjul, Gambia, from 8 to 10 September 2012 were noted. On this occasion, the Cairo Plan of Action invited the AUC to systematically reflect on potential policy and practical linkages and synergies between the APSA and the AGA so that the AU's direct conflict prevention activities could be strengthened (AU 2012g).

Further, the plan commended the AU and the RECs/RMs on the establishment of the Pan-Wise, 'which demonstrates in very practical terms the importance of cooperation, coordination and pooling of resources in African efforts to undertake effective preventive action' (AU 2012g), and applauded these actors for their roles in conflict prevention and mediation.

On structural prevention, the plan urges the AUC to hasten the finalisation of the Continental Structural Conflict Prevention Framework (CSCPF) which, it was hoped, would improve the organisation's conflict prevention activities, with a view to strengthening the 'ability of stakeholders and AU member states to assess and identify a country's structural vulnerability to conflict at a very early stage, and develop mitigation programmes that address the identified structural vulnerabilities' (AU 2012g). The strategy encouraged the AUC to explore the possibility of developing voluntary Country Structural Vulnerability Analysis (CSVA) and related Country Structural Vulnerability Mitigation Strategies (CSVMS).

In this regard, the Cairo Plan of Action tasks the AUC to establish 'as a matter of urgency, the Inter-Departmental Task Force on Conflict Prevention to be coordinated by the director of peace and security'. The body has a dual undertaking: 'first, serving to provide a template to guide the mainstreaming of the conflict prevention-related dimensions of the different departments of the AU Commission and, second, to contribute to structuring the harmonisation and coordination of synergies in the work of the AU and the RECs in matters of conflict prevention' (AU 2012g).

The structural prevention of conflicts was firmly placed on the agenda during the second half of 2012. The PSC dedicated a section of its January 2013 report to the assembly on this issue, noting that:

The structural challenges relate to some of the root causes of conflicts and other political crises on the continent. These include deviation from principles of democratic governance and violations of human rights, unequal distribution of resources, bad management of electoral processes, political discrimination, lack of dialogue among main socio-political actors in a given country, as well as impunity ... institutional challenges include the lack of effective preventive structures in many

African countries, inconsistency in the implementation of some of the continental policy instruments, lack of capacity and resources that could allow the AU to intervene timely ... some African countries have national structures and institutions that carry out conflict prevention actions to offset political crises, Those include national peace councils, national ombudsmen (*médiateurs de la république*), faith (and inter-faith) groups, councils of elders, and national early warning systems (AU 2013l:45).

The Cairo Plan of Action calls for 'more systematic use of early warning and more systematic coordination of related data collection and monitoring, conflict and cooperation analysis and policy option formulation' (AU 2012g). The strategy invites the AUC to table practical proposals to make more systematic use of the CEWS, AU PW and eminent African representatives and special envoys, among other recommendations. The AUC is further asked to explore the possibility of designing appropriate horizon scanning techniques and integrating them into 'existing practices and Standard Operating Procedures, that would allow thinking creatively about newly arising conflict challenges and trends' (AU 2012g). In line with the AUC's 2009 Mediation Capacity Building Programme, which is discussed in more detail below, the plan encourages the chairperson of the AUC to advance the documentation of lessons learnt and the application of best practices by supporting in-house research into key areas and issues.

Finally, with regard to international partnerships, 'participants called on the AU Commission to systematically assess its experience of working through AU-led international contact groups and/or groups of friends ... [and] ... assess past experience of collaborating with special envoys of the United Nations and/or the RECs' (AU 2012g).

2013: The golden jubilee year

Undeniable progress ... but persistent challenges³³

Beyond the specific case of Mali, the ambition of Africa to own peace efforts on the continent and to exercise leadership, without which no lasting solution is possible, is challenged by at least two factors. The first relates to the insufficient funding by the continent of the initiatives of the Union and its regional mechanisms ... the second factor relates to the shortcomings of the partnership with the United Nations, in particular with regard to consultation with the AU before decisions on issues of fundamental importance to Africa are made by the Security Council. There are many examples, in recent years, which illustrate this regrettable situation (AU 2013I:3).

The first six months of 2013 saw several challenges in Africa deepening. Madagascar remained in crisis due to delays in the implementation of key provisions of the 2011 SADC roadmap which jeopardised the intended neutral and inclusive transition process. The specific provisions of the roadmap on confidence building and national reconciliation, granting of amnesty and unconditional return to the country of all political exiles were threatened. In addition, the announcement by President of the Transition Andry Rajoelina that he would stand for election as president was a clear breach of commitments made and directly contradicted SADC recommendations.

The situation in Somalia improved, although some challenges still persisted, particularly in light of Al Shabaab's demonstrated ability to attack the Federal Government of Somalia, AMISOM and civilians. Implementation of the national stabilisation plan progressed, albeit at a slow pace. On the other hand discussions on Jubbaland State continued; unfortunately, no resolution to the problem was found during this period.

Continuing efforts to enhance its joint missions, from 16 to 23 January 2013 two members of the Friends of the Panel and representatives of the committees of elders of COMESA and IGAD visited Kenya on a pre-election assessment visit

³³ Sub-title borrowed from PSC 2013a.

ahead of the March 2013 general elections. The delegation consulted with a range of stakeholders, with the aim of supporting ‘the efforts of the Government of Kenya, all political actors and civil society, in working to create a conducive environment for the holding of free, transparent, credible and peaceful elections’ as well as to launch the AU long-term elections observation mission to the country (AU 2013e:1).

A notable example of the value of collaboration between different APSA pillars was the election scenarios briefing provided to the mission by IGAD’s Conflict Early Warning and Response Mechanism (AU 2013e). This is a good practice that should be pursued where appropriate, both in the sense of REC-based early warning systems feeding data to the AU and the AU-CEWS sharing information with the RECs.

In their good offices and fact-finding role, members of the mission would reiterate ‘the need for closer attention around issues of security, the media’s role and responsibilities, civic and voter education, and the management of the post-election phase, including transparency in tallying, professionalism in reporting and management of electoral victory and failure’ (AU 2013e:2).

In the DRC, a notable achievement during the period was the 24 February 2013 signing, at AU headquarters, of the Peace, Security and Cooperation Framework for the DRC and the Region. Eleven members of the ICGLR and SADC, the secretary-general of the UN, chairperson of the AUC, and chairpersons of the ICGLR and SADC all appended their signatures. The appointment of Mme Mary Robinson as the UN Secretary-General’s Special Envoy to the Great Lakes region and the adoption of UNSCR 2098, which authorised the UN Organization Stabilization Mission in the DR Congo’s (MONUSCO) inclusion of an intervention brigade responsible for the neutralisation of armed groups (based on the AU/ICGLR proposal of an NIF discussed earlier), were positive developments (AU 2013m).

In Darfur, although there was some movement with the signing of a peace agreement between the Government of Sudan and the Justice and Equality Movement-Sudan, the assassination of Commander Mohamed Bashar, the leader of the movement, and his deputy, allegedly by members of the main Justice and Equality Movement, was a serious blow to the peace process. The

security situation in the region remained tense, with clashes between the Sudan Armed Forces and hold-out movements on the increase, at the same time when the newly appointed Head of UNAMID and Joint Special Representative for Darfur, Dr Mohamed Ibn Chambas, assumed his duties in April 2013.

Simultaneously, the situation between the two Sudans required the renewed attention of the AUHIP to bring the parties to agree on implementing the detailed plan and timetable agreed to on 8 March 2013 to ensure the full implementation of the 'Agreement on permanent ceasefire and security arrangements implementation modalities between the Government of the Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army during the pre-interim and interim periods'. Sudan's President Omar al-Bashir's visit to South Sudan on 12 April 2013 was an important confidence-building step in this regard, as this was the first time the Sudanese president had been to the Republic of South Sudan. Notwithstanding this development, the situation in Abyei, the disputed border areas, and the conflict in the 'Two Areas'³⁴ of Sudan remained at a deadlock.

On 22 March 2013, the PSC held an open session to discuss preventive diplomacy (AU 2013n). This important occasion allowed several key organs of the institution to contribute to a debate that was motivated by the need to think strategically about how best to combine direct and structural prevention approaches. Events in North Africa in 2012, as well as growing concern at the increasing number of coups and attempted rebellions, led to the organisation considering what other tools were available to it, over and above classical preventive diplomacy strategies. In his opening statement to the meeting, Commissioner for Peace and Security Ambassador Ramtane Lamamra reflected on the notion of preventive diplomacy, emphasising that it needed to be embedded 'in a larger set of practices which seek to address violent conflicts'. Highlighting the distinction between direct and structural prevention, the commissioner emphasised that preventive action should simultaneously involve 'a direct and operational focus of [sic] intervening before violence occurs as well as a structural, strategic focus on addressing the structural/root causes of conflict'. He also noted that 'while direct and structural prevention remain two distinct policy responses based on

³⁴ The 'Two Areas' refers to Sudan's Southern Kordofan and Blue Nile states.

the kind of conflict they seek to address, they can also be mutually reinforcing in order to be more effective' (AU 2013o:2).

The commissioner further highlighted the rich history of OAU preventive diplomacy interventions, which included the Commission on Mediation, Conciliation and Arbitration, ad hoc committees and commissions; mediation by African heads of state and by the AU Assembly; as well as ceasefire observations and peacekeeping missions.

Over the years, the African Union has deployed a variety of different measures of preventive diplomacy, whether through the appointment by the chairperson of the Commission of special representatives, the appointment of mediators, fact-finding missions and election observation missions, the co-establishment of international contact groups, the AU has demonstrated a keen commitment to the direct prevention of conflicts (AU 2013o).

Key recommendations made included:

- i. strengthening the link between early warning and preventive diplomacy through appropriate support and closer engagement with the chairperson, the AU PW and other actors by using horizon scanning approaches more systematically
- ii. documenting best practices and developing lessons learnt for the AU PW, Pan-Wise, AU high-level representatives and special envoys, as well as the AU's regional counterparts
- iii. establishing as a matter of urgency the Inter-Departmental Task Force on Conflict Prevention to strengthen policy coordination on matters of peace and security within the AUC (AU 2013o).

The PSC echoed these recommendations, reminding participants of its own role in this matter (AU 2002: art. 7.1 (a) and (b)), its agenda (AU 2002: art. 8 (7)), entry points and modalities for action (AU 2002: art. 9), the role of the chairperson of the AUC (AU 2002: art. 10 (2)), and responsibilities of the AU PW (AU 2002: art. 11), CEWS (AU 2002: art. 12), and the ASF (AU 2002: art. 13.3 (d)). The PSC (AU 2013m:2) stressed that:

... the immediate priority for the AU should no longer be to adopt additional instruments, but rather to implement the existing ones.

In this respect, Council, while welcoming the progress made in operationalising the relevant provisions of the Peace and Security Council Protocol, including those pertaining to the CEWS and the Panel of the Wise, calls for renewed efforts from all concerned to ensure effective use of them (our emphasis).

The PSC called for more systematic use of horizon scanning approaches in considering the state of peace and security on the continent, based on updates provided by the CEWS, AU PW, African and international think tanks and civil society organisations, among others. The PSC further called for the AUC to give regular briefings on electoral processes and to monitor progress made in promoting democratic practices and good governance and ensuring that the rule of law is upheld. Calling for the full operationalisation of the CEWS, the PSC expressed full support for the AUC's efforts to develop a conflict prevention framework. On the AU PW in particular, the PSC stressed:

... the need to enhance the capacity of the Panel of the Wise of the AU to enable it to fully discharge its mandate. In this respect, Council undertakes to strengthen its interaction with the Panel... Council encourages the Commission to take advantage of the renewal of the membership of the Panel, due in January 2014, to submit proposals on how best to strengthen this important organ (AU 2013n:4).

Two days after this session, and underscoring the urgency of taking forward the proposals of the PSC and AUC, there was a *coup d'état* in CAR which started on 24 March 2013. An armed rebellion, led by the group known as *Seleka* (an alliance of military and political groups), overran Bangui and overthrew the president, François Bozizé. The following weeks and months were characterised by a gradual deterioration of the situation in the country, serious violations of human rights, looting and destruction. In its May 2013 report, the PSC noted that 'the consequences of weeks of violence and destruction have been disastrous for the country: 206 000 internally displaced persons and 49000 refugees in neighbouring countries; hospitals lacking medicines and sometimes closed; schools, administrative and public services abandoned or closed; an economy in free fall' (AU 2013m:19). To deal with the situation, an International Contact Group on the Central African Republic was established through the combined

efforts of ECCAS heads of state and government, the AU, UN and partners in CAR. Elements of a transitional roadmap, a government of national unity and a national council of the transition were articulated (AU 2013m).

In light of the developments above, and in the context of the need for speedy operationalisation of all APSA components, with particular focus on the ASF and its rapid deployment capability (RDC), on 30 April 2013 the AUC recommended the establishment of an African Capacity for Immediate Response to Crises (ACIRC) – a temporary multinational African interventionist standby force – to the meeting of defence ministers held in Addis Ababa, Ethiopia. The intention was to establish ‘an effective, robust and credible force, rapidly deployable, capable of carrying out operations of limited duration and objectives or to contribute to the creation of conducive conditions for the deployment of AU and/or UN peace operations of a wider scope’ (AU 2013m:3).

Other crises required more sustained follow-up, including Côte d’Ivoire, Guinea-Bissau and Liberia. Encouragingly, the situation in Mali, particularly in the north of the country, seemed to be evolving positively, thanks to Operation Serval and the actions of the *Forces de Défense et de Sécurité du Mali* and AFISMA. Rebel groups’ logistical bases were dismantled, and the French forces commenced their withdrawal, in tandem with the deployment of AFISMA troops. Nevertheless, threats in Gao, Timbuktu and Kidal were still far from being resolved. Encouragingly, the National Assembly of Mali’s adoption of the roadmap for the transition in January 2013 and the 6 March 2013 establishment of the Dialogue and Reconciliation Commission by the same body were positive developments during this period.

The announcement of elections scheduled for July 2013, although it provoked opposing reactions, was evidence of the transitional authority’s intention to return Mali to some kind of normalcy. As noted by the PSC, on the importance of ensuring that constituencies would be able to vote in the northern areas, especially Kidal, ‘initiatives were underway, under the leadership of the AU High Representative and Head of AFISMA, former President Buyoya, in close cooperation with the Special Representative of the UN Secretary-General for West Africa, Ambassador Said Djinnit, the UN Office in Mali, the ECOWAS Commission, and the EU’ (AU 2013m:25). It was during this time that the AU learnt of the approval of UNSCR 2100, which authorised the deployment of

the UN Multidimensional Integrated Stabilisation Mission in Mali (MINUSMA). Of concern is the fact that the resolution 'did not take into account the concerns formally expressed by the AU and ECOWAS and the proposals they submitted in a constructive spirit to facilitate coordinated support to the on-going efforts by Malian stakeholders' (AU 2013m:25). The PSC (AU 2013p: para. 10) explained that:

...the resolution does not adequately take into account the foundation laid by African stakeholders, which led to the launching of the process towards the return to constitutional order, the initiation of the ECOWAS-led mediation, the adoption of the transitional roadmap and the mobilisation of the support of the international community through the Support and Follow-up Group on the situation in Mali. Council also notes that the resolution does not take into account the concerns formally expressed by the AU and ECOWAS and the proposals they constructively made to facilitate a coordinated international support for the ongoing efforts by the Malian stakeholders.

The golden jubilee summit: Pan-Africanism and the African Renaissance

On the ground, the AU has demonstrated renewed dynamism in addressing issues of peace and security on the continent. There is hardly a crisis and conflict situation with which the AU is not seized, thus giving greater consistency to the principle of non-indifference that underpins the APSA (AU 2013l:2).

