Annual Review of the Peace and Security Council 2012/2013

By Dr Solomon A. Dersso
with a contribution from
H.E. Mohamed Fathi Edrees and Dr Jide Okeke

Annual Review

As a leading African human security research institution, the Institute for Security Studies (ISS) works towards a stable and peaceful Africa characterised by sustainable development, human rights, the rule of law, democracy, collaborative security and gender mainstreaming. The ISS realises this vision by:

- Undertaking applied research, training and capacity building
- Working collaboratively with others
- Facilitating and supporting policy formulation
- Monitoring trends and policy implementation
- Collecting, interpreting and disseminating information
- Networking on national, regional and international levels

© 2013, Institute for Security Studies

Copyright in the volume as a whole is vested in the Institute for Security Studies, and no part may be reproduced in whole or in part without the express permission, in writing, of both the authors and the publishers.

The opinions expressed do not necessarily reflect those of the Institute, its trustees, members of the Council or donors. Authors contribute to ISS publications in their personal capacity.

ISBN 978-1-920422-80-6

First published by the Institute for Security Studies,
P O Box 1787, Brooklyn Square 0075
Pretoria, South Africa

www.issafrica.org

Cover photograph Opening of the African Union summit meeting, Jacoline Prinsloo

Cover design COMPRESS.dsl +27 21 886 9387

Content design and layout Marketing Support Services +27 12 346 2168

Printing Central Printing Press Addis Ababa

Annual Review of the Peace and Security Council 2012/2013

Annual Review

By Dr Solomon A. Dersso
with a contribution from
H.E. Mohamed Fathi Edrees and Dr Jide Okeke

Contents

Acknowledgements iii

List of abbreviations iv

Contributors vii

Chapter I
Introduction 1

Chapter II
Mandate, composition, organisation of work and decision making 5
Mandate 5
Composition 7
Organisation of work 9
Decision making at the PSC 12

Chapter III
The state of peace and security in Africa in 2012 15
North Africa 16
Southern Africa 19
Central Africa 23
East Africa and the Horn of Africa 27
West Africa and the Sahel 31
Balance sheet of Africa's regional peace and security in 2012 and its policy implications for 2013 33

Chapter IV
The PSC in 2012 – an insider's view 37

Chapter V
The PSC in 2012 41
Institutional dynamics 41

Election of members of the PSC 41
Towards a PSC-UNSC Strategic Partnership? 43
Maintaining Africa's peace and security 46
The PSC on the situations in Southern Africa: complete delegation of authority or abdication of responsibility? 47
The PSC on the situations in Central Africa: between manifest inadequacy and assertive leadership? 50
The PSC on the situations in East Africa and the Horn of Africa: pressing for some good news for a change? 55
The PSC on the situations in West Africa and the Sahel: between providing leadership and supporting sub-regional action? 63

Chapter VI
Prospects for 2013 73
Institutional developments 73
Maintaining Africa's peace and security 74

Chapter VII
Conclusion and recommendations 81
The PSC's responses and their outcome in 2012: the lessons 82
Some recommendations 87

Notes 91

Acknowledgements

The Annual Review of the Peace and Security Council of the African Union is a new initiative of the Conflict Prevention and Risk Analysis Division of the Institute for Security Studies (ISS) Addis Ababa Office. In the course of writing of this review, I benefited from the support of a number of institutions. I would in particular like to thank the ISS, the Department of Peace and Security of the AU Commission, the United Nations Office to the AU and the European Union Delegation to the AU for their support in the course of collecting the required data for the review. I would also like to thank the Hanns Seidel Foundation for funding the project.

I would also like to acknowledge the support of a number of individuals, including H.E. Ambassador Mohamed Fathi Edrees for all his support during the implementation of the project and for contributing a chapter for the Annual Review of 2012 and H.E. Dr. Ambassador Andrew Mtetwa for availing himself for consultation and insights on the work of the PSC. Other individuals that I would like to thank include Dr Jide Okeke, for his support of the project and for contributing a section to this review; Achieng Akena for sharing with me her writings on the role of the AU Commission; Simon Badza, Neema Nicholaus Chusi, Berouk Mesfin and Iolandi Pool, for their support during the writing and publication of the review.

Finally, I am particularly indebted to my wife, Dr Emezat Hailu Mengesah, and my daughter, Bethel Solomon Ayele, for bearing with my weeks of absence, especially during weekends and evenings.

Thank you all so very much.