Agenda 2063 represents a collective effort and an opportunity for Africa to regain its power to determine its own destiny, and is underpinned by the AU vision to build an integrated, prosperous and peaceful Africa, an Africa driven and managed by its own citizens and representing a dynamic force in the international arena ... Agenda 2063 incorporates both the vision and an action plan ... The choice of a 50-year time must be understood for its symbolic significance, within the context of the 50th anniversary of the establishment of the OAU and the need for the continent to take stock of its achievements and set its long-term vision and goals (AU 2013q).

May 2013 was a time of celebration at AU headquarters in Addis Ababa, Ethiopia, as the organisation commemorated its golden jubilee. The Union's historic 21st summit, held on 26 and 27 May that year, was preceded by a month of commemorative events devoted to the topics of Pan-Africanism and the African Renaissance. One day prior to the official opening of the summit, the 50th anniversary was celebrated in the presence of current and former heads of state and government of AU member states, as well as former secretary-generals of the OAU, former chairpersons of the AU, and international dignitaries who included the UN secretary-general, among others. In her commemorative address at the Millennium Hall, Dr Nkosazana Dlamini-Zuma, Chairperson of the AUC, called 'on all Africans to galvanise efforts and contribute to the Agenda 2063, so that Africa takes its destiny into its own hands and occupies its rightful place in the world arena' (AU 2013r: n.p.).

Of relevance to our focus here is that a major outcome of the summit was the AU Assembly's adoption of the 50th Anniversary Solemn Declaration of the African Union. In their statement, heads of state and government affirmed:

Our determination to achieve the goal of a conflict-free Africa, to make peace a reality for all our people and to rid the continent of wars, civil conflicts, human rights violations, humanitarian disasters and violent conflicts, and to prevent genocide. We pledge not to bequeath the burden of conflicts to the next generation of Africans and undertake to end all wars in Africa by 2020 (AU 2013f:5).

Specially, African leaders undertook to, among others:

- i. address the root causes of conflicts, including economic and social disparities, end impunity by strengthening national and continental judicial institutions, and ensure accountability in line with their collective responsibility to the principle of non-indifference
- ii. eradicate recurrent (and address emerging sources of) conflict, including piracy, trafficking in narcotics and humans, all forms of extremism, armed rebellions, terrorism, transnational organised crime and cybercrime
- iii. push forward the conflict prevention, peacemaking, peace support, national reconciliation and post-conflict reconstruction and development agendas through the APSA (AU 2013f:5).

In terms of governance, they agreed to focus on:

- i. strengthening democratic governance, including through decentralised systems, the rule of law and the capacities of African institutions to meet the aspirations of citizens
- ii. reiterating their rejection of unconstitutional changes of government, including through any attempts to seize power by force, but recognise the rights of citizens to peacefully express their will against oppressive regimes
- iii. fostering participation of citizens through democratic elections and ensuring accountability and transparency (AU 2013f:6).

In its report to the AU Assembly on the state of peace and security in Africa, the PSC took stock of achievements and persisting challenges that continued to affect the continent. Successes in the gradual operationalisation of the various components of the APSA were emphasised, 'as evidenced by the establishment of the PSC and the AU Panel of the Wise and, recently, the Pan-African Network of the Wise, consisting of the Panel of the Wise and similar structures at regional level and other actors involved in conflict prevention and mediation', in addition to the setting up of the CEWS and ASF (AU 2013l:1). Yet, the PSC conceded that, 'in spite of the progress achieved so far, the APSA has not yet been fully operationalised ... the ASF may only be fully operational in 2015, yet situations on the ground require immediate response. The inability of the AU to intervene in Mali in mid-January 2013, to counter the offensive then launched by the criminal and terrorist groups against the positions of the Malian army, is indicative of the long way we still have to go' (AU 2013l:3).

Importantly, for its activities in the peace and security domain, the golden jubilee summit approved the AUC's strategic plan for 2014–17. The chairperson regarded this endorsement as a key step in the achievement of Africa's vision towards 2063, considering that with this strategy, the AUC 'will seek to accelerate progress towards a stable, peaceful, prosperous and integrated Africa within a good governance environment, paying particular attention to women and the youth' (AU 2013s: n.p.). Although still under development, 'the overall objective of the Agenda 2063 exercise is to develop a plan which will chart Africa's development trajectory over the next 50 years', through inclusive consultation of stakeholders at all levels, which 'will clearly delineate the roles

of each stakeholder such as RECs, member states, civil society and the private sector' (AU 2013s).

The strategic plan covers eight priority areas, including peace, stability and good governance. As noted at the beginning of the document, the review of the implementation of the AUC's second strategic plan (2009–12) 'identified one of the gaps in the implementation as sub-optimal impact of the Commission's interventions due to the fact that most of its actions are focused on achieving outputs (seminars, studies, conferences, legal instruments, etc.) and not outcomes' (AU 2013s). While generating many important outputs, insufficient focus on outcomes at country and sub-regional level and the low capacity to track results at country level were identified as key shortcomings. Therefore, it was envisaged that defining Outcome One as 'Peace and stability, good governance, democracy and human rights as foundations for development and stable societies promoted' would be addressed, among others, through achievement of the following outputs:

- i. capacities for conflict prevention, management, response and peace-building enhanced
- ii. participation of women, youth (including the AU Youth Volunteers Corps) and civil society in peacebuilding, conflict prevention and post-conflict recovery and development enhanced
- iii. post-conflict reconstruction and peacebuilding mechanisms enhanced
- iv. good governance and democracy promoted
- v. legal and shared values instruments, including those focusing on the rights of women, youth, persons with disabilities and children promoted
- vi. human rights based on African and universal instruments promoted and protected
- vii. the capacity of the AU to coordinate and respond to humanitarian situations and protect civilians in conflict and disaster zones enhanced (AU 2013s).

Actions and strategies pledged to support fulfilment of these objectives should include:

- i. full operationalisation of the APSA
- ii. mobilisation of resources to support the AU's peace and security agenda, including through the African Solidarity Initiative

- iii. formulation and implementation of policies and initiatives to address the root causes of conflicts
- iv. promotion of traditional/community-based conflict resolution mechanisms
- v. design and implementation of programmes to strengthen the involvement and participation of women, young people and civil society actors and organisations in peacebuilding, conflict prevention and post-conflict delivery
- vi. promotion and implementation of SSR and disarmament, demobilisation and reintegration, as well as policies and programmes to facilitate transitional justice
- vii. effective implementation of the AGA and of AU norms and standards on governance and democracy, in particular the charter
- viii. strengthening measures to prevent and address unconstitutional changes of government
- ix. promotion and facilitation of free and democratic elections (AU 2013s).

A further achievement of the jubilee summit was the decision by the Assembly to establish 'as a transitional arrangement and pending the full operationalisation of the ASF and its rapid deployment capability, an African Capacity for Immediate Response to provide the AU with a flexible and robust force, made up of military/police capabilities, force enablers and multipliers, equipment and resources to be voluntarily provided by member states' (AUC 2013g: n.p.).

The fourth high-level retreat of special envoys and representatives: The golden jubilee retreat

Preparations for the fourth high-level retreat were marred by the increasing instability in Egypt during June and July 2013, which saw the overthrow of then President Mohamed Morsi, the suspension of the constitution of the country and appointment of a caretaker head of state. The PSC (AU 2013m:1) took the following stance:

The overthrow of the democratically elected president does not conform to the relevant provisions of the Egyptian Constitution and, therefore, falls under the definition of an unconstitutional change of government ... accordingly, and as mandated by the relevant AU instruments, Council

decides to suspend the participation of Egypt in the AU's activities until the restoration of constitutional order.

Alternative locations for the retreat were explored, with the AUC accepting President Alassane Dramane Ouattara's invitation to hold the event in Abidjan, Côte d'Ivoire. Organised with the support of ACCORD,³⁵ the African Leadership Centre, the Institute for Peace and Security Studies at Addis Ababa University and King's College, this meeting continued celebrations of the OAU/AU's golden jubilee by devoting two days to events on the theme '50 years of peacemaking in Africa: A critical retrospective of OAU/AU peacemaking' (AU 2013g). As in previous events, the Abidjan retreat had an impressive number of delegates in attendance, including the AUC and its special envoys and representatives, members of the AU PW and Pan-Wise, representatives of the chairperson of the AU and the chairperson of the PSC, several former heads of state and government, senior representatives of the RECs/RMs, representatives from the UN secretariat, UNECA, UNDP, and partner organisations such as the CPLP, EU, LAS and OIC. Several special representatives also attended, as did guests from civil society, think tanks and academia.

Following the call made in the AU Assembly's 50th anniversary declaration for greater emphasis on root causes of conflicts and renewed efforts to strengthen conflict prevention, peacemaking, peace support, and national reconciliation, among others, the retreat introduced the concept of conflict transformation as a core paradigm in processes of supporting and nurturing long-term, gradual and complex processes of transitioning from war to peace. This gathering aimed to provide 'an opportunity to foster greater understanding among stakeholders of the dynamics of mediation and conflict transformation in Africa', 'to reflect on the African Union Vision 2063 and related peace and security priorities', 'to allow for a critical reflection on peace and security challenges, trends and opportunities ... and means required for a comprehensive ... operationalisation of the APSA' (AU 2013g: n.p.).

³⁵ As part of the African Union Mediation Support Capacity Project.

Brief reflection on 50 years of peacemaking in Africa launched the substantive part of the meeting.³⁶ Recognition of historically deep, yet complex, experiences of both the OAU and the AU in preventive diplomacy, mediation and peacemaking characterised the presentations and debates during this session. Although delegates recognised this as an area requiring substantial historical research, they also emphasised the importance of continuing to support: the discreet dispatching of envoys to conduct good offices and take part in facilitation, deployment of fact-finding missions and involvement in mediation processes via the work of special envoys and special representatives, as well as the creation of international contact groups.

A related issue is the extent to which a specific OAU/AU approach to these processes is emerging. In this regard, the method of the AUPD, and later the AUHIP, was emphasised. This discussion opened the way to a later session dedicated to African paradigms of conflict resolution and peacemaking, where the philosophical, conceptual and practical dimensions of the often controversial terminology of 'African customary approaches' to conflict resolution were debated by participants.³⁷

Delegates further focused on some of the most difficult mediation cases in existence, particularly the situations in the Horn of Africa, the Great Lakes region, and CAR, as well as the very specific challenges posed by the adequacy (or otherwise) of mediation in terms of unconstitutional changes of government. The complexities of multi-party mediation and the need to strategise on combining efforts at regional and sub-regional levels while maximising outcomes and minimising complexity were deliberated.³⁸ Indeed this is an issue that, in light of cases that are as diverse as those of CAR, Côte d'Ivoire, Guinea-Bissau and Mali, needs to be elaborated on to uncover exactly what is meant when the terms 'coordination, harmonisation, subsidiarity' and 'shared responsibility' are used. The increasingly, if not new, regional dimensions of conflict require that actors ensure more predictable arrangements to clarify who leads these

³⁶ Indeed, a central objective of the retreat was 'to recognise and enable a reflection on some of the most significant African and specifically OAU/AU-led mediation processes (as well as associated forms of peacemaking) of the past 50 years with a view to capturing key lessons learnt which are relevant to current efforts'. (AU 2013g: n.p.).

³⁷ Notes taken by the authors on presentations and discussions at the fourth high-level retreat.

³⁸ Ibid.

processes and why, and capitalise on shared analysis and positioning, as well as pooling of resources, among other considerations.³⁹

Agenda 2063 was also discussed, particularly with reference to the multiple ways it relates to preventive diplomacy and mediation, with a key question being how best to promote the shared values agenda. During debates about conflict transformation in parallel sessions, participants focused on prevention and structural transformation; conflict transformation, inclusivity and the role of women and young people; democratisation, elections and conflict transformation, and finally, the part of mediation in cases of radicalisation, piracy and transnational crime (AU 2013g).

Similar to previous events, delegates at the fourth retreat issued a statement – the Abidjan declaration. Recalling both the 50th anniversary declaration call for an end to all wars in Africa by 2020, as well as the Agenda 2063 vision of an integrated, people-centred, prosperous and peaceful continent, this declaration was unequivocal in recognising that ‘although significant progress has been achieved in the operationalisation of the key APSA pillars, the full potential of this architecture is yet to be realised’ (AU 2013h: n.p.). Delegates called for the deployment of ‘renewed efforts in the operationalisation of the ASF and establishment of the ACIRC; enhancement of the effectiveness of the CEWS to facilitate early action and greater coherence among relevant AU and REC/RM organs; full operationalisation of Pan-Wise, and finally, strengthening of national infrastructures for peace (IfPs), including national early warning and response systems and national peace councils’ (AU 2013h: n.p.).

On governance, rule of law, human rights and inclusive leadership, participants reiterated the urgent need for AU member states that had not done so to sign and ratify relevant AU instruments; stressed the need for AU member states to join the African Peer Review Mechanism (APRM); encouraged civil society organisations to popularise AU instruments; reiterated the continued relevance of recommendations made by the AU PW in its 2009 report on election-related

³⁹ The objective here being ‘to reflect on the principles of subsidiarity, comparative advantage and complementarity, using a series of examples of different approaches to mediation (AUHIP, High-Level Panel for Côte d’Ivoire, Panel of the Wise/Pan-Wise, joint AU-UN mediations, international contact groups, community/traditional approaches to conflict resolution and mediation’ (AU 2013g: n.p.).

violence and disputes among others; and, finally, articulated support for the AUC's efforts to develop a framework for structural vulnerability assessments, aimed at supporting member states to address potential root causes of conflict.

Lastly, delegates noted the slow emergence of an African model of mediation, one which many felt should be based on the following elements:

- i. accurate definition of the problem at hand arising from an inclusive approach that goes beyond the belligerents, to include consultations with affected populations and other local stakeholders. This should inform the development of strategic and operational plans
- ii. credibility and legitimacy of the mediation process as a result of careful consideration of stakeholders' understanding of their conflict situations
- iii. long-term mediation commitment, as there are no quick ways to achieve lasting solutions
- iv. building on local knowledge and making full use of traditional conflict resolution mechanisms
- v. the necessity of addressing, in creative ways, the relationship between peace, justice and reconciliation, based on existing African and international experiences
- vi. promoting the involvement of women in peace processes, including as mediators (AU 2013h: n.p.).

The Abidjan retreat was pivotal to the AU PW's planning of its activities for 2014. Accordingly, it was envisaged that the Panel's programme of work, and that of the Pan-Wise, for that year would seek to integrate the most relevant recommendations emanating from the Abidjan discussions, especially on the need to further strengthen relations with the RECs through the full operationalisation of the Pan-Wise.

Following the retreat, the AU PW undertook good offices and solidarity missions to Tunisia and Egypt from 1 to 6 July 2013 as part of its efforts to support ongoing transitions in those countries. Leading the mission was Mme Mary Chinery-Hesse, who travelled with Mme Marie Madeleine Kalala-Ngoy. They were supported by two technical experts from the AUC. The message to be conveyed to both countries' governments, political actors, civil society and the private sector was clear: the continued support of the AU to the efforts of the governments and civil

society in the consolidation of democracy and the rule of law. The delegation consulted a variety of stakeholders to identify what support was needed, if any, that the AU could provide, and to encourage political actors and their supporters to ensure a smooth transition.

On 16 and 17 September 2014, the third AU PW was inaugurated in Addis Ababa, Ethiopia. This third AU PW has five entirely new members – Dr Lakhdar Brahimi representing North Africa, Mr Edem Kodjo representing West Africa, Dr Albina Pereira Africano representing Central Africa, Dr Luísa Diogo representing southern Africa and Dr Specioza Kazibwe representing East Africa.

Members of the second AU PW and their regional representation (September 2014 – ...)

Member's name	Country of origin	Regional representation
Lakhdar Brahimi	Algeria	North Africa
Albina Pereira Faria de Africano	Angola	Central Africa
Specioza Kazibwe	Uganda	East Africa
Luísa Diogo*	Mozambique	southern Africa
Edem Kodjo	Togo	West Africa

* Chairperson of the AU PW, the first woman to chair the AU PW since its inception

PART TWO:

**Reflections: The Panel of
the Wise in the context
of the African Peace and
Security Architecture**

2

Chapter Four**Scanning Africa's peace and security horizon(s): Thematic foci of the African Union Panel of the Wise*****Introduction:
From horizon scanning to thematic reflection***

Chapter One introduced the AU PW's mandate to pronounce itself on key peace and security issues and bring them to the attention of the AUC, the PSC and the AU Assembly. It highlighted the importance of this function, agreeing with Astill-Brown and Behabtu (2010:19), who noted the AU PW's attempts to focus 'above and beyond the day-to-day conflict management tasks which occupy the Commission, helping to identify and understand future threats and trends'. In this sense, not only has the AU PW officially and unofficially pronounced itself on ongoing conflicts and efforts by the AU and RECs to resolve them but it has, over the lifespan of the first two panels, introduced a yearly focus on themes relevant to conflict prevention and peacebuilding, with a view to raising awareness, uncovering medium- to long-term trends, and stimulating policy debate. Perhaps most important is the fact that together with raising awareness, the AU PW offers specific recommendations for action that stem from its work on each annual theme.

Our cursory discussion of the AU PW's statutory meetings and, in particular, the now customary sessions at which African and international experts present on trends, challenges and prospects – which have been prominent at every AU retreat, including high-level retreats and Pan-Wise gatherings – was meant to elucidate part of the process by which the AU PW begins considering and choosing a relevant theme. Initial brainstorming opportunities, taking into consideration ongoing developments on the ground, and consultations with the chairperson, the commissioner for peace and security and the director of the PSD, among others, allow AU PW members to decide on working themes. The AU PW then normally commissions a team of experts to conduct research, produce a draft report and then advise members based on it. This work is done

through the coordination of the Secretariat of the AU PW as one of its functions; the process tends to follow a similar approach for every theme chosen. One to two expert meetings are convened for purposes of discussing the draft, providing inputs and sharpening recommendations. Once AU PW members approve the final report, the Panel takes it further, to the higher echelons of the organisation (the chairperson and the PSC, and through them to the AU Assembly), fulfilling in this way its key mandate of bringing issues and themes that it deems relevant to the attention of the AU.

This important function has become known as the AU PW's horizon scanning work – to the effect that, as noted, the PSC has called on the use of horizon scanning approaches more systematically in considering and assessing the state of peace and security on the continent. In fact, horizon scanning's potential to bring new ideas, actors and policy and operational recommendations to the AU, and to offer forums for wider debate and opportunities for outreach, should not be underestimated.

In the near future, as the APSA becomes fully operationalised, it is envisaged that closer collaboration with the CEWS, and through it the early warning systems of the RECs/RMs, as well as through the Pan-Wise, will strengthen horizon scanning and the definition of key themes and issues. Here we are thinking of some of the tools already implemented by the CEWS in support of its day-to-day monitoring function, with particular reference to the 'Africa Prospects' – a statistical tool capable of indicating a country's structural vulnerability to violent conflict as well as the proposed CSCPF and ensuing CSVA, to be developed by CEWS (we will return to this process at the end of this section).

Likewise, increased coordination and collaboration between the DPA and the PSD will ensure that political affairs staff become more engaged in the horizon scanning processes of the AU PW. It is also envisaged that there will be continuing and very positive collaboration between think tanks, civil society organisations, universities and research centres in supporting the Panel in its reflections on trends, challenges and prospects in Africa.

What follows is a summary discussion of the main outcomes of the thematic reflections of the AU PW from 2007 to 2013. As noted before, the Panel's documented thematic reflections have been on:

- election-related disputes and political violence
- peace, justice and reconciliation in Africa
- mitigating vulnerabilities of women and children in armed conflicts in Africa
- strengthening political governance for peace, security and stability in Africa.

Each of the themes has in turn impacted the work of the AU PW, as it is often invited to support the monitoring of recommendations made under each. In addition, and key to the Panel's current and future work, is the mandate given to it by the PSC and the AU Assembly, on the basis of the thematic reflections, to advocate for the ratification of key legal and normative instruments (African and international) relating to the various issues they put forward. These matters include the rights of women and children and popularisation of good governance instruments, transitional justice and reconciliation and electoral processes, and conflict prevention and human rights.

In the last section we introduce the AUC's CSCPF which, although not an AU PW initiative or under its purview, but that of the PSD more broadly and the CEWS in particular, may have implications for the way AU PW members reach consensus on future themes on which to reflect, as well as the support that, through their operational prevention capacities, they may give to this process.

Theme 1 – Election-related disputes and political violence: Strengthening the role of the African Union in preventing, managing and resolving conflict

For a myriad of reasons, including structural and institutional, legal and organisational, election-related conflicts and political violence have been on the rise in spite of the ascendance of democratisation across the continent ... it was in recognition of this negative trend that the Panel of the Wise decided to examine how best to prevent, manage and resolve election-related conflicts and political violence. The idea was to come up with mechanisms and modalities to create an 'inflection process' (Lamamra 2010:x).

The multiple and complex issues surrounding disputes and political violence around electoral processes was chosen by the AU PW as its first issue for

thematic reflection. As already alluded to above, this decision was taken at the AU PW's second meeting on 17 and 18 July 2008, and was partly influenced by the post-electoral violence that occurred in Kenya in 2007, as well as the situation in Zimbabwe. In the final report on election-related disputes and political violence, although positively evaluating the democratisation process and the various waves of democratisation on the continent since Africa's independence, the AU PW emphasised that 'the strides made in deepening democracy are threatened by the emergence of violently contested elections and by the return of militaries to power in some parts of Africa' (AU 2010a:19). This concern would be echoed by the chairperson of the AUC, who provided the rationale for the AU PW's work by explaining that:

... many elections in Africa have been accompanied by acts of violence, which have, at times, degenerated into open crises. It is in this context, and at the request of the relevant AU organs, that the AU PW launched a reflection and submitted a report on election-related violence and conflicts. The recommendations made therein ... were endorsed by the Assembly of the Union at its 13th ordinary session held in Sirte, Libya, from 1 to 3 July 2009 (AU 2011b).

With its roots firmly grounded in the various legal frameworks of the AU (in particular the Constitutive Act and the PSC Protocol), the African Charter on Democracy, Elections and Governance, as well as the OAU/AU Declaration Governing Democratic Elections in Africa and the Guidelines for African Union Electoral Observation and Monitoring Missions, the main purpose of the research was to improve 'Africa's capacity to deal with these challenges, including the strengthening of the AU's capacity to observe elections at national, regional, and continental levels' (AU 2010a:12). Recommendations of the AU PW report were organised under six clusters:

- i. preventive diplomacy and early warning mechanisms
- ii. electoral governance and administration
- iii. AU coordination and electoral assistance
- iv. post-election conflict transformation mechanisms
- v. AU coordination of electoral assistance and international cooperation
- vi. strategic interventions by the AU PW (AU 2010a:62).

For purposes of this book, we briefly review two of the clusters (i. and vi.) as they directly impact the work of the AU PW. We will then share some observations and recommendations on all six clusters. The cluster on preventive diplomacy and early warning mechanisms should be understood, in the context of this book, as focusing very specifically on elections and potential hotspots for electoral violence. Indeed, the report states that ‘the wealth of socioeconomic and political information on African countries generated by the APRM, the AU Situation Room, academic and policy research, and media reports should form part of the collective knowledge that informs decisions about potential electoral hotspots’; and ‘since the Panel of the Wise is a critical pillar in the AU’s conflict prevention repertoire, it is well positioned to provide a leadership role in developing early warning mechanisms to forestall electoral violence’ (AU 2010a:3). Although the AU PW is called to lead, it is important to consider two complementary dimensions. Firstly, it is important to think of both the CEWS and DPA as key providers of information, analysis and early warning. Indeed, since 2009 many early warning and analysis tools have been developed and implemented by CEWS and, therefore, in the spirit of an inter-locking system of all APSA components, this is a dimension that will become more important as time progresses. The second dimension relates to the mandate and capacity of the DPA, with regard to the AGA and its Democracy and Electoral Assistance Unit, which play a key role in the clusters developed, particularly but not exclusively in coordinating the AU’s electoral assistance activities. As elaborated in the final section below, operational technical-level coordination of these efforts is of paramount importance. In this regard, the recently created Inter-Departmental Taskforce on Conflict Prevention may prove to be an important site for the exchange of information and analysis, as well as discussion about the operational details of AU interventions.

The last cluster, dealing with ‘strategic interventions by the Panel of the Wise’ warrants some discussion here. The report notes that,

As a new institution endowed with a recognised moral authority and the power of persuasion, the Panel of the Wise can effectively use its eminent position and mediation and negotiation skills to prevent, manage and resolve electoral conflicts on its own and through other AU structures and instruments. Its small membership allows sufficient

flexibility to rapidly intervene in all phases of the electoral process ... the Panel's personal and professional attributes afford it wide latitude to carve a niche in electoral peacemaking and conflict prevention (AU 2010a:6).

It is clear that, as a preventive mechanism, and in light of its very specific characteristics, the AU PW is ideally placed to provide the type of early interventions, fact-finding and confidence-building measures that, in support of the PSC and the chairperson, may help forestall election-related disputes. Also, the Panel may be deployed in cases of post-election disputes, focusing on maintaining open communication channels between disputants, and undertaking confidence building and conciliation – components of what could be termed 'reconciliation' in post-election conflicts, and in line with its mandate as defined in the Modalities.

This first thematic report had immediate consequences for the work of the AU PW. Firstly, the panel's focus on election-related violence determined the decision of the body to undertake, to the extent possible, missions to countries likely to hold elections, an activity that has since occupied all members of the first and second panels, the Friends of the Panel and, most recently, the Pan-Wise. These missions were conceived as ideally taking place three to six months prior to elections in relevant countries and conducted methodically in stable countries with well-conducted elections (for lessons learnt), and in countries potentially at risk of electoral violence. Their primary objectives being prevention and early warning, these missions should also promote and strengthen peaceful, free and harmonious electoral processes, as stipulated in the AU governance charter.

There is a second dimension to the AU PW's work on election-related disputes and political violence. We previously noted that upon receipt of the Panel's report, the AU Assembly was of the view that the real challenge lay in implementing the series of relevant legal and political instruments already in existence, as well as the ratification and entry into force of the AU Charter on Democracy, Elections and Governance. Herein lies the second consequence to the work of the AU PW, as the pre-electoral missions are also meant to afford the panel opportunities to advocate for the ratification of relevant AU instruments adopted by AU policy organs (especially the Charter on Democracy, Elections and Governance),

to advocate for the establishment of a 'code of good conduct' and to engage with as many and as diverse stakeholders on the ground as possible. These missions also enable the AU PW to make recommendations to the AUC and PSC on appropriate measures to take and/or interventions to implement (AU 2012a).

Preventing election-related violence remains high on the AU PW's agenda, the difficulties often experienced with access to member states notwithstanding. Indeed, this is an area that requires ongoing monitoring and collaboration with other sectors within the AUC so that obstacles, such as those observed during several planned missions in 2013, can be overcome.

Theme 2 – Peace, justice, non-impunity and reconciliation in Africa: Opportunities and challenges in the fight against impunity

Justice and reconciliation are antidotes to impunity, the condition where powerful individuals and institutions act as they desire without fear of reprisals, reproach, retribution, or recrimination. Impunity inheres where there is a deficit of democratic structures of accountability, fairness, and impartiality (AU 2013i:1).

Providing support and, we would add, engendering the motivation of parties to engage in reconciliation processes, is a central mandate of the AU PW that is clearly defined in its Modalities. Indeed, the concern with reconciliation as a critical component of war-to-peace transitions has occupied members of the AU PW at most of their meetings since the inception of the very first AU PW in 2007. With '2014–24' declared the Madiba Nelson Mandela Decade of Reconciliation in Africa by the AU Assembly at the January 2014 summit, it was anticipated that the AU PW would continue to devote considerable attention to reconciliation, truth and peacebuilding in the future.

The AU PW has been particularly focused on issues of reconciliation, the fight against impunity as well as healing in situations as diverse as Darfur, Somalia and northern Uganda, among others. These concerns led the Panel to decide, in November 2008, to devote its attention to the 'problematic of fighting impunity and its relationship with reconciliation and healing'. This focus resulted in the AU

PW commissioning a thematic paper on the issue, through renewed partnership with the International Peace Institute and, hosting an experts' workshop in Monrovia, Liberia, in May 2009.⁴⁰ In addition, at several statutory panel meetings the initial report was discussed, improved and specific recommendations for the AU PW debated. Moreover, the topic was included as an important subject for discussion and reflection during the first high-level retreat held in Cairo, Egypt, in August 2010 as previously noted.

The report, initially entitled 'Non-impunity, truth, peace, justice and reconciliation in Africa: Opportunities and constraints' was debated at length with the then chairperson of the AUC, and subsequently adopted at the AU PW's tenth meeting in May 2011. The document discusses the dilemmas inherent in the 'peace versus justice' paradox, which continues to affect many war-to-peace transitions, as well as situations of gross violations of human rights under autocratic, repressive and/or undemocratic regimes. As noted: 'weighing the benefits of peace against the costs of impunity is at the core of the transitional justice debates and institutions'.⁴¹ The relevance of a transitional justice approach in these cases is emphasised thus:

... although transitional justice can be pursued in various contexts, the underlying objective is to find formulas that strengthen stability and diminish opportunities for impunity. Transitional justice has several overlapping goals: to establish the truth about the past; end impunity for past (and sometimes continuing) human rights violations; achieve compensation for the victims of those violations; build a culture of the rule of law; lay the foundation for long-term reconciliation and political transformation; and prevent the recurrence of such abuses in the future (AU 2013i:13).

⁴⁰ Dr Comfort Ero, then Director of the South Africa Office of the International Centre for Transitional Justice and Prof Gilbert Khadiagala, Professor of International Relations at the University of the Witwatersrand in Johannesburg, South Africa authored the paper.

⁴¹ Importantly, the report notes that 'the ability of mediators and other interveners in conflicts to grant immunity has been curtailed by the evolving international legal obligations and the international justice architecture, including the Rome Statute of the International Criminal Court' (AU 2013i:9).

In its in-depth discussion of transitional justice as an integrated approach, the report uses several African case studies⁴² to elucidate the elements of such an approach, including criminal prosecution (domestic and international, amnesty and pardons, and hybrid systems); truth commissions; reparations, memory and memorials; institutional reform; and local or community-based justice. Focus is also placed on the ICC in light of the fact that at the time, all five cases before the court were from Africa (CAR, the DRC, Kenya, Sudan and Uganda). Although the numerous issues raised in this regard are beyond the scope of this paper, the report would note, following earlier positions by the AU PW, that the Panel was:

... concerned with the criticisms levelled against the court by several African states, criticisms that culminated in the decision by the African Union not to cooperate with the ICC with regard to Sudan's indicted president, Omar al-Bashir (AU 2013i:48).