Solomon Ayele Dersso

List of abbreviations

AFISMA	African-led International Support Mission in Mali
AMISOM	African Union Mission in Somalia
APSA	African Peace and Security Architecture
AQIM	Al Qaeda in the Islamic Maghreb
AU	African Union
AUHIP	AU High Level implementation Panel on Sudan
BSDF	Bakassi Self-determination Front (Cameroon)
CAR	Central African Republic
CNDP	National Congress for the Defence of the People (DRC)
CNRDRE	Comité National pour le Redressement de la Démocratie et de la Restauration de l'État
COPAC	Constitutional Select Committee (Zimbabwe)
CPA	Comprehensive Peace Agreement
CPJP	Convention of Patriots for Justice and Peace
CPLP	Community of Portuguese Speaking Countries
CPSK	Wa Kodro Salute Patriotic Convention
DRC	Democratic Republic of Congo
DSSRP	Defence and Security Sector Reform Programme
ECOMOG	Economic Community of West African States Monitoring Group

ECOWARN	ECOWAS Early Warning Department
ECOWAS	Economic Community of West African States
ESF	ECOWAS Standby Force
FARDC	Armed Forces of the DRC
FDLR	Democratic Forces for the Liberation of Rwanda
FNLA	National Front for the Liberation of Azawad
FPR	Popular Front for the Union (Chad)
GPA	Global Political Agreement (Zimbabwe)
HAT	Haute Autorité de Transition (Madagascar)
ICC	International Criminal Court
ICGLR	The International Conference on the Great Lakes Region
ICRC	International Committee of the Red Cross
IGAD	Inter-governmental Authority on Development
INEC	Independent National Electoral Commission
ISS	Institute for Security Studies
JCM	Joint Coordination Mechanism
JMIC	Joint Monitoring and Implementation Committee
JOMIC	Joint Monitoring and Implementation Committee
LAS	League of Arab States
LRA	Lord Resistance Army
M23	March 23 Rebel Movement (DRC)
MDC-T	Movement for Democracy – Tsvangirai
MNLA	Mouvement national de liberation de l'Azawad
MONUSCO	UN Mission in DRC
MPLA	Movimento Popular de Lebertação de Angola

MUJAO	Movement for Oneness and Jihad in West Africa
MUJAW	Movement for Unity and Jihad in West Africa
NSC	National Security Council
NTC	National Liberation Council (Libya)
OAU	Organization of African Unity
PRC	Permanent Representatives Council
PSC	Peace and Security Council
RCI-LRA	Regional Cooperation Initiative for the Elimination of the LRA
REC	Regional Economic Community
RTF	Regional Task Force
SCAF	Supreme Council of the Armed Forces (Egypt)
SPLA	Sudan People's Liberation Army
SPLM/A	Sudan People's Liberation Movement/Army
SPLM-N	Sudan People's Liberation Movement – North
SSR	Security Sector Reform
TFG	Transition Federal Government
UFDR	Union of Democratic Forces for Unity
UNAMID	AU-UN Mission in Darfur
UNHCR	UN High Commission for refugees
UNOAU	United Nations Office to the African Union
UNSC	United Nations Security Council
UPDF	Uganda People's Defence Forces
WES	Western Equatorial State (South Sudan)
ZANU-PF	Zimbabwe African National Union - Patriotic Front

Contributors

- H.E. MOHAMED FATHI EDREES is Ambassador of Egypt to Ethiopia, PR to AU and UNECA and Member of the PSC. He contributed Chapter IV titled 'The PSC in 2012 – An Insider's view'.

- Dr JIDE OKEKE is Senior Researcher in the African Peace and Security Architecture. He contributed to the section on'West Africa and the Sahel' in Chapter III.

Introduction

The establishment of the Peace and Security Council (PSC) of the African Union (AU) has been perhaps the most significant institutional change introduced with the transformation of the Organization of African Unity (OAU) into the AU. The statement issued on 25 May 2004 on the occasion of the launch of the PSC by the Heads of State and Government of the Member States of the PSC heralded the inauguration of the Council as an 'historic watershed in Africa's progress towards resolving its conflicts and building durable peace' on the continent.[1] The Protocol establishing the PSC states that the PSC is a standing decision-making authority and serves as 'a collective security and early-warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa.'[2]

The PSC is constituted to be the highest standing decision-making body on matters of peace and security in Africa. Like the UN Security Council (UNSC), the PSC is composed of 15 member states, of which 10 are elected for a two-year term and the remaining five for a three-year term. To enable it to perform its functions effectively, the PSC is supported by a secretariat. The PSC Secretariat was formally established within the framework of Article 10(4) of the PSC Protocol in 2006 as a division within the Peace and Security Department (PSD) of the Union.

Since becoming operational in 2004, the PSC has established itself as a central decision-making body on the maintenance of peace and security in Africa. Constituted to operate as a standing mechanism,[3] the PSC holds regular sessions for considering existing and emerging peace and security issues on the continent. With the expansion of its engagement on peace and security issues on the continent over the years, the number of PSC meetings has also shown a sharp increase. For example, the PSC held three times more meetings in 2011 than it did in 2004 when it became operational. It was set to hold as many meetings by the end of 2012.

Given the prominence of the PSC's function in the maintenance of peace and security in Africa, the extent to which and how the PSC discharges its functions effectively determine the ability of the AU to address current and emerging peace and security challenges on the continent properly. While the PSC has achieved a great deal in terms of promoting peace and security in Africa, there is ample room for improvement to realise its potential fully. Consolidating and constantly improving on its good work demand periodic appraisal and review. Such appraisal and review would offer the PSC, its member states and the AU Commission as well as allied institutions perspectives on and insights into what works well, areas that require further improvement and the ways for achieving such improvement.

This is the background that informed the conception of the *Annual Review of the PSC*. This annual publication is designed to provide constructive reflections on the work of the PSC during its annual cycle. Apart from appraising and reviewing the work of the PSC on an annual basis, the annual review is intended to provide adequate information and analysis on the works of the PSC to non-PSC members of African states, sub-regional organisations, the wider diplomatic community, civil society and researchers. It is anticipated that such a review will enable the PSC to deepen its effectiveness further and enhance the impact of its efforts in terms of conflict prevention, management, and resolution as well as peace building. The annual review can also provide valuable inputs for the preparation of the report of the PSC to the AU Assembly on the state of peace and security and its activities.

The PSC annual review draws heavily from primary sources. These include decisions of the PSC issued in the form of communiqués, press statements and reports. Other such sources include the reports of the Chairperson of the AU submitted to the PSC, decisions of regional mechanisms for conflict prevention,

management and resolution and reports, statements and resolutions of the UNSC. Additionally, the analysis in the annual review employs rich data obtained through direct communication such as interviews and consultations with AU Commission officials, member states of the PSC, representatives of regional economic communities (RECs) and international organisations, most notably the UN.

The annual review for 2012 has seven chapters. Chapter II offers an analysis of the mandate, composition and organisation of work of the PSC, providing insights into how the PSC carried out its extremely important functions, and developments in this regard during 2012. Chapter III critically examines the state of peace and security in Africa in 2012. This chapter offers both a global picture and a regionally disaggregated analysis of the peace and security terrain of the continent. Importantly, such an analysis of the background on conflict situations in the different regions serves as an analytical framework for interrogating the work of the PSC and its outcome during 2012. The response of the PSC to these situations is addressed in two chapters: Chapter IV presents the insights and perspectives of a member of the PSC about the work of the PSC in 2012, and in Chapter V a more detailed analysis of the activities of the PSC is presented. This is followed (in Chapter VI) by a brief prospective overview of the peace and security issues that may attract the attention of the PSC in 2013. Finally, Chapter VII concludes the review and provides policy recommendations, suggesting necessary actions for consolidating the PSC's effectiveness and enhancing the quality and impact of its initiatives for maintaining peace and security in Africa.

II Mandate, composition, organisation of work and decision making

MANDATE

The mandate of the PSC is expressed through the powers and functions assigned to the PSC, which are defined under Article 7 of the PSC Protocol. An analysis of Article 7 shows that the PSC is conferred with expansive powers that make it the main authority on matters of peace and security on the continent. With respect to conflict prevention, management and resolution, the PSC has the power: (a) to anticipate and prevent disputes,[4] (b) to undertake peace-making and peace-building initiatives to resolve conflicts[5] and (c) to authorise the mounting and deployment of peace support missions.[6] Since its establishment, the PSC has launched a number of mediation and peace-making efforts, both as a preventive measure and to end conflicts. These include the mediation efforts undertaken in Kenya, Sudan (Darfur), and Sudan and South Sudan. The PSC also deployed a number of peace support (military) operations, including to Burundi, Darfur, Somalia, Comoros and, most recently, in central Africa against the Lord Resistance Army (LRA). Regarding 'grave circumstances' identified under Article 4 (h) of the Constitutive Act, the PSC is vested with the power: (a) to anticipate and prevent policies that may lead to genocide and crimes against humanity[7] and

(b) to recommend to the AU Assembly intervention in a member state in respect of grave circumstances.[8] Although at no time has the PSC invoked its power relating to intervention, there was one instance in which the PSC made reference to cases falling under Article 4 (h) of the Constitutive Act.[9]