For this book, two key recommendations are proposed, with implications for the current work of the AU PW, as well as its future activities. The first relates to an AU Policy Framework on Transitional Justice, with the report recommending that the AU PW, 'along with other prominent Africans and institutions, begins to draw lessons from the various experiences across Africa in the articulation of a set of common concepts and principles that would guide consensus on continental and sub-regional instruments' (AU 2013i:5). In this exercise, the experience of the AUPD or the Mbeki Panel, particularly recommendations contained in its report entitled 'Darfur: The quest for peace, justice and reconciliation' should be considered. Moreover, an interesting dimension to this recommendation relates to foregrounding the use of African indigenous justice institutions to deal with impunity and enhancing chances of reconciliation, in ways coincident with international principles and norms.

Secondly, the AU PW is asked to play an advocacy role in 'promoting and reinforcing guiding principles on the rule of law and transitional justice across

⁴² In particular Ghana, Liberia, Morocco, Mozambique, South Africa, Rwanda and Sierra Leone, as well as emerging processes such as those in Burundi, Kenya, Togo and Zimbabwe. The report would conclude that 'African experiences of managing impunity via justice and reconciliation reveal the importance of institutional innovations that give prominence to participation, impartiality, and the search for truth and healing. National transitional justice institutions, such as truth and reconciliation commissions, have worked where there is a decisive departure from institutions and practices that underwrite impunity and criminalise organised dissent' (AU 2013i:62).

Africa' (AU 2013i:48). In this regard, the report notes that the Panel is key in promoting broad acceptance of common values and systems that set out rule of law, respect for human rights and the steady domestication of these norms, and that it should:

... dedicate itself to the ratification and implementation of AU and international agreements that could help strengthen justice in Africa ... ensure mediators and peacemakers throughout Africa are aware of relevant norms and institutions as they set up transitional justice mechanisms ... advocate for full implementation of existing transitional justice mechanisms in Africa ... [and] monitor transitional justice initiatives across Africa (AU 2013i:64).

A final recommendation focuses on the role that the Panel should play in mediating between African interests and the concerns of the international community, a part which 'will become significant as more cases of impunity and gross violations of human rights are brought before the ICC' (AU 2013i:64). This consideration was integrated in the AU PW's preventive diplomacy interventions in pre- and post-election situations from 2012 onwards.

Theme 3 – Mitigating vulnerabilities of women and children in armed conflict

The AU and its member states have already demonstrated a firm commitment to address issues related to women and children in armed conflicts through well-defined human rights mechanisms. Nonetheless, despite the considerable measures put in place to protect the rights of women and children during armed conflicts, implementation remains fragmented ... a tangible change to the status of the majority of African women and children has yet to be seen (AU 2010j:1).

Women and young people are central to the AUC's contemporary agenda, as evidenced by the body's unequivocal expression of commitment to the objectives of UNSCR 1325 (2000).⁴³ Indeed, both the AUC's strategic plan

⁴³ See in this regard, *inter alia*, the report produced by ACCORD on the outcomes of a high-level seminar organised with the PSC on 8 and 9 October 2010 (ACCORD 2011).

2014–17, as well as the Agenda 2063 document have, as an ongoing matter of concern, included considerations of the situation of women and youth, not only during armed conflicts and their aftermath, but also in terms of their contributions to democratisation, development, and their roles in peacebuilding and reconciliation.

At a time when the AU has declared 2010–20 as the African Women’s Decade, the many complex and urgent issues raised by endemic violence against women and children in times of war and peace, sexual exploitation, denial of fundamental rights and particularly the rights of children, as well as gender mainstreaming in the activities of the AU have been central to discussions in several of the AU’s institutions. In too many conflict and post-conflict contexts, the plight of women and children remains as difficult as ever. What follows below is a summary of some of the Panel’s key interventions in this area, which are shared with a view to improve understanding of the commitments and responsibilities of the AU PW in this regard and the implications thereof.

Earlier we noted that during its seventh meeting in November 2009, the AU PW decided to adopt the situation of women and children in armed conflicts as its main theme for 2010, a choice ‘informed by the empirical evidence accumulated over decades confirming that women and children suffer most wherever and whenever there is a breakdown of social order, rule of law and ascendance of violence’. Furthermore, in taking this decision, the AU PW considered that ‘women are often subjected to gender-based violence, often becoming the single heads of households, displaced/refugees in dehumanising camps’ (AU 2009g: n.p.).

An expert workshop on the theme ‘Women, children and armed conflict’ was convened in Kinshasa, the DRC, on 19 and 20 May 2010 to discuss a draft report commissioned on the issue. The organisation *Femmes Africa Solidarité* (FAS) and IPI partnered to develop the report itself.⁴⁴ The work of the AU PW was also strengthened by concerns, in several sections of the AUC, particularly but not exclusively in the gender directorate, about the plight of women and children. For example, at the request of the AU PW, the PSC held a special meeting on 30 March 2010 dedicated to this very issue, where delegates proposed several

⁴⁴ The report was prepared by Dr Comfort Ero, Dr Helen Scanlon and Mr Gerard Nduwayo.

concrete steps for the AU to take. Of particular relevance to this book is that the PSC recommended that 'during the decade, the gender directorate will work very closely with the AU Peace and Security Department, the PSC and the Panel of the Wise in relation to the United Nations Security Council Resolutions 1325, 1820, 1888 and 1889, with particular focus on violence against women, peacebuilding and reconstruction' (AU 2010j:3). Furthermore, the PSC would note that, 'despite the AU's commitment to involve women in conflict resolution and peacebuilding, this is still not reflected in their participation during peace negotiations when their needs for justice could be outlined' (AU 2010j:5). The PSC specifically called for both the involvement of women in peace processes (as stakeholders) but also for the AU to 'ensure the appointment of women as special envoys and special representatives' (AU 2010j:7). Importantly, at the conclusion of this meeting, the PSC endorsed the decision to host a yearly open session dedicated to this theme.

In our discussion of the AU PW's public interaction with the PSC above we mentioned an open session that took place in March 2011 dedicated to 'Women and children and other vulnerable groups in armed conflicts' (AU 2011k). On behalf of the AU PW, members Mme Mary Chinery-Hesse and Mme Marie Madeleine Kalala-Ngoy presented a preliminary version of the report of the AU PW then entitled 'Mitigating vulnerabilities of women and children in armed conflicts'. Welcoming the efforts of the chairperson of the AUC to ensure that gender aspects were mainstreamed into AU activities promoting peace and security, the PSC 'further underscored the need to strengthen women's participation in formal peace mediation/negotiation processes, as well as in security sector reforms and peacebuilding' (AU 2011k:2). The PSC also emphasised the importance of involving and supporting the AU PW in advocacy campaigns for the ratification, domestication and implementation of relevant instruments relating to the situations of women and children (AU 2011k).

The AU PW continued to explore these issues during 2011 when it hosted another expert meeting on 'Mitigating vulnerabilities of women and children in armed conflicts' in Dakar, Senegal, from 22 to 24 October. In this forum the Panel sought input from experts and to develop a plan for the publication, dissemination and promotion of the report (AU 2011i). The report, then entitled 'Sexual violence, women and children in armed conflicts' was discussed further on

5 and 6 December 2011 and was subjected to an extensive peer review process thereafter. It outlines both the considerable developments in the AU's human rights architecture, as well as challenges faced in implementing mechanisms specifically aimed at addressing issues related to women and children in armed conflicts. The report includes a number of recommendations directed at the AU at large, as well as to the AUC in particular, whose aims are to strengthen relevant African instruments to mitigate violence against women, girls and boys in conflict situations. It also identifies ways in which the AU PW can support these processes by devising measures to consolidate the efforts of the AU through ensuring the implementation of existing obligations. The recommendations are clustered under six main headings:

- i. commitment and ratification
- ii. promoting AU institutional coordination
- iii. monitoring and documentation
- iv. promoting accountability mechanisms
- v. prevention and early warning
- vi. supporting AU-REC relations.

The report was finalised in late 2013 and was due to be submitted to the AU Assembly in 2015. The expectation was that the AU PW would continue to foreground this key matter in its work in the years to come, particularly in relation to ratification, monitoring and documentation as well as prevention of violence against women and children in situations of armed conflict.

Theme 4 – Strengthening political governance for peace, security and stability in Africa

At the time of writing, the AU PW was in the process of finalising the report on its latest thematic reflection, devoted to 'Strengthening political governance for peace, security and stability in Africa'. What follows is a discussion based on the various expert meetings hosted around this theme, participant observation by the authors at several of these meetings, as well as reference to the various drafts produced on this subject.

In some sections above, governance and its relationship to peace and security was emphasised. We noted how the rising occurrence of unconstitutional changes of government renewed debates in the AUC and the PSC on how best to pursue a zero tolerance approach to this phenomenon, as well as to agree on actions to be taken in cases of transgressions against democratic standards. Moreover, we noted that, increasingly, there was a sense at the AUC, the PSC and the AU Assembly that the AU was already equipped with sophisticated legal and political instruments to address this issue, and that the challenge ultimately lay in their use and implementation. These tools include the July 2000 Lomé Declaration; the African Charter on Democracy, Elections and Governance adopted in January 2007, as well as the relevant provisions of the Constitutive Act and the PSC Protocol, among others.⁴⁵

It was also emphasised that the shared values agenda contains a significant governance dimension, and that several key objectives of the AUC's 2014–17 strategic plan focus on good governance and the promotion of democracy. The advent of the AGA in 2011, the entry into force of the African Charter on Democracy, Elections and Governance, and efforts aimed at strengthening the AU's elections observation capabilities are worth repeating in this regard.

At the same time, understanding this renewed impetus must *perforce* include consideration of the multiple ways in which the events of the last quarter of 2010 and in 2011 in North Africa (and many also in 2013 in Egypt) would introduce several dilemmas to the organisation. These include: what to do when governments are overthrown by popular protest and how to react to popular uprisings. Indeed, developments in Tunisia, Egypt, and later in Libya, prompted renewed efforts by the AUC to think about how to address these types of unparalleled events; efforts that would involve the AU PW, through its fact-finding and good offices functions, to undertake missions to Egypt and Tunisia.

In its initial discussions on this matter, the Panel was interested in the impact of transformation in North Africa on the AU's principles governing reactions to unconstitutional changes of government. Yet, the AU PW's contributions would be required in other ways. Indeed, the situations in Egypt, Libya and Tunisia had

⁴⁵ One could add the 1981 African Charter on Human and Peoples' Rights, 1999 Algiers Declaration, 2000 CSSDCA Solemn Declaration, 2001 New Partnership for Africa's Development (NEPAD), and 2000 OAU/AU Declaration on the Principles Governing Democratic Elections discussed above.

been discussed by Panel members several times, taking centre stage at the 10th statutory meeting held in May 2011, with members considering that these events created unique opportunities with regard to deepening democratic practices. More importantly, the AU PW had to decide on the best way of addressing the PSC's request for its members to comprehensively review existing mechanisms relating to democratisation and governance in Africa, including convening a workshop for key stakeholders. As noted earlier, the PSC had requested the Panel to 'make recommendations to it on how best to strengthen the democratisation processes on the continent, in light of the challenges and opportunities linked to the popular uprisings in North Africa' (PSC 2011c:2). This request was reiterated during Panel members Dr Kenneth Kaunda and Dr Mary Chinery-Hesse's briefing to the PSC on 13 May of the same year.

At the level of the PSD, these concerns coalesced at the Cairo II high-level retreat which was dedicated to 'Strengthening political governance for peace, security and stability in Africa'. The role of governance in preventing conflicts, and providing leadership and accountability, as well as the part played by public opinion and civil society, and the ways in which the private sector could support good governance were central to debates at this event. The necessity of strengthening the implementation of existing legal and normative instruments led to delegates calling upon the AU PW to get involved in the AU's overall efforts to promote good governance.

For its part, the Panel initiated its response to the PSC's request by convening an experts' workshop on the same issue on 5 and 6 December 2011 in Zanzibar, Tanzania. Here, the panel reviewed an initial concept note and terms of reference for this thematic work, managing to agree to 'deepen its reflection, through broader consultations with all stakeholders, including the Pan-African Parliament, the African Commission on Human and Peoples' Rights, the RECs, African think tanks, academic institutions and civil society organisations' (AU 2012h:14). Furthermore, members agreed that in addition to a focus on unconstitutional changes of government, this reflection should be broadened to derive lessons from changes in North Africa for application in the implementation of Africa's principal instruments on democracy, good governance and the rule of law.

This first exchange of ideas on the draft thematic report was built on during further deliberations at an experts' follow-up meeting organised in conjunction

with the African Leadership Centre in Tunisia from 27 to 29 April 2012. The purpose of this discussion was to provide a space for stakeholders to continue reflecting on how best to review existing mechanisms on democratisation and governance in Africa, in order to ultimately submit concrete recommendations to the PSC. To this end, delegates focused on three interrelated themes: challenges and prospects of the North African revolutions, the third wave of democratisation in Africa and pitfalls of managing transition, and implementation of the AU and regional instruments on unconstitutional changes of government (AU 2012i). At this meeting, participants also had opportunities to exchange views with President Moncef Marzouki of Tunisia and Cheick Gannouchi, leader of the Ennahda Movement, as well as Egyptian officials and CSOs from both countries.

A number of central questions were recorded by the rapporteur of this meeting and were noted for having dominated the reflections of delegates. These included:

- i. issues around legitimate governance (and related questions of legitimacy and legality), because popular uprisings must be viewed as responses to increasing deligitimisation of existing regimes
- ii. how to deal with the problem of the 'youth bulge' in Africa, in the context of socio-economic and political marginalisation which leaves young people vulnerable to being recruited into participating in conflict
- iii. social mobilisation and technological advances
- iv. the need for the AU to more carefully monitor conflicts and potential conflicts and be more responsive to these, particularly in terms of conflict prevention
- v. ensuring separation between the state and religious bodies in African countries
- vi. protecting rights and freedoms.

In addition, participants reflected on political consolidation following a revolution, as well as on the role of the security apparatus and institutional reform (AU 2012j). The meeting also considered that:

The popular uprisings in Tunisia and Egypt emanated from a set of common structural causes of conflict, including extended periods of bad governance, systematic corruption and self-enrichment and an unequal distribution of life chances. In addition, high levels of unemployment,

rising food prices and limited opportunities for well-trained members of a middle class contributed to popular protest against incumbent regimes (AU 2012k: n.p.).

Specific recommendations for the AU PW included reinforcing its role, as well as that of the Friends of the Panel, with the consideration of a possible expansion of size and mandate for both (AU 2012k). In addition, proposals to the AU PW included the promotion of continental and sub-regional dialogue to establish clear strategies for strengthening democracy, security and development and revisiting benchmarks, such as those contained in the CSSDCA and the APRM, among others. The AU PW is likely to continue its work in this regard in the coming years, in close collaboration with the DPA and AGA, as well as relevant departments and mechanisms within the AUC, among them the CEWS.

Horizon scanning and structural conflict prevention

Events in North Africa emphasised the importance of strengthening the AU's capacity to both monitor and react (early) to structural dimensions of conflicts and crises in Africa. The AUC found itself increasingly concerned with understanding the regional dimensions of conflict, terrorism, drug trafficking, transnational organised crime, piracy and the illicit exploitation of natural resources. These concerns were expressed during various summits (2011, 2012 and 2013) and were part of the discussions at the Cairo II retreat. It bears repeating that at the retreat, a specific request was made to the AUC to strengthen the ability of stakeholders and AU member states to assess and identify a country's structural vulnerability to conflict at a very early stage and develop mitigation programmes that address the identified structural vulnerabilities. Participants at this event renewed calls for the finalisation of a CSCPF, encouraging the AUC to explore the possibility of developing voluntary CSVA and related CSVMS, and establishing an Inter-Departmental Task Force on Conflict Prevention to be coordinated by the director of peace and security. This unit would lead in efforts to mainstream the conflict prevention-related dimensions of the different departments of the AUC, and contribute to efforts aimed at putting in place the relevant structures for the harmonisation and coordination of synergies in the work of the AU and RECs in matters of conflict prevention (AU 2013j).