Reflecting the broader conception of security on which the AU peace and security framework is premised,[10] apart from the above the PSC is conferred with a rich mandate on matters of governance, democracy and human rights. With respect to governance and human rights issues, the PSC accordingly enjoys the power: (a) to institute sanctions whenever an unconstitutional change of government takes place in a member state[11] and (b) to follow up on the progress towards the promotion of democratic practices, good governance, the rule of law, protection of human rights and fundamental freedoms, and respect for the sanctity of human life and international humanitarian law by member states.[12] However, in practice while the PSC possesses a reasonably effective framework for enforcing the norm against unconstitutional changes of government, it lacks a similar framework in terms of addressing serious human rights and democratic deficits.[13]

Other powers that are conferred on the PSC include those relating to its mandate to 'promote and develop a strong partnership for peace and security between the AU and the United Nations and its agencies, as well as with other relevant international organizations'[14] and 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'.[15] These are meant to ensure that decisions and initiatives that non-African actors take are consistent with the concerns and needs of people of the continent. While some progress has been made towards realising these provisions,[16] the PSC continues to face major challenges stemming from both the weaknesses of the AU member states and the nature of the existing international order.[17]

The PSC is vested with wide and in some respects intrusive powers. The exercise of these powers and the fulfilment of the PSC's responsibilities have tremendous effect on the politics of AU member states, the relations between them and, ultimately, Africa's relations with and position in the international community. For AU member states, this provides the legal and political framework for a collective security system for them to play an increasing role and take leading responsibility for tackling the human security challenges of the continent.

Both the scope and nature of the powers of the PSC demand some level of coherent security and foreign policy approaches on the part of AU member

states. Most significantly, the PSC requires a large number of diplomatic, financial, military and human resources but the contribution by African states of such resources to the PSC remains very low. While troop contribution by African countries has shown a significant increase over the years, peace operations continue to depend for their finance and equipment almost entirely on external support. Most AU member states (and hence the PSC) do not thus possess the wherewithal for assuming the full scope of the responsibilities that the powers vested in the PSC entail. This has serious consequences in terms of the capacity of the PSC to implement its mandate fully.

COMPOSITION

The PSC is composed of 15 member states of the AU and the procedures for the election of members of the PSC are set out in the PSC Protocol. Article 5 of the PSC Protocol stipulates that the Council's membership is to be decided according to the principle of 'equitable regional representation and rotation'. Accordingly, the 15 members of the PSC are elected from candidates from the five regions of the AU: East, West, North, Southern and Central.

However, owing to variations in the membership of the five regions, the number of states elected from each of the regions is not equal. The regional representation of the 15 members in the PSC is as follows: Central (three), East (three), North (two), South (three) and West (four).[18] While five of the PSC members are elected by the Executive Council every three years, the remaining ten members are elected every two years. There is nothing that bars the re-election of a member of the PSC for two or more terms notwithstanding the limitations of the requirements of rotation.[19]

It is important to note that the PSC Protocol and the Modalities for the Election of Members of the PSC provide additional criteria that apply in the election of members of the PSC.[20] These include the commitment to uphold the principles of the Union; contribution to the promotion and maintenance of peace and security in Africa; provision of capacity and commitment to shoulder the responsibilities entailed in membership; respect for constitutional governance, the rule of law and human rights; and possession of a sufficiently staffed and equipped Permanent Mission at the AU Head Quarters (HQ) and the UN. An analysis of the PSC membership process in practice shows that these requirements are secondary to regional representation and rotation.[21] Additionally, the current membership of the

PSC (see Table 1) shows that this second category of criteria for PSC membership is not strictly complied with. Not all of the current members of the PSC respect constitutional governance, the rule of law and human rights. Indeed, in March 2012 Mali, a current member of the PSC, witnessed a military coup while the PSC was holding a ministerial level meeting in the capital Bamako. Similarly, not all current members of the PSC contribute to the promotion of peace and security or possess the capacity to take up responsibilities for regional and continental peace-making, conflict management and resolution efforts.

Table 1 Regional representation of the PSC in 2012

Region	Members of the PSC in 2012
Central Africa	Equatorial Guinea, Cameroon and Congo
East Africa	Kenya, Djibouti and Tanzania
North Africa	Libya, Egypt
Southern Africa	Zimbabwe, Angola and Lesotho
West Africa	Nigeria, Côte d'Ivoire, Gambia and Guinea

Egalitarian membership

The principle of sovereign equality is strictly followed in the composition of the PSC.[22] Accordingly, unless it is under an AU sanction in terms of Article 23 of the AU Constitutive Act, every member state of the AU party to the PSC Protocol[23] is eligible for membership of the PSC.[24] Accordingly, of the 47 AU member states that were parties to the PSC Protocol, in 2012 the number of states that served on the PSC reached 37. Additionally, there are no permanent members nor are there veto-holding members of the PSC. All members of the PSC have equal voting powers.[25]

Notwithstanding the egalitarian features of membership to the PSC, not all members of the PSC exert equal influence in the policy decisions of the PSC nor do they all make equal contributions in terms of resources and military capability. Because they possess better human resources, technical expertise and political and economic capital, some member states are better placed than others to shape

and lead the policy decisions of the PSC. Similarly, such member states also bear most of the responsibilities arising from enforcing or implementing the decisions of the PSC.[26] A secondary factor that affects the influence of PSC members in the work of the PSC is their organisation and preparation for the sessions of the PSC as well as their personal dynamism and competence.[27]

ORGANISATION OF WORK

There are three instruments that define the organisation of the work of the PSC. These are the PSC Protocol, the Rules of Procedure of the PSC and the Conclusions of the Dakar Retreat of the PSC of July 2007. These instruments include provisions on the preparation of the monthly programme of work and agenda for meetings of the PSC, decision-making processes, types of PSC meetings and the division of responsibilities with respect to all of these items between the PSC and the AU Commission.

Preparation of monthly programme of work and agenda for meetings of the PSC

While both the PSC Protocol and the Rules of Procedure of the PSC provide for the preparation of the provisional agenda for the meetings of the PSC,[28] it is the Conclusions of the Dakar Retreat of the PSC of July 2007 that articulated provisions on the preparation of the monthly programme of work of the PSC.[29] The PSC started producing its monthly programme of work in August 2010. Since then, this has been fully institutionalised and is now a regular feature of the work of the PSC.

Preparation of the monthly programme of work commences two weeks before the beginning of the month. First, the incoming chairperson of the PSC holds consultations with the PSD to reconcile and integrate their respective proposed agendas for the month. Then, the draft programme of work agreed on between the two is circulated to other members of the PSC for their input. The draft programme of work is also shared with the members of the wider Permanent Representatives Committee (PRC) and is finalised after inputs from other members are incorporated. It is not uncommon that proposals of non-PSC AU member states also feature on the agenda of the PSC. For example, it was at the request of the Democratic Republic of Congo (DRC) that the agenda on the

situation in eastern DRC was included in the June 2012 programme of work of the PSC.[30]

However, this process for preparing the monthly programme of work of the PSC has not always been consistently followed. It is not uncommon that some PSC members assume the responsibility for chairing the PSC without adequate preparations and largely follow the agenda proposed by the AU Commission.

The agenda of each of the sessions is in principle prepared by the chairperson of the PSC in consultation with the AU PSD, based on the monthly programme of work. It is when the PSC Secretariat sends out invitations for PSC members – often a couple of days before the meeting – that PSC members are informed of the detailed agenda for the meeting.[31] While the monthly programme of work is adopted during the first session of the month, as a matter of practice the provisional agenda of each PSC meeting is adopted at the beginning of this meeting.

The Rules of Procedure of the PSC specifies that the provisional agenda for a meeting of the PSC be communicated to members three days before the meeting.[32] However, this has not always been the case. There were times when PSC members agreed on the agenda of session after the meeting had been convened. No similar provision is available for advance distribution of relevant documents for the meeting in any of the applicable instruments. In practice, it is not uncommon that documents, such as reports of the chairperson of the Commission or briefing notes that are used in the deliberations at PSC meetings, are circulated during the meeting. Apart from the lack of applicable provisions, this is attributable to capacity limitations of the PSC Secretariat.[33] Financial and capacity limitations of the PSC Secretariat also mean that documents are often not translated into all of the working languages of the AU.[34] These usually have the effect of limiting adequate preparation by and substantive participation of PSC members during deliberations on such documents.

Meetings of the PSC

The PSC Protocol envisages three types of meetings: closed meetings, open meetings and informal consultations.[35] A clearer definition of the types of PSC meetings and their respective purposes and outcome was outlined under the Conclusions of the Dakar Retreat of the PSC.[36]

Open meetings are the sessions of the PSC at which the members of the PSC receive briefings on a particular agenda of the PSC. Participation in these

sessions is not limited to the members of the PSC.[37] Usually, the wider body of PRC members, representatives of Africa's regional organisations, international organisations, such as the UN and EU, partner countries and concerned civil society organisations are invited to the open sessions of the PSC. As envisaged in the Conclusions of the Dakar Retreat, no decision is ordinarily taken at the end of open sessions of the PSC.[38]

The practice thus far shows that open meetings are used for receiving briefings and deliberating on thematic issues of concern for the PSC. Usually, civil society organisations or concerned international organisations deliver the briefings. For example, at the 333rd session of the PSC, the ISS was invited to deliver briefings on capacity needed for responding to humanitarian crises in Africa.[39] Additionally, the practice shows that open sessions are not the most common type of PSC meeting.[40]

Closed meetings, which are exclusive to PSC members, involve sessions in which the PSC considers developments relating to country situations or particular peace and security issues. Invariably, the PSC conducts these sessions on the basis of reports of the AU Commission or briefings of the Commissioner for Peace and Security and affected countries. After the adoption of the agenda of the session, representatives of regional and international organisations and selected partner countries are invited to make statements. For example, when the PSC held a meeting on the situation in eastern DRC at its 324th session, concerned countries, such as the DRC and Rwanda, as well as organisations, such as the Southern African Development Community (SADC) and the UN, also briefed the PSC. After these invited participants are excused, the members of the PSC conduct substantive deliberation on the agenda.