The PSD had already begun to develop such a framework, with a view to simultaneously mainstreaming conflict prevention policy within the AUC and to more systematically addressing the structural or root causes of clashes in Africa. The result of this work is the CSCPF – a template which guides the AU, RECs/RMs and member states in their structural conflict prevention efforts. To this end, the framework promotes coordination of conflict prevention policies, instruments and activities, including providing guidance on how to systematically mainstream structural conflict prevention into policy formulation and relevant areas of engagement (AU 2013j). What follows is a brief discussion of this agenda, with particular focus on the various ways it can strengthen the AU PW's horizon scanning activities, and its increasingly important role in sensitising member states on the importance of observing various legal and normative instruments on governance, human rights and the deployment of preventive (diplomacy) actions.

The initial point of departure of this framework is the recognition that conflict prevention should combine direct, operational focus (i.e. preventive diplomacy and other tools) with emphasis on addressing the structural causes of conflict. In this, the PSD follows international best practice that has coalesced around the notion of 'preventive action', which combines the application of structural and direct prevention measures in a coordinated way. The framework considers that 'structural means support direct measures, and structural action may not be sufficient to prevent crises, and thus the ability to act directly must be maintained and strengthened' (AU 2013j:6). Accordingly:

Conflict prevention must also include a structural, strategic focus of addressing the deep roots or causes of conflict (such as poverty, unemployment, bad governance, environmental and resource degradation problems, delimitation and demarcation of borders that may contribute to political instability and conflict, among others). Successful structural prevention should lead to sustainable economic development, good governance and respect for human rights, viable

political structures with the capacity to manage change without resort to conflict and healthy environmental and social conditions (AU 2013j:7).⁴⁶

Building on the APRM experience, among others, but adding the sub-regional and regional dimensions to mitigation strategies, the CSCPF focuses, therefore, on a process through which the structural/root causes of violent conflict are understood, monitored and the conditions supporting these acted upon. The idea is that once structural analysis is undertaken:

... structural prevention activities should support *inter alia* the balancing of political, economic, social and cultural opportunities among all segments of society, contributing to the strengthening of democratic legitimacy, effectiveness of governance, peaceful conciliation of group interests, bridging of dividing lines among different segments of society. It includes longer term measures designed to address the structural causes of conflict at a very early stage (AU 2013j:14).

The process includes the regular development of CSVA, a procedure which is designed to be voluntary for member states, but is supported by technical know-how of AUC personnel and, in particular, of analysts as well as their counterparts at the RECs. As proposed:

The CSVA will assess the levels of structural stability for any given country/region (stability here defined as sustainable economic development, democracy and respect for human rights, viable political structures and healthy environmental and social conditions, with the capacity to manage change without resort to conflicts). The CSVA builds on an existing tool, the CEWS' Africa Prospects, which is part of the AU CEWS application suite. Africa Prospects is designed to assess the vulnerability of countries to conflict escalation based on its profile or set of structural indicators. The tool identifies the underlying influences and constraints embodied in country profiles or sets of structural

⁴⁶ The framework acknowledges the wealth of normative instruments designed to facilitate the structural prevention of conflicts. These instruments relate to human rights, governance and the fight against corruption, ongoing democratisation processes, disarmament, terrorism, and the prevention and reduction of interstate conflicts. It notes that 'they represent a consolidated framework of commonly accepted norms and principles, whose observance would reduce considerably the risk of conflict and violence and consolidate peace where it has been achieved' (AU 2013j:7).

indicators with respect to the intensity of the countries' associated conflict, violence or similar target measures (AU 2013j:17).

The final, and perhaps most important, result of this process is the co-development of CSVMS. As noted in the framework, 'having collaboratively developed the CSVA under [sic] the request of a member state, the AU and the RECs must on its basis develop a comprehensive structural prevention programme for the country concerned with clear and realistic objectives ... as well as defined areas of intervention', i.e. a CSVMS (AU 2013j:18).

Institutionally, the establishment of an Inter-Departmental Taskforce on Conflict Prevention at the end of 2013 is also worth mentioning. The multi-departmental composition of this taskforce was the result of consultations by the PSD with various sectors of the AUC, including the Secretariat of the AU PW, as well as the departments of political affairs, economic affairs, social affairs, legal affairs, and the gender division. According to the terms of reference of this unit, 'the mechanism should allow for regular inter-departmental consultations for purposes of information-sharing, appropriate coordination regarding field missions, and mutual input for the facilitation of the maximisation of the AUC's efforts in conflict prevention'. Its immediate task was to 'look into the context of the structural-direct prevention nexus from an operational perspective and the need to mainstream an approach across [the] AUC that combines the two dimensions of preventive action'. This entailed a two-pronged approach comprising 'detailed analysis of current policies and practices as they relate to respective AUC departments, and the development of a set of practical guidelines towards inter-departmental harmonisation and coordination of the conflict prevention-related practices of the AUC' (AU 2013t).

Both the CSCPF and the taskforce require the AU PW and its Secretariat's substantive engagement. Firstly the CEWS' monitoring (through the Africa Prospects tool) of member states' structural vulnerabilities should provide the AU PW with much-needed information on and analysis of deep-rooted, structural issues that may require the deployment of early prevention measures. In this sense, the types of preventive diplomacy activities that the AU PW undertakes, its membership and access to member states should all be used by the AUC to support countries to undertake both country vulnerability assessments and produce papers on mitigation strategies. Because, if the majority of measures

required are of a structural nature (for example preventive development, deployment and disarmament) the question of entry and the voluntary nature of the process will require the simultaneous application of direct prevention tools.

Finally, in light of the AU PW's and its Secretariat's mandate, their modalities of operation, as well as experience gained over more than six years of operation must become a key component of the conflict prevention taskforce. Indeed, the panel is ideally placed to contribute to definitions of coordination and harmonisation practices and procedures from a conflict prevention perspective, taking centre stage in discussions on inter-departmental collaboration in matters of conflict prevention and providing its expert input into the mainstreaming of conflict prevention across all areas of the AUC's operations.

Chapter Five

The African Union, mediation, preventive diplomacy and the Panel of the Wise

Introduction: The Panel of the Wise and AU mediation

This book has emphasised that although the Modalities cater for supporting AU efforts, through technical assistance and advice to mediation teams engaged in formal negotiations (additional shuttle diplomacy or behind the scenes confidence building), it does not (and neither does the PSC Protocol) confer on members of the AU PW the role of AU mediators.

This is an extremely important point, as the AU PW is not, by its very constitution, mandate and powers, and within the institutional context of the AU and the APSA specifically, the mediation arm of the organisation. The numerous cases where the chairperson of the AUC took the initiative and appointed special representatives, special envoys and mediators, or led in the creation of international contact groups were discussed in this book to provide a glimpse into the nature, complexity, constraints and time frames of mediation, as well as the institutional environment within which the AU PW operates. The fact that Panel members can support mediation teams should not automatically be understood to mean that it should focus its efforts on becoming a body that undertakes structured mediation.

With regard to conflict prevention and mediation, we noted that the AU PW's primary function is a complementary one: to support efforts of the PSC and those of the chairperson of the AUC in the area of conflict prevention, and to advise both. We also explained that the AU PW could, at its own initiative, undertake actions deemed appropriate to contribute to the efforts of the PSC and those of the chairperson of the AUC in the prevention of conflict. In practice, as the examples discussed demonstrate, this is done through good offices and fact-finding, conciliation, and the facilitation of communication, among others. And indeed, in its supportive, and at times independent/interdependent role with other AU institutions, the AU PW has revealed a number of key advantages: its ability to act in confidence, away from media attention; and the experience,

age and prestige that allows members of the Panel to intervene in conflicts to promote dialogue, confidence building and communication. Undeniably, members play a key role in the AU's efforts to interact with multiple decision-making levels in affected countries to optimise the impact of those interventions.

At the beginning of this volume, we highlighted the legal basis for the chairperson's role in conflict prevention and mediation. As noted, the chairperson can, with the approval of the PSC and in consultation with all the parties involved in a dispute, deploy efforts and take all initiatives deemed appropriate to prevent, manage and resolve conflicts. Furthermore, he or she can, at his or her own initiative, use good offices, either personally or through special envoys, special representatives, the AU PW or the RECs/RMs, to prevent potential conflicts and resolve actual ones. Importantly, as already explained, in the exercise of his/her powers, the chairperson is assisted by the commissioner for peace and security and his or her department.

We demonstrated the frequency with which the chairperson appoints and deploys special envoys and special representatives (at own initiative or when requested to do so by the PSC). During 2007–14, these included special envoys to Comoros, Guinea, Guinea-Bissau, Madagascar, and Niger; facilitators (sent to Burundi and CAR); special representatives (CAR, Liberia, the Great Lakes region and Somalia) and special joint representatives (Darfur); chief mediators (in Mali) or joint mediators (in Madagascar).⁴⁷ Furthermore, several examples of international contact groups, joint mediations as well as high-level panels (on Darfur/Sudan/South Sudan) were noted.

Nathan (2009) explains some of the activities of these envoys which are context-specific and, of course, based on the mandate given to members by the chairperson. They include the following:

- i. undertake fact-finding in the country and region of conflict and meet with the parties and other significant actors to ascertain the causes and dynamics of the conflict
- ii. prepare reports for, and make recommendations on peacemaking to the chairperson and the PSC

47 These are a few examples. A full list of special representatives, envoys and mediators can be obtained through the Secretariat of the AU PW.

- iii. undertake mediation, facilitate dialogue and/or conduct shuttle diplomacy between the parties
- iv. fill the position of chief mediator in multi-party negotiations
- v. advise the parties on ways of managing and resolving the conflict
- vi. engage with other actors affected by the conflict (e.g. civil society groups and neighbouring states)
- vii. liaise as required with member states
- viii. liaise with envoys from relevant organisations (e.g. the UN and RECs) (Nathan 2009:36).

As much as possible, envoys should meet the following criteria:

- i. experience and competence in mediation
- ii. credibility with the parties in conflict (stature, seniority and experience, integrity and impartiality)
- iii. knowledge of the country, region and parties to the conflict
- iv. proficiency in at least one of the languages spoken by the parties
- v. availability for full-time deployment
- vi. commitment to the values and principles of the AU, including respect for democratic norms, human rights and gender equity
- vii. must be African
- viii. must possess the personal attributes of a peacemaker: empathy, analytical ability, excellent political judgment and problem-solving skills, excellent communication and facilitation skills, and a sense of quiet confidence and authority (Nathan 2009:37).

It should be noted here that these criteria were incorporated into the 2012 AU Standard Operating Procedures (SOPs) for Mediation Support. We will elaborate on this further in the sub-section below (AU 2012m).

It goes without saying that the members of the AU PW and the Friends of the Panel (individually and collectively) possess many of these characteristics, perhaps with the exception, and only in specific cases, of knowledge of a particular situation or language. Yet, there are additional dimensions to mediation processes which are key, in particular the issue of time (e.g. the typical duration of these efforts) as well as their intensity (in the sense of the continuous, permanent demand on mediators' time). El-Abdellaoui (2013:63)

explains that there are two sets of reasons for more frequent dispatching of a special envoy or high-profile personality from within the AUC to look into a crisis. For her, because members 'have engagements besides serving on the Panel ... one could therefore imagine that the most suitable Panel member may not always be immediately available'. In addition, because members 'enjoy a certain level of independence', 'preference may therefore be for an ad hoc appointment, in the form of a special envoy or representative, who would have a more specific and limited mandate'.

Yet, in addition to supporting mediation efforts through good offices and fact-finding, conciliation and facilitating communication, there is a key dimension of the work of the AU PW and its Secretariat that is often missed. As noted, the Secretariat – with support from other sectors within the PSD – has over the years assumed several key responsibilities in mediation support (including direct support for mediation, capacity building, doctrinal and operational guideline development, lessons learnt documentation and sharing, and knowledge management). Indeed, this experience is vital in discussions of whether a mediation support unit is needed within the PSD to link all relevant AU actors. In fact, as we noted in the introduction above, the Secretariat has, for all practical purposes, become such a support unit, assuming key responsibilities in this regard – partly by its own initiative, and partly due to lack of human and financial resources, but also, importantly, as a reflection of the realisation that mediation should, in fact, be viewed as a cross-cutting issue which needs mainstreaming across the various sectors within the AUC and, therefore, one not necessarily benefitting from a centralised approach.

Strengthening the AU's mediation capacity I: Strategic and operational guidelines and the African Union Panel of the Wise

The plan of action to build the African Union's mediation capacity

Above we discussed the numerous missions undertaken by members of the AU PW, as well as the Friends of the Panel, and the joint missions increasingly being undertaken by the Pan-Wise. We also noted how, on a few occasions, the Panel directly supported the initiatives of AU envoys, and since the first Panel (2007–10) has provided confidential advice to the chairperson, the commissioner for peace and security, and the PSC. There is, however, another important dimension to the AU's mediation work which has significant implications for the efforts of the AU PW, Friends of the Panel and Pan-Wise. While the AU PW may not be the ideal vehicle to launch and conduct full-blown mediation processes, many of its activities are closely related and indeed contribute to mediation activities.

This key dimension relates to the development of mediation capacities, including thinking through strategic and operational mediation guidelines, and putting in place a system for capturing lessons learnt and experiences in mediation. In all these processes the AUC (particularly through the PSD), with the support of the Secretariat of the AU PW, has led in the development of key policy and operational instruments.

To uncover the ways in which the AU could strengthen its mediation capacity, an initial study was commissioned by the then AU CMD, with the support of the UN DPA, as part of the UN–AU Ten-Year Capacity Building Programme. This study was part of the Work Programme to Enhance the AU's Mediation Capacity (2008–10). Programme partners included ACCORD, the HD Centre, Crisis Management Initiative (CMI), Folke Bernadotte Academy and the International Peace Institute. Undertaken by Laurie Nathan (2009), the study relied on extensive interviews with AU officials, among other respondents. The research would become the basis for the development of the SOPs for Mediation Support in 2010, and was discussed at two workshops on the AU–UN relationship held in 2009.

This initial effort to strategise on how best to strengthen the AU's mediation capacity took place at the same time that other organisations were deploying teams to provide guidance and support – in the form of policy guidelines, specialised support units as well as training and capacity building – to mediators and would-be mediators. Consider in this regard the creation of an MSU within the UN DPA in 2006, the constitution of a UN standby team of experts and mediation roster, as well as the 2012 publication of the United Nations Guidance for Effective Mediation, which aimed to help parties 'strengthen their understanding of effective mediation, and to assist mediators in maximising the chances for success' (UN 2012a:1) or the Mediation Start-up Guidelines, which focus on the initial phases of mediation, with the aim of 'providing guidance on the appropriateness of using mediation as a conflict management and resolution tool in relation to other types of peacemaking initiatives' (UN 2012c:2).