Closed meetings ordinarily result in a decision or political statement from the PSC. The outcome of a closed meeting of the PSC takes one of two forms. The first is in the form of a communiqué. This is comparable to a resolution of the UNSC and, accordingly, it carries a decision of a session of the PSC on the agenda and is legally binding. The second is a press statement, which is similar to a presidential statement of the UNSC. This conveys the collective political view of the members of the council on the agenda issues that were discussed.

The third type of PSC meeting is the informal consultation.[41] According to the Conclusions of the Dakar Retreat, consultations are meant to enable the PSC to develop consensus on a decision. In practice and according to the Rules of Procedure, consultations are often held with bodies of the AU which have

mandates relevant to the work of the PSC or parties or institutions with an interest on an agenda item of the PSC. For example, on 9 and 10 September 2012, the PSC held a consultative session with the AU Department of Political Affairs on 'Ensuring Greater Synergy between the African Governance Architecture and the African Peace and Security Architecture'.

In practice, the different types of meetings usually take place in a single session of the PSC. The Conclusions of the Dakar Retreat thus noted, '[a]spects relating to interpretation of provisions of the PSC Protocol, briefing on issues, consultation, the taking of a decision, etc, are all being crowded into a single session.'[42] When the time for consideration and adoption of press statements or communiqués comes, there are occasions when there is not enough time and opportunity for robust participation and thorough deliberation. The Conclusions of the Dakar Retreat sought to address this but it has not been possible to avoid completely the amalgamation of various meetings into one session.

The meetings of the PSC are held at three levels. The first and most common of the PSC meetings takes place at ambassadorial level. While it is a requirement that the PSC meets at this level at least twice a month, in practice the PSC meets far more regularly and in 2012 the PSC met between four and six times per month.[43]

The second level of meeting is held at ministerial level. The PSC Protocol stipulates that the ministerial meeting should take place at least once a year. The practice in the past few years shows that the ministerial meeting also takes place more than once per annum. By the end of November 2012 the PSC had met four times during 2012 at ministerial level.[44] This is an expression of the increasing importance that member states attach to the decisions of the PSC and of their interest in participating in and shaping those decisions.

Finally, the PSC also meets at summit level, which involves heads of state and government of member states. While the PSC met at summit level twice in 2011, by the end of November 2012 it had held only one summit level meeting during the year.

DECISION MAKING AT THE PSC

According to the PSC Protocol, the preferred method of decision making in the PSC is by consensus.[45] Additionally, the Protocol provides for decision by majority vote where it cannot be made by consensus.[46] The practice of the PSC thus far

reflects that PSC decisions are invariably taken by consensus.[47] Even when divisions have arisen between members of the PSC over a proposed course of action in a draft communiqué, the tendency has been to accommodate strongly held concerns of members by revising the language and formulation of that communiqué.[48] This sometimes requires that PSC meetings take place over several hours.

Ordinarily, the PSC does not as a matter of practice resort to voting when taking decisions. However, there was one occasion in 2012 when the principle of majority vote was invoked.[49] This was in relation to the proposed retreat to review the working methods of the PSC that had been developed five years previously at the PSC retreat in Dakar.

Currently, no mechanism and capacity exist for recording the deliberations of the PSC and formulating decisions from such records. The 2007 Conclusions of the Dakar Retreat provide for a committee of experts of member states and the AU Commission to be responsible for preparing the draft decisions of the PSC. However, the committee of experts has not been fully operational.[50] This was one of the issues submitted for discussion at the PSC retreat on its working methods held in Yaoundé, Cameroon in mid-November 2012.

In the decision-making processes of the PSC, an entity that plays a central role is the AU Commission. First, the Commission 'supports the PSC's decision-making process by providing expertise in various domains of peace and security'.[51] Second, the Commission follows up the implementation of the decisions of the PSC and reports on progress. Third, as with the preparation of most documents of the PSC, the AU Commission has in practice borne the burden of drafting the communiqués and statements of the PSC. Given the advantage it has in terms of possession of technical expertise used in drafting the reports, statements and communiqués of the PSC as well as in shaping the perspective of PSC members, the AU Commission exercises significant leverage on the work of the PSC.