Underlying the motivations for building the AU's mediation capacity were two sets of issues: on the one hand to consider international mediation as a specialised endeavour, and on the other, to reflect on the establishment of specialist mediation units in international organisations. Nathan (2009:14 and 15) maintains that failure to do so resulted in sub-optimal approaches to mediation worldwide, giving rise to five problems:

- i. the appointment of high-level mediators has not always taken their specific peacemaking abilities and experience into consideration
- ii. international organisations have repeatedly deployed mediators in complex and protracted conflicts without adequate political, technical, administrative and financial support
- iii. insufficient attention is paid to training and nurturing international mediators
- iv. evaluations of efforts and identification of lessons learnt are often lacking
- v. coherence in mediation concepts and doctrines is often lacking.

In terms of the development of a strategic approach to mediation, the plan proposes 12 strategic imperatives and clearly opposes the scripting of a single, all-encompassing approach to mediation. These strategic principles include: the need for parties to own the agreement, with the mediator helping the parties to engage in collaborative problem-solving; inclusivity of all significant political actors and involvement of civil society; nurturing parties' development of

relationships of trust and cooperation; and ensuring that mediation is a non-threatening exercise and that mediators are impartial and fair. Furthermore, the plan recognises that persistence and patience are important, as there are no quick-fix solutions in mediation, which is a flexible, creative, responsive and adaptive exercise. It acknowledges the need to address the root causes of conflict, taking into consideration regional dimensions; and that the drafting and implementation of peace agreements must be properly linked. Thus, the final strategic imperative is that 'the AU must view mediation as a specialist activity and develop a systematic and rigorous approach to planning, conducting, supporting and evaluating mediation' (Nathan 2009:21).

This plan raises several important questions relevant to our topic. The question of what criteria and guidelines should determine whether mediation is initiated by the chairperson of the AUC, the PSC or the AU PW is a key one. Where coups occur, what are the implications for AU mediation in the event that the PSC or AU Assembly has condemned one of the parties? How should the AUC deal with the objections of member states to it undertaking preventive diplomacy and mediation?⁴⁸

An additional dimension is related to the peacemaking relationship between the AU, UN and the RECs. For Nathan (2009:41):

... it would not be desirable to have a general rule that stipulates that the lead mediator should always be the AU, the UN or the relevant REC ... what is required is an agreed procedure and set of criteria for determining which body will be the lead mediator in a given case.

Another important component of this plan relates to mediation plans, both strategic and operational, put forward. The choice of a mediator and modalities of entry are also critical components here, as 'decisions made at this early stage – regarding the appointment of the envoy, the main peacemaking strategies and partnerships with other organisations – will have a crucial bearing on the process long thereafter' (Nathan 2009:22). Indeed, a strategic plan should provide overall direction and focus, indicate the mediator's mandate, contain clearly formulated goals, objectives and strategies, and identify key partners and allies. An operational plan should translate the strategic plan into activities

⁴⁸ The guidelines raise several other important questions; see UN 2012c:22–23.

and tasks, assign responsibility for actions and identify what is required in terms of posts, expertise, logistics and funds (UN 2012c:29–30).

A final key issue discussed in the plan relates to the idea of a mediation unit within the AUC. The plan considers that such a unit would assume responsibility for providing mediation to AU officials and envoys and, further, for undertaking and coordinating capacity building activities (Nathan 2009). This unit would also provide advice; facilitate the development of policy guidelines; support the development of mediation plans; oversee rosters of experts; support envoys in the field; evaluate, conduct and disseminate relevant research; liaise with CEWS staff; and support the RECs. Nathan (2009) raises the issue of where such a unit would be located, questioning whether it would be in the AU CMD, the office of the chairperson of the AUC, or the office of the commissioner for peace and security.⁴⁹ The relationship between the current portfolio of the Secretariat of the Panel and that of a possible future mediation unit or mediation support unit is an important point for discussion because experience gained over the years by the Secretariat should guide efforts in this regard.

Two final issues are important in relation to the action plan. In terms of research and analysis in support of mediation, the plan suggests that AU CMD (now Conflict Prevention and Early Warning Division) desk officers and CEWS staff should be responsible for tasks which support ongoing mediation missions and the mediation support unit. This approach is in line with the recommendations of the 2010 APSA assessment, and contributes to stronger vertical linkages within APSA pillars. We would add to this list the importance of information provided by RECs themselves (as constituents of the CEWS), AU country liaison offices and REC liaison officers to the AU. Indeed, if a mediation support unit is to be created in the future, it may not be financially feasible for it to immediately have a full staff complement and be the centre of a network benefitting from existing capacities at the AUC and PSD in the form of early warning officers and desk officers.

⁴⁹ For a detailed discussion of each of these refer to Nathan 2009:31.

The 2012 African Union Standard Operating Procedures for Mediation Support

I am very happy that after two years of consultations and extensive interviews with AU special envoys, special representatives and heads of liaison offices, PSD staff and desk officers, the SOPs are ready for implementation. They provide specific guidance for the Peace and Security Department on how to manage political engagements and mediation processes in the continent. I encourage all AU staff to pay special attention to these procedures (Lamamra 2012b).

In January 2012 the PSD issued the SOPs for Mediation Support (AU 2012m).⁵⁰ Their fundamental motivation is recognition of the need to develop more systematic approaches to AU mediation, 'to enable envoys/special representatives and those who support their efforts to function at the highest and most effective levels' (AU 2012m:8).

Indeed, the SOPs supplement the 2009 action plan, providing the operational detail and implementation framework the plan lacked. They include specific guidance on ideal and minimal actions to be taken in relation to:

- i. appointing and hiring processes for lead mediators (including in decisions to deploy a mediator, creating a mediation roster, developing mediation mandates and drafting contracts for mediators)
- ii. creating an AU mediation team, and ensuring the identification of needed expertise and capacity, core team members and resource persons
- iii. mediator pre-deployment briefings
- iv. designing mediation strategies and operational plans
- v. the use of international contact groups
- vi. funding support for mediation
- vii. reviewing and evaluating progress made during mediation processes
- viii. end of assignment debriefings
- ix. evaluation of concluded AU mediations.

⁵⁰ With the support of the HD Centre.

It is also important to highlight the fact that the SOPs are intended to be viewed as a living document, which ideally will be updated annually to ensure that it remains relevant to the needs and demands of those who use it, as emphasised by Lamamra (2012b).

For purposes of this volume, and although not directed specifically at the AU PW and its associated structures, these guidelines provide a number of important dimensions that should inform the conduct of preventive diplomacy actions and operational prevention more broadly, including by members of the AU PW. The SOPs primarily provide guidelines to be employed by special envoys and representatives in the course of their work undertaking comprehensive mediation processes. Yet, they are regarded as being ‘easily adapted’ to the good offices role of the chairperson or the commissioner for peace and security or the ongoing management of a conflict by the head of the liaison office – and here, following once again the imperative of strengthening horizontal coordination, we would add the AU PW, the Friends of the Panel as well as, where relevant, the Pan-Wise in a future revision of the SOPs.

Moreover, in several key dimensions of the procedures we can see a specific role for members of the AU PW and associated structures. For example, in the decision to deploy a mediator, the SOPs consider as optimal actions the chairperson of the AUC’s and commissioner for peace and security’s assessment of the risk of escalation. If more information is needed, the SOPs recommend that ‘the chairperson should deploy a fact-finding mission in order to conduct an analysis of the situation and possibly play a discreet good offices role’. Furthermore, the strategic document suggests that ‘the chairperson and commissioner should remain alert to the possibilities of using mediators for ‘early action’ (AU 2012m:11). For both of these activities, but particularly for good offices, the AU PW and associated structures are important tools which are at the disposal of the chairperson. Indeed, as many of the examples cited earlier demonstrated, this is already taking place.

Perhaps in recognition of this, the SOPs recommend that in addition to capacity of the core members, a mediation team may also draw upon the CEWS (for data on early warning), an international contact group, or the AU PW. The SOPs go on to note that ‘the Panel of the Wise may be able to open political channels, meet with state leaders, and/or use their influence to assist the lead mediator ...

they may also provide good counsel on mediation strategy, based on their own experience' (AU 2012m:17). Indeed, the AU PW may, depending on the case, provide valuable insights into the different focus areas of a mediation strategy, but specifically on the assessment of ripeness, the basis for AU action (looking at previous engagement and present rationale), and the goals of the mediation process, among others.⁵¹

Guidelines on UN–AU mediation partnerships

The precise nature of AU-UN mediation partnerships cannot be specified for all mediations in Africa since the details will depend on the circumstances. It will often be appropriate for the AU to take the lead but at other times it might be preferable for the UN or one of the RECs to be the principal mediator (Lamamra 2012b).

We noted how the very nature of international mediation, and the complexity of conflict situations requires the best coordination of efforts at global, regional and sub-regional levels.

To support AU–UN cooperation on peace and security issues, and in line with the 2008–10 Work Programme to Enhance the AU's Mediation Capacity, the two entities worked towards the development of Guidelines on UN–AU Mediation Partnerships, which are still to be formally adopted. The plan was the result of efforts initiated with the hosting of two lessons learnt workshops held in Nairobi, Kenya, in 2009 on the theme 'AU–UN cooperation on mediation in Africa'. During these events, participants reviewed specific cases of mediation in Darfur, Kenya, Guinea-Bissau and Somalia. They identified best practices, explored challenges arising and made recommendations to strengthen UN–AU mediation partnerships and practice. The meeting came to the conclusion that suggestions should be developed into operational guidelines and an action plan to support the promotion, dissemination and periodic updating of the guidelines.

Under the general principle of cooperation, the two organisations agreed that they must better coordinate efforts and work more closely together.

⁵¹ Note that the SOPs for the development of mediation strategies are adapted from the African Union Mandating Process for Peace Support Operations. *Aide mémoire: The African Union's planning and decision making process*, Version 3, October 2009. See African Union 2012m: 21.

The responsibility for maintaining such a supportive relationship is believed to lie with the secretary-general of the UN and the chairperson of the AUC. Of importance to our discussion, and with regard to which organisation should lead, the two organisations are aiming for an arrangement where decisions are jointly made by the UN secretary-general and the chairperson of the AUC, with the involvement of the chief executive of the relevant REC as appropriate. Comparative advantage, acceptability to the parties, knowledge of the situation and availability of resources would be key considerations in these instances.

The guidelines focus on the establishment of mediation teams and the development of joint mediation plans, and pay particular attention to the practical challenges of joint arbitration teams. Clarity in UNSC mandates in peacemaking and the establishment of international contact groups, transition from mediation to implementing peace agreements, and joint review and evaluation of mediation efforts and mechanisms for resolving disputes, are issues under consideration.

Of relevance to our topic is the issue of deployment of envoys prior to the appointment of the chief mediator as this may impact on the work of members of the AU PW, Friends of the Panel and the Pan-Wise. Coincident with the doctrine developed by the AU noted earlier on mediation action plans and the SOPs on mediation, consideration is given to the immediate deployment of envoys to ascertain the facts, develop analyses of situations, assess risks of escalation and play discreet good offices roles. The need to ensure coordination between envoys is, therefore, high on the agenda, with the possibility of the creation of a Forum of Special Envoys by the lead organisation being discussed.

Enhanced partnership between the headquarters of the AU, UN and RECs is regarded as a key dimension, which could be achieved, for example, through ongoing desk-to-desk contacts; sharing of information and analysis; collaborating in the preparation of briefing papers; joint training, retreats and workshops; shared reviews and evaluations; raising awareness of the strategic partnership; and capacity building in mediation.

The UN and AU are currently engaged in developing an AU–UN Programme of Cooperation in Mediation, as well as an AU Mediation Framework – a project involving the UN DPA MSU and several other partners.

Holistic conflict prevention: Linkages and synergies between national, regional and continental efforts

In working to sustain development gains, the primary responsibility for establishing, developing and sustaining national capacities for peaceful and sustainable development, referred to hereafter as 'infrastructures for peace and development', belong to stakeholders in member states, especially governments, civil society organisations, the private sector and the media (UNDP 2013a:2–3).

Another important initiative that is worth mentioning here is the ongoing partnership between UNDP, specifically its Bureau for Crisis Prevention and Recovery (BCPR) and the AUC (the PSD and, in particular, the Panel of the Wise), which is implemented under the theme 'Enhancing capacities for conflict prevention and mediation of the regional economic communities and the African Union'. With specific focus on how to practically address the linkages between actors at local, national, regional and continental levels, this initiative has supported an important dimension of the AU PW's work, as well as that of the Pan-Wise. This relates to the substantive, real involvement of national and local level institutions in continental and sub-regional conflict prevention and mediation efforts. Indeed, a key strategic concern for the Pan-Wise, as noted in the pages above, is how best to include national level actors in its membership and collaborate with them under the Pan-Wise network as necessary. This concern is the theme of the forthcoming Pan-Wise retreat scheduled for 2015.

The UNDP and the AUC initiated this process through extensive consultations which aimed to take stock of results achieved in conflict prevention and mediation initiatives at continental and regional level; to share experiences on the use of insider mediation capacities and how to strengthen them; examine how to enhance collaboration among national, regional and continental level efforts in conflict prevention and mediation, emphasising the importance of addressing structural and systemic prevention in complementing operational prevention; and sharing experiences on working through IfPs and how to establish them (UNPD 2013b).

Including local and national level actors in conflict prevention and mediation efforts has been a key strategic move on the part of this initiative. As noted by

the director of the PSD, Mr El-Ghassim Wane, at the first consultation in Addis Ababa, Ethiopia,

neither the AU, RECs nor the UN can replace the role of national structures and processes of conflict prevention and the involvement of national actors enhances ownership and leadership of the processes and infrastructures for conflict prevention and increases the commitment to translating general rhetoric to discernible actions and implementation (UNDP 2013b).

For the UNDP, national IfPs are present at different levels of the social spectrum. As noted by Dr Ozonia Ojielo, then director for conflict prevention and recovery at UNDP's BCPR,

the agency has already supported the establishment of IfPs, in the form of national peace councils and peace committees, task forces and peace partnerships, peace secretariats, national peacebuilding platforms or brigades, ministries of peace, conflict early warning and early response systems, peace observatories, and insider mediators in several countries. These actors are key partners in efforts to prevent and mediate conflict – it is, therefore, important to support their development in areas and countries where they may not exist (UNDP 2013b).

Furthermore, Ojielo noted that:

IfPs, if properly designed and implemented, will help a country manage recurrent conflicts; complement external mediation (targeted at the primary parties in a conflict) with internal negotiations that bring national actors from different levels of polity, thus broadening the base for peace; and negotiate and implement new governing arrangements in an inclusive and consensual manner, especially after periods of turbulent transitions (UNDP 2013b).⁵²

Several recommendations emanated from this consultation, reinforcing the choice of strategic direction for a more effective and responsive mediation

⁵² These measures should follow these principles: national ownership and leadership, sustainability, inclusiveness, gender sensitivity, integrity, institutional financial autonomy; and harmonisation, solidarity, complementarity, subsidiarity, coordination and legality.

approach. The recognition of the multitude of instruments (legal, normative but also operational) requiring implementation, the need to simultaneously undertake operational and structural prevention, and the imperative of mainstreaming and embedding the role of women in peace and security at all levels, are among key priorities for action. With specific focus on IfPs, building states' resilience by investing in the people, institutions and structures that deal with conflict prevention and mediation was highlighted. It was noted, considering the horizontal and vertical dimensions of the APSA already discussed in the paper, that:

... due to the varying speed with which different departments of the AU, and different RECs are developing, there is limited inter-departmental and inter-RECs/RMs coordination. There is need to establish stronger institutional linkages and connectivity with and among the RECs/RMs, and improve [the] AU's internal coordination to enhance information and knowledge exchange as well as foster effectiveness of the RECs and AU. [The] AU and RECs have mechanisms for conflict prevention and mediation; what is missing is the linkage between the top-down and bottom-up approaches to create synergy. By increasing the linkage between the work of the RECs to the AUC and vice versa, this promotes a more coherent strategy of conflict prevention (UNDP 2013b).