During 2012, some PSC members expressed the need for the PSC to be the author and custodian of its work and the output of its activities. To this end, heightened interest has been shown in fully activating the committee of experts. This was one of the factors that led to the decision to hold a PSC retreat on the organisation's working methods.[52] It was expected that the PSC would use the retreat to refine the organisation of its work and fully operationalise its working methods.

Although the PSC Secretariat ordinarily keeps a summary of the PSC deliberations for historical purposes, the diversity of views of member states expressed

during the meetings is not recorded verbatim. The lack of human resource and financial capacity means that even a summary of PSC deliberations is not always kept.[53] As a result, there is no official mechanism for knowing the individual contribution of PSC members in the formulation of the final outcome. Generally, however, it is after significant deliberation, debate and review that PSC statements and communiqués are adopted.

The chairperson of the PSC plays a critical role not only in the preparation of the agenda of the PSC but also in facilitating and harmonising the contributions of member states in the formulation of the outcome of the meeting. The degree of influence of the chairperson in shaping the work of the PSC, however, depends on the personal dynamism, skills and level of preparation as well as technical capacity of the chairperson's mission. As a result, the role of the chairperson in setting the agenda, shaping the communiqués or press statements and drafting the reports of the PSC has shown notable variation from month to month.

Consideration of the role of the PSC in 2012 reveals that, in reality the PSC's decision-making processes involve many more actors and far more complicated dynamics than have been described above. Other actors with significant influence in PSC decisions include regional mechanisms on peace and security, influential neighbours of the affected country, the UNSC, the EU and individual countries with global powers and historical and other ties to the affected region or country. The discussions in Chapters V and VI below show that apart from the dynamics within the PSC and between the PSC and the AU Commission, decisions of the PSC are ordinarily taken after some engagement between these various other role players, whose influence varies from case to case.

III The state of peace and security in Africa in 2012

In 2012, the peace and security situation in Africa showed both positive and negative developments. Although Somalia started the year with the same uncertainty and violence as in previous years, the country had by the end of 2012 an unprecedented opportunity to turn a new page on its over two decades of statelessness and anarchy. Similarly, the efforts of the AU High Level Implementation Panel on Sudan not only pulled Sudan and South Sudan back from the brink of full-fledged war but also produced agreements on most of the outstanding post-secession issues between the two states. Countries in post-conflict phase such as Liberia and Sierra Leone remained stable and even showed further consolidation of peace. Although each continued to face challenges of various kinds and intensity, countries affected by the 2011 popular uprisings also made some progress in their transition.

Yet, Africa continues to face serious peace and security challenges. These challenges have three main sources. First is the persistence of existing and newly erupted traditional conflicts, which take the form of armed conflicts involving rebel movements, although these types of conflicts have been on the decline.[54] Examples in this respect include the conflicts in eastern DRC, Darfur, South Kordofan and Blue Nile states in Sudan and Mali. In 2012, the major new

regional security concerns falling in this category were the crisis in the Sahel with the Tuareg rebellion in north Mali as its epicentre and the renewed conflict in eastern DRC.

Second is the rise of non-traditional and transnational security threats such as terrorism, organised criminality, proliferation of arms, trafficking and piracy. Transnational terrorist groups such as Boko Haram, Al Shabaab and Al Qaeda in the Islamic Maghreb (AQIM) as well as groups such as the LRA are destabilising parts of West East Africa, the Horn of Africa, the Sahel and Central Africa.

Finally, governance-related problems continue to present increasingly serious threats in many parts of the continent. These mainly involve electoral disputes, unconstitutional changes of government and serious human rights violations and democratic deficits. Additionally, ethno-cultural and regional disparities not only in terms of participation in political decision making but also in socio-economic development and access to resources remain a major governance issue in many African societies. In 2012, two military coups affected Mali and Guinea-Bissau. As the North African uprisings of 2011 unequivocally demonstrated, in the years to come popular demands for more democratisation are likely to be a source of political instability and crisis on the continent.