The partnership between the PSD/AU PW Secretariat and UNDP, implemented with the theme 'Building national peace infrastructures: Strengthening national, regional and continental coordination in conflict prevention', has seen AU PW members, as well as officials of the AUC, lead and participate in regional consultative workshops with the RECs on these issues. These workshops included a 9 and 10 September 2013 event in Accra, Ghana, involving the AU, ECOWAS and officials from ECOWAS member states, as well as a 16 and 17 September 2013 gathering in Maseru, Lesotho, where SADC officials and representatives of member states were in attendance. At these consultations, participants agreed on a number of measures, including to:

.... reinvigorate and integrate indigenous and traditional methods of healing, reconciliation, and alternative dispute resolution into local and national efforts; undertake national conversations and analyses in each country within the next year on consolidating and strengthening

existing capacities, and establishing new ones as appropriate into systematic infrastructures for peace and development (UNDP 2013b).

Strengthening the AU's mediation capacity II: Learning, knowledge management and the capacity-building dimension

A second dimension to the efforts taking place at the AUC and PSC relates to the key areas of learning, harvesting of lessons learnt and documentation of past and ongoing mediation processes (knowledge management), and capacity building in mediation. Indeed, the leading role provided by the Secretariat of the AU PW in these three areas demonstrates the logical inter-linkages established among learning and knowledge management of mediation processes and capacity building on mediation, and the supportive functions of preventive diplomacy – critical for cases where members of the AU PW are asked to support ongoing mediation developments. Not only has the AU PW and its Secretariat played leading roles in these areas, but they have practical implications for the work of the AU PW, the Friends of the Panel and Pan-Wise. Many of the procedures discussed in both the context of the KMF for Mediation Processes and the more conceptual contributions contained in the 'Managing mediation processes' handbooks are certainly relevant to our discussion here.

The Knowledge Management Framework for Mediation Processes

The African Union has over the years consistently sought the peaceful resolution of violent crises and conflicts across Africa. The AU's interventions have been mainly through efforts led by a special envoy appointed by the African Union Commission, by the Commission itself, by the Panel of the Wise and any other ad hoc mechanism. Despite many positive steps, the AU has not yet established appropriate arrangements to capture the knowledge and experiences accumulated through these mediation processes. Capturing lessons learnt is the foundation for any reflection on how to improve future interventions (Lamamra 2012a:4).

Developed with the support of the Geneva-based HD Centre and CMI, the AU's KMF for Mediation Processes was adopted by the AUC during 2012 and published in August of the same year (AU 2012n). Former Commissioner for Peace and Security Ramtane Lamamra considered that the knowledge retained from AU mediation processes would encourage better utilisation of best practices, provide space for the application of lessons learnt, inspire innovative thinking on mediation, ensure that the AU's mediation experiences would be documented over time, and provide a learning platform not only within the AU, but also among other mediation actors, including the RECs/RMs, and the newly established Pan-Wise (Lamamra 2012a).

Knowledge management for mediation processes is conceptualised around three main clusters: sharing knowledge during a mediation process; documenting the mediation process, and gathering lessons learnt, with the KMF providing detailed step-by-step instructions and indicating the human resources needed to undertake tasks. For this book, we extract from the framework those aspects relevant to our discussion as they will undoubtedly be affected by and impact on the work of both the AU PW and the Pan-Wise – although for a comprehensive understanding of the entire framework we recommend reading the entire document.

For our purposes here, the first cluster of activities is, and will increasingly become, a central one. This is because it addresses the collection and sharing of information and analysis among personnel at AU headquarters, in field offices and teams, and mediation partners during the course of each AU-mandated mediation process. In light of our emphasis of the need for deeper horizontal coordination of efforts between APSA pillars, and the specific requirements on mediation, the cluster on knowledge generation and knowledge dissemination is key (AU 2012n). Although technical recommendations are directed specifically to special envoys or special representatives, they equally apply to members of the AU PW and Friends of the Panel:

... there are many instances in the course of a mediation process when the AU special envoy or special representative is in the field and needs access to knowledge and information from AU headquarters in Addis [Ababa]. This might involve discussing sensitive information about the various stakeholders in the conflict or receiving updates (AU 2012n:8).

The second cluster of the framework focuses on the documentation of AU mediation processes during their implementation and after their completion – termed ‘knowledge retention’, which has to be undertaken internally within the AUC. Although the framework does not specifically mention it, the need to document mediation extends also to the types of interventions undertaken by the AU PW, Friends of the Panel and Pan-Wise, as the same principles of retrieving lessons learnt apply.

In terms of mediation in particular, the KMF is connected to the SOPs for Mediation Support in the several steps it proposes. Both insist that a number of documents should be prepared before, during and after the initiation of an AU mediation effort, including a briefing book for the lead mediator; the terms of reference for the lead mediator; strategic and operational plans written up by the lead mediator and senior analyst at the outset of a mediation effort; written outputs from reviews; updates of the mediation strategy; and an ‘after action review’, among others (AU 2012n:9–10).

Finally, the last cluster of activities considered by the KMF are those relating to the collection of lessons learnt in each AU mediation effort so as to improve performance, share successful strategies, and educate future mediators who are new to the AU (termed ‘knowledge utilisation’). Again, this is a grouping which will also apply to the AU PW, as well as the Friends of the Panel and Pan-Wise. This is a more research-oriented activity, which calls for the analysis of mediation processes to help the AU determine which strategies were successful or ineffective, and what lessons can be learnt to inform future mediators. It includes debriefings to capture mediators’ and their teams’ reflections, analyses by experts and comparative studies. The framework also calls for the AU to publish its mediation efforts so as to ‘share its learning with other organisations and to claim credit for its successes [as this can] increase its mediation capacity by using the experience of its senior mediators to educate and train the next generation of mediators’ (AU 2012n:11).

An important dimension of this framework as far as the AU PW is concerned relates to suggestions to create a platform to provide advice and solicit information, among other functions. Enabling members of the AU PW to share their knowledge and experiences with mediation teams on the ground is an important step forward.

Using the 2010 assessment terminology of APSA as an 'interlocking system', several of the recommendations may indeed contribute to greater synergy, better utilisation of resources, and a substantially improved mechanism for sharing information, experiences and lessons learnt. In its efforts to work more closely with other relevant units of the AUC and, in particular, pillars of the APSA such as the CEWS, and to strengthen its relationship with special envoys and special representatives and their teams on the ground, the Secretariat of the AU PW will gain from reflecting on how to apply some of the KMF's recommendations to its own work. The support of partners such as ACCORD, CMI, UNDP, GIZ, UNECA, HD Centre, and many others in the current operationalisation of the KMF is key.

Learning: Managing peace processes

Over the past few years, the AU has decided to put in place tools and procedures for its staff and envoys to learn better from past experiences of the AU, and others, in peacemaking and conflict prevention. In line with such commitment, we have worked with member states, partner organisations and other regional and multilateral bodies to promote information sharing to the benefit of our staff and envoys. Case studies have been compiled, rosters are being developed, joint planning and lessons learnt are continuously being held, and Standard Operating Procedures for mediation support as well as a knowledge management framework are now in place (Lamamra 2013:4).

The 'Managing peace processes' series of handbooks was published in 2013 with the support of the HD Centre. Their specific objective was to enable peacemakers to have easy access to comparative experiences, as well as reflections on key issues that mediators may encounter in their activities. Accordingly, as noted by Director of Peace and Security El-Ghassim Wane, 'each chapter has been written from the point of view of a mediation team, in order to discuss practical challenges peacemakers face, as well as some options at their disposal' (AUC 2013d:8). Three volumes were produced, focusing on: process-related questions (volume one), thematic questions (volume two) and inclusivity in peace processes (volume three).

The three tomes comprise a series of important contributions, with the potential to inform both the work of future AU mediators, envoys and members of the AU PW, but also to support the development of the knowledge management dimension discussed above. Although a comprehensive review of these handbooks is beyond the scope of this book, we will refer to some of their key contributions. The first volume focuses on process questions of importance when undertaking mediation and associated forms of peacemaking. The book is relevant because there are procedural dimensions to all peace processes. If these are not available, mediation processes tend to be haphazard (AU 2013u). The handbook discusses: key mediation concepts and the importance of conflict analysis prior and during peacemaking (Huber 2013) and how to structure negotiation processes and the settlement of conflicts (including purpose, format, mandate, participation, agenda-setting, timetables, decision-making and verification, and monitoring and implementing measures) (Wolff 2013a). It also contains an in-depth discussion about confidence-building measures, focusing on their scope, types, timing and effectiveness in recent peace processes (Mason and Siegfried 2013). In addition, implementation of sustainable peace agreements, including the role of mediators in designing processes with implementation in mind, as well as ideas on addressing entrenchment, power-sharing and dispute resolution are addressed at length (van Walt van Praag and Boltjes 2013). Finally, the multiple ways in which sanctions and incentives are used in peace processes (Barnes 2013) are also touched on.

The second book in the series focuses on key issues germane to all peace processes (AU 2013v). These include the role of the media (including an analysis of the current media environment and suggestions on tactical communications options) (Lehmann 2013), specific challenges of negotiation, focusing on power-sharing agreements (including designing power-sharing options for institutions) (Wolff 2013b). It also discusses justice in peace negotiations (including an initial consideration of questions of justice, process and participation, amnesties and best practice) (Hayner 2013), negotiating ceasefires (Chounet-Cambas 2013) and, finally, issues relevant to elections and mediation (Fomunyoh and Preston McGhie 2013).

The last volume addresses the multiple issues related to inclusivity in peace processes (AU 2013w). It comprises contributions focusing on concerns around

engaging with armed groups (including identification of challenges, risks and options) (Whitfield 2013a), broadening participation in peace negotiations (including exploring models of inclusion and suggestions for mediators) (Paffenholz 2013) as well as reflection on the importance of mainstreaming women's issues and gender perspectives in peacemaking (including ensuring women's participation in peace and security, as well as options and tools for mediators) (Potter 2013), and finally, the multiple issues raised by external actors in mediation (Whitfield 2013b).

Direct support and capacity building on mediation

The PSD, through the Secretariat of the AU PW, has been known to provide direct support and capacity building in mediation for various stakeholders at the AU and RECs. These include personnel in the office of the chairperson and the PSC, special envoys, special representatives, heads of field offices, liaison offices and officials at the various RECs. There are several examples of important projects and initiatives which, over the years, have seen the Secretariat of the AU PW and its implementing partners provide direct operational support, strengthen capacities and work on harmonising mediation approaches. This crucial dimension of the relationship between the AU PW and the AU's mediation efforts in the context of the APSA (extended to the RECs as well) is the subject of the discussion that follows.

The African Union Mediation Support Capacity Project, a joint venture of the AU, ACCORD and CMI, which was funded by the Ministry of Foreign Affairs of Finland, is one example. This initiative was launched as part of the larger UN and AU capacity building framework, which began in August 2009. Implementation of this project is done collaboratively by the AU (through the Secretariat of the AU PW), ACCORD and CMI. The recognition that AU mediation activities had largely been ad hoc, that the processes and mechanisms of mediation had yet to be consolidated and that addressing the shortage of trained human and financial resources was a priority, led to the development of this project. Its ultimate goal was to strengthen the AU's institutional capacity and mediation operating procedures, as well as to produce a pool of qualified mediators and experts ready for deployment. In its first phase (which ended in mid-2012) the project focused on five interlinked clusters of activities:

- i. development of policies, guidelines and procedures
- ii. participatory learning and sharing of good practice
- iii. capacity building and training
- iv. supporting AU mediation capacity
- v. project management, monitoring and evaluation.

For our purposes here, a number of this project's first phase activities are worth mentioning. While partners were key resources in several of the expert meetings and retreats (both AU PW and the high level retreats, but also the 2009 seminar on the theme 'Towards enhancing the capacity of the African Union in mediation'), there were important mediation capacity building, training and gathering of lessons learnt activities undertaken during the period. Indeed, project partners were instrumental in the development of both the Plan of action to build the AU's mediation capacity (Nathan 2009) as well as the Strategic vision for the Panel of the Wise (AU 2010i).

Project partner ACCORD hosted several mediation support courses in 2010 and 2011, in which representatives of the AU, RECs and other stakeholders participated. These included the 24 to 26 November 2010 advanced training in mediation workshop for AU headquarters staff and liaison officers. A training workshop from 1 to 3 November 2011 focused on strengthening the knowledge and capacities of AU officials so they could strategically guide, advise and support AU mediation teams on the ground. Other interesting examples of initiatives under this project include the production, by CMI, of short films on themes and aspects of mediation that were based on interviews with African mediators. In addition, CMI compiled a list of experts on the various thematic areas the AU PW was working on.

Phase II of the project began in August 2012, aimed at strengthening operations and processes related to ongoing AU mediation initiatives. Specific objectives of this phase of the project include: enhancing the AU's mediation support capacity in terms of planning, deployment, management and monitoring of mediation interventions; enhancing the AU's capacity to identify lessons learnt and best practices in conflict prevention and mediation; and strengthening internal systems and procedures in support of AU mediation interventions.

This has been a key project with regard to direct support to AU liaison offices (specifically on CAR, Guinea-Bissau, Libya and Mali) as well as the development and delivery of relevant training on mediation to key stakeholders.⁵³ Indeed, two of the key focus areas of this project relate to operational support to mediation and capacity building, training and development. During 2013 the AU PW Secretariat, assisted by its partners, supported the AU liaison office in Guinea-Bissau and ECOWAS to design and implement a long-term strategy for managing high-risk elections. The Secretariat supported the work of the AU office in Libya on constitutional arrangements, undertook a stock-taking exercise at the request of the AU liaison office in Mali and supported the AUHIP in its mid-term review/lessons learnt exercise. The project also supported the AU high-level envoy for the Great Lakes region in planning a preventive mission to Burundi and organised an advanced mediation training (first conducted in September 2012 and then from 29 to 31 July 2013), which was attended by relevant Francophone staff from the AU and RECs. Its ultimate aim was to achieve the creation of mediation curriculum in French.

In addition, through CMI, the Secretariat engaged in consultations with AU representatives in CAR, Côte d'Ivoire and Libya. These efforts continue and will be deepened during 2015. Other important activities include exercises to map national level actors in different countries by CMI. This activity aimed to gather and share information with the AU on existing capacities in different member states that could be called upon to support initiatives in their respective countries as appropriate. Focusing on southern Africa, Central Africa, East Africa and West Africa, the exercise sought to contribute to the AU's knowledge of mediation experts resident in these regions. This information is of use to the wider international community as well. As a follow-up to the mapping exercise, the Secretariat of the AU PW, CMI and ACCORD organised a workshop with the theme 'Enabling, supporting and conducting mediation – the role of African non-state actors in conflict prevention' which brought together key non-state actors and AU liaison officers in Dakar, Senegal, on 13 February 2013. Mapping activities continued in 2014, focusing on specific countries as requested by the PSD.

53 As emphasised in the relevant sections above, this partnership has also significantly contributed to the planning and coordination of activities, such as AU high-level retreats, among others.

Importantly, personnel at the RECs/RMs were also targeted to receive capacity building. In 2013, the PSD, through the Secretariat of the AU PW and in partnership with ACCORD, developed an action plan aimed at enhancing mediation capacity in ECCAS. At the time of writing, project partners were planning to follow this process with a strategic design seminar for ECCAS and the AU, to support planning for a national dialogue process in CAR.

Further support to ECCAS has included, in 2014, consultations towards the creation of a women's platform for CAR, an activity that saw the Secretariat and its partners deploy efforts to support the mobilisation of high-level women in CAR to contribute to peacemaking initiatives and ensure the inclusion of women's perspectives in the country's ongoing peace processes.

Finally, with respect to the RECs/RMs, the Secretariat of the AU PW will continue to pursue the strategy initiated during 2010 of holding consultations designed to strengthen the alignment of these actors' respective mediation and preventive diplomacy mechanisms with those of the AU. In mid-2013, the Secretariat launched a holistic programme to support the RECs to develop their own institutional mediation capacities. The Secretariat is currently actively working with COMESA, EAC, ECCAS and ECOWAS in this regard. The main activities under this initiative include desk-to-desk consultations, regular exchange of information, development of practical norms, studies and the envisaged development of AU-RECs joint guidelines in mediation.

PART THREE:

Wrapping up

3

Conclusion

This book provided information and analysis on the experiences, to date, of an important pillar of the APSA, the AU PW. Our objective was to discuss the gradual institutionalisation of the body over a six and a half year period (2007–14) and reflect on issues that can inform the AU PW's operations in the future.

An understanding of the AU PW begins with an appreciation of its legal and normative dimensions, as well as the modalities governing its operations, in addition to the rationale (some would say philosophy) underpinning its existence. Yet, if these go some way in delineating the institutionalisation of this structure within the AU, it is in the domain of operations that the real value and potential of the AU PW can be seen.

In many ways the history of the AU PW so far is intertwined with both the contemporary history of the AU, as well as that of the African continent itself. We felt it therefore critical to discuss the Panel – and the Friends of the Panel and Pan-Wise – in the context of a complex and rapidly changing environment, sensing that such contextualisation was not only necessary but critically important to fully appreciate the role and potential of the AU PW, as part of the APSA.

Also, because of the often-held assumption that the AU PW is, or should be, the AU's mediation arm, we made efforts to incorporate, as much as possible, details on the multiple dimensions of mediation under the AU. We delved into discussion on the doctrinal, strategic and operational thinking within the AU, with particular reference to capacity building in mediation skills and knowledge undertaken primarily through the Secretariat of the AU PW. As noted at the beginning of this book, the important mediation support role played by the Secretariat and its partners, including direct support, capacity building, development of doctrinal and operational guidelines, knowledge management, and sharing of lessons learnt, to mention a few, points to a growing *de facto* portfolio of activities connecting the AU PW, through its Secretariat, to the initiatives of the AU's special envoys, special representatives, mediators and those of the chairperson and PSC. Indeed, the Secretariat has assumed several of the functions of a mediation support unit within the PSD.

In our view, not only does this allow for more realistic assessments of the multiple roles of the AU PW, it also adds clarity to considerations of existing and potential linkages between the Panel and AU special envoys, special representatives and chief mediators, other APSA pillars and relevant sectors within the peace and security and political affairs departments. It was for this reason that we decided, where appropriate, to introduce key issues under consideration of the AU Assembly, the PSC and the chairperson of the AU, as this provides information on the institutional context within which the AU PW responds to developing conflict situations and the context within which it operates.

This was also the motivation for our noting that future discussions of a possible mediation support unit within the AUC must *perforce* consider the experience of the AU PW, the Secretariat of the AU PW and its partners. Indeed, it begs repeating that they have acted in many ways as such a unit, reflecting the consensus that mediation should in fact be regarded as cross-cutting within the AUC. Nevertheless, issues of sustainability and capacity, professionalisation, deeper integration and collaboration of all relevant AUC stakeholders in mediation efforts, remain key priorities pointing to the need for such reflection to take place.

It is our hope that this book has demonstrated the extent to which the AU PW does not operate in a vacuum, being in many regards influenced by the pace of events, the AU's priorities, its political culture, as well as the administrative obstacles that continue to underpin the workings of the continental organisation. Yet, as an integral part of the organisation, the AU PW equally influences, advises and brings to the attention of the AU issues it deems critical. In particular, the thematic reflections and horizon scanning undertaken by the AU PW have allowed the body to pronounce itself and take decisions on key issues, while bringing critical subjects to the attention of relevant departments and offices within the AU.

In several important operational dimensions, the AU PW has, in its short lifespan, demonstrated important added value through, among others, providing advice, opening channels of communication, carrying out fact-finding missions, undertaking shuttle diplomacy, promoting the adoption of confidence-building measures and providing advice on reconciliation. The missions to the DRC, Kenya and Senegal, for instance, are testament to this. As the APSA becomes

fully operational, and at the same time that other important initiatives of the AU, like the AGA, come on stream, there is considerable scope to strengthen the role of the AU PW as part of the inter-locked system of conflict prevention, management and resolution discussed. The desirable end result would be an AU PW characterised by stronger horizontal and vertical linkages of all the pillars of the evolving APSA, with increased flexibility and the ability to implement more robust preventive action. The full operationalisation of the APSA, which is not limited to its pillars but also, importantly, to issues of horizontal and vertical coordination, remains an ongoing priority, as is addressing its sustainability in terms of financial and human resources (including mobilising increased resources from within the continent).

In such an inter-locking system, the AU PW's mandate and proven experience in operational prevention is an important value addition. While its activities are enhanced by those of both the Friends of the Panel and Pan-Wise, the support that the AU PW can provide in pre-mediation/pre-negotiation and ongoing mediation processes has the potential for substantial impact. Yet, if better integration of preventive diplomacy, mediation and post-conflict reconstruction and reconciliation efforts is to be enhanced and achieved, careful attention must be paid to issues of complementarity and contingency in the deployment of different instruments and tools. And in this regard, deepening interactions among the AU PW, the chairperson and the PSC – already today qualitatively different from the early days of the AU PW – is required. Moreover, as it would be impossible for members of the AU PW and the Friends of the Panel to address *all* situations warranting their attention, the AU PW itself has defined particular cases where its support may be most useful. These include protracted conflicts or rapidly escalating situations and unstable war-to-peace transitions with the potential to return to violence.

In addition, the Secretariat has begun to think through the modalities for strengthening collaboration and harmonisation in mediation, mediation support and conflict prevention endeavours between the AU and the RECs. This will include developing joint AU–RECs mediation guidelines, among other activities.

It is important to acknowledge that the prevention–management–resolution/peacemaking–peacebuilding continuum is, more often than not, a simplification as conflicts and their resolution and transformation rarely develop in such a

linear fashion. Often surrounding a central, pivotal point of struggle, there are myriad other connected conflicts, at different levels of the social spectrum, in different locations – in a web of interconnected situations of grievance but also of greed. At times localised or group-specific disputes develop in leaps and bounds to engulf entire regions and countries in environments characterised by structural dimensions which fuel violent action. In other situations, simply keeping a record of armed groups in a particular conflict can be a daunting task, as they proliferate in an ever-growing constellation of violent actors. In addition, the recurrence of violent conflict in situations that have been the focus of peacemaking and even peacekeeping activities is statistically highly probable. Violent conflict is also not limited to the incumbent-insurgent dyadic idealised model. Action is often required to prevent, mitigate and manage violent coups, election-related violence, terrorism and organised violence by criminal networks. Moreover, popular protests and revolutions, as noted above, have prompted the AU to seriously reflect on how to address them as traditional containment or enforcement may be at odds with the principles of participation, democracy and respect for human rights.

These contexts require, therefore, a highly flexible but concerted approach, one where operational and structural prevention, management and enforcement, peacemaking and post-conflict interventions are considered part of a basket of tools to be deployed, where appropriate, often in an iterative, rather than sequential, manner. It is in this context that the concept of the APSA as an interlocking mechanism should be understood.

Contingency and complementarity are particularly important in preventive diplomacy and peacemaking – as the two are in fact inextricably linked. For instance, if one thinks of confidence building, fact-finding, communication and conciliation as some of the tools available to preventive diplomacy – and, therefore, to the AU PW – these very same tools are key for mediation. This should not come as a surprise as mediation is the most versatile of arbiter roles, as it often incorporates other modes of intermediary activity. Indeed, in its Guidance for Effective Mediation, the UN notes: ‘mediation often exists alongside facilitation, good offices and dialogue efforts. Mediation, however, has its own logic and approach’ (UN 2012a:4), while Jabri (1990:8) reflects on

the variety of mediation practice as she provides a glimpse into some of the activities:

... the intermediary's functions include the facilitation of communication between the parties and influencing parties towards changing their positions in order to make agreement possible. The intermediary may facilitate concessions from the parties by clarifying the issues in conflict, by helping the parties withdraw from commitments and by reducing the cost of concessions; that is, generally providing incentives for concession-making. The mediator may offer compromise formulae and substantive proposals.⁵⁴

Mediation processes are by their very nature intensive, medium-to-long-term commitments, requiring a permanent, flexible and time consuming engagement, a dedicated support team and considerable financial resources. Not only are the situations under mediation complex and protracted, the very environments within which mediation occurs are at times complex, often with a number of organisations and individuals involved (or wishing to be involved). Quoting the UN secretary-general:

The field of mediation has become more diverse and crowded. Regional, sub-regional and other international organisations as well as non-governmental organisations and private individuals are increasingly involved in mediation activities. At their best, mediating actors have coalesced behind a lead mediator, served a common strategy, and employed their comparative advantages to maximum effect working at different levels of the process. At worst, competition and disagreement over strategy and funding have permitted parties to forum-shop, therefore hampering peace efforts (UN 2012b:6).⁵⁵

In these contexts, it is expected that the AU will continue to rely on the good offices of the chairperson, the PSC and particularly on the appointment of special representatives, special envoys and other intermediaries (including the creation of international contact groups), as preferred tools for its engagement in mediating violent conflicts. Nevertheless, the AU PW also has an important

⁵⁴ See also Gomes Porto. 2012.

⁵⁵ See also Gomes Porto. 2014c.

role to play in support of these efforts. As noted, this can and has often included assistance and advice to mediation teams engaged in formal negotiations, support to the process by which a decision to deploy a mediator is made, deployment of a fact-finding mission, or mediation for 'early action' (discreet good offices role). Furthermore, the AU PW may be able to open political channels, meet with state leaders, and/or use the influence of its individual members, as well as its own as a respected entity, to assist the lead mediator.

In our view, this assistance and advice is particularly important at specific junctures during mediation processes. The first is that of mediation entry, or the process by which parties consent to a particular mediator and mediation proposal. Here the AU PW has revealed a key number of advantages of the AU PW in terms of mediation entry:

- i. the ability to act in confidence away from media attention
- ii. the experience, age and prestige that allows members of the AU PW to, with authority, intervene to promote dialogue, build confidence and initiate communication
- iii. the ability to, as part of the AU's efforts at interaction with multiple decision-making levels in affected countries, optimise the impact of those interventions.

Indeed, as we pointed out, like arbitration but not adjudication, mediation depends on the prior agreement of parties to a dispute, whether the proposal to mediate comes from the potential mediator, the parties themselves or a third party. In its guidelines, the UN considers 'consent' fundamental to mediation:

... [m]ediation is a voluntary process that requires the consent of the conflict parties to be effective. Without consent it is unlikely that parties will negotiate in good faith or be committed to the mediation process. A range of issues can affect whether conflict parties consent to mediation. The integrity of the mediation process, security and confidentiality are important elements in cultivating consent of the parties, along with the acceptability of the mediator and the mediating entity (UN 2012a:8).

Secondly, and for the very same reasons, the AU PW can strengthen its role in pre-mediation/pre-negotiation or so called 'talks about talks', because in this particular phase of mediation, confidence building is a key activity which requires

access, credibility and trust. Because of its reliance on confidentiality, and as important, deniability, the tentative approximations that can be rehearsed by the AU PW could be crucial in phases of ‘exploratory talks’ – allowing for parties to a conflict, as well as the AU, to withdraw or reject them without the danger of losing face. Thirdly, the AU PW will continue to play discreet roles during negotiations, by supplementing mediators’ efforts as appropriate, encouraging Track II endeavours, or intervening to voice concern, support, encouragement, or to denounce violations.

What is important in our view is the recognition that although it needs to be flexible, mediation must be viewed as a structured undertaking. In this sense, any support given by the AU PW, Friends of the Panel or Pan-Wise must be done in a concerted manner, and incorporated as much as possible into the strategic and operational plans of mediation endeavours.

In terms of other dimensions of the AU PW’s activities, it goes without saying that the perennial issue of lack of resources, both human and financial, remains a challenge to the AU PW’s pursuit of its mandate and already existing commitments. This is a problem that is endemic to the entire AUC and which will most likely continue to exist. It is also one that will still require creativity in terms of the ways in which the AU PW and its Secretariat relate to other parts of the AUC, particularly within the PSD, the DPA and partner organisations. This will become increasingly important as the AU PW undertakes many of the commitments on its agenda: horizon scanning and thematic reflections, monitoring of legal and normative instruments and interaction with members states on conflict prevention, as well as direct support to mediation and training and capacity building. Overcoming current human capacity constraints will undoubtedly ensure that the Secretariat is able to achieve its stated commitments – including paying special attention to the AU–RECs dimension as part of the necessity of ensuring greater coherence, collaboration and subsidiarity in mediation.

The exciting prospects created by the Pan-Wise are also worth noting here. Joining forces with the AU PW will lend conflict prevention activities of the Pan-Wise more authority, legitimacy and, therefore, influence. In addition, in light of the many obstacles that typically affect conflict prevention work, a continental network of panels strengthens each constituent’s ability to gain entry, and political buy-in, from both their organisations and member states.

Pooling their resources will strengthen panels' abilities to undertake relevant thematic reflections and horizon scanning. Working together will enable them to better raise awareness and possibly monitor implementation of treaties, protocols and decisions on the rights of women and children, popularisation of good governance instruments, transitional justice and reconciliation, electoral processes, conflict prevention and protection of human rights.

Extending Pan-Wise membership to the national level, by incorporating national ombudsmen and *médiateurs de la république*, non-governmental organisations, faith-based groups, and other key national IFPs, will provide much-needed coordination of prevention efforts at continental, regional, national and local levels. Finally, sharing experiences and knowledge, best practices and lessons learnt, as well as joint training and capacity building (initiatives that have already begun) will contribute to increased relevance of the AU PW as part of the continent's conflict prevention and management mechanisms.

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The African Union Panel of the Wise has, since its launch in December 2007, become a key component of the African Peace and Security Architecture. In its eight years of existence, the Panel of the Wise has matured into a key conflict prevention and resolution instrument, contributing, through the sheer will and determination of its members, to strengthening the African Union's ability to better address the scourge of violence wherever it occurs on the continent.

The Panel of the Wise is a key pillar of the African Peace and Security Architecture. Its short history, discussed in detail in this book, reveals its gradual institutionalisation within a complex and rapidly shifting environment. The institutionalisation of the Panel of the Wise is discussed with reference to various stages in the development of organisations. These include a first phase characterised by innovation, commitment and initiation (2002–07); a second focused on operationalisation, where creativity and discovery marked the search for an operational niche and where a degree of institutional habituation began to take place (2007–10); and a third period defined by full institutionalisation, an expanding portfolio of activities, and diffusion through creation of the Pan-African Network of the Wise and the formation of the Friends of the Panel of the Wise (2010–14).

Fittingly, discussions about the African Union Panel of the Wise in this book consider existing – and potential – linkages with the special envoys, special representatives and mediators of the African Union Commission and other African Peace and Security Architecture pillars, as part of the African Union's broad mediation and related peacekeeping activities.