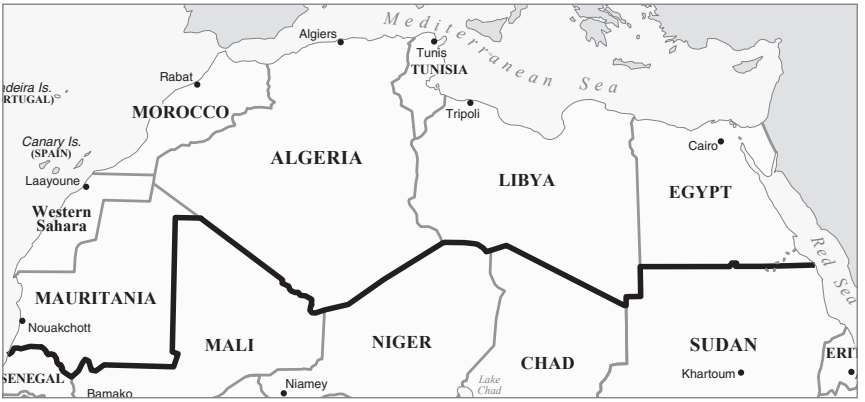
The following sections present a more in-depth review of the peace and security dynamics of the different regions of Africa during 2012.

NORTH AFRICA

In 2012, countries of the region affected by the 2011 popular uprisings continued to experience a turbulent transitional process. While Tunisia witnessed a largely peaceful transition, Egypt and Libya experienced a predominantly violence-ridden transition.

Egypt began the year with encouraging developments. On 21 January 2012, it concluded the parliamentary election that had been underway since November 2011. The elections gave Islamist parties such as the Muslim Brotherhood's Justice and Freedom Party 73 per cent of the seats in the Assembly. The new Parliament's life was, however, short-lived. On 14 June 2012, the Supreme Court dissolved the new Parliament after finding that the law on parliamentary elections breached equality between independent and party candidates. Another significant development was the 24 January 2012 partial lifting of Mubarak-era emergency law. Although an attempt was made to reverse this through a 13 June 2012 decree

Map 1 North Africa (7 countries): Egypt, Libya, Tunisia, Algeria, Morocco, Mauritania and Western Sahara



Source *Department of Field Support, Cartographic Section, United Nations, November 2011*

that allowed military powers to arrest civilians, on 26 June a court declared the decree void.

Despite these positive developments, protests and instability continued to affect Egypt for much of the year. This was mainly attributable to the slow pace of progress in the transitional process. At the core of this slow process was the tension and rivalry between the Supreme Council of the Armed Forces (SCAF), Egypt's *de facto* government since Mubarak's ousting, and the Islamist and secular liberal groups seeking power and change. The situation started to stabilise slowly after President Morsi's electoral victory,[55] which followed the two rounds of the presidential elections held in May and June 2012.

A major transitional task that was outstanding was the adoption of Egypt's final constitution. This was a task that was complicated by the political and legal challenges that face the constitution-making process. After President Morsi cancelled the SCAF's authority and sought to protect the Constituent Assembly appointed by the dissolved parliament, the process gained pace, concerns on the protection of the Coptic minority and the role of Islamic law in the new constitution prompted opposition protests. His decision on 22 November 2012 to arrogate to himself executive power not subject to judicial review provoked strong opposition involving protests that were at times violent. Although the President announced that the referendum on the constitution would be held in December, it was received with wide protest from the opposition, who maintained that the

process of the making of the constitution was legally flawed and did not reflect the will of the people of Egypt in their diversity.[56] It was also feared that the draft constitution would erode the secular identity of Egypt and undermine civil liberties. Despite the fact that the referendum was held on two days (15 and 22 December 2012) and the constitution was finally adopted, it deepened the division and mistrust between the Muslim Brotherhood and the opposition, who formed a new coalition called the National Salvation Front.

The armed conflict in Libya that saw the overthrow of Muammar Gadhafi in 2011 left the country vulnerable to serious security threats and political instability. The demise of Gadhafi did not immediately yield the restoration of peace and order in Libya. Accordingly, in 2012, Libya was faced with four major security and political challenges. First, Libya remained flooded with weapons and arms, and concerns were expressed over unsecured arms depots. To date, the proliferation of Libyan arms in the region remains a cause for concern.[57]

Second, the forces that fought against Gadhafi were not unified and hence they continued to present a major security sector crisis. The National Transitional Council (NTC), which assumed transitional authority in Libya, and the government that was subsequently established lacked any meaningful control over most of the armed groups controlling various parts of the country. A major challenge was therefore whether the transitional authorities were in a position to disarm, demobilise and reintegrate all the diverse armed groups into a national army.

There were repeated incidents of skirmishes and violence for most of the year involving various revolutionary brigades. For example, on 8 May 2012, an exchange of fire with gunmen who entered the office of interim Prime Minister al-Keib over a pay dispute claimed the lives of one guard and one revolutionary fighter. Similarly, on 4 June 2012 forces from the Tarhunah-based Awfia brigade occupied Tripoli airport demanding the release of their brigade commander who had been detained the previous day. A part of the country where fighting persisted during the last quarter of the year is Bani Walid, a former stronghold of the late Muammar Gadhafi. The fighting that broke out on 17 October 2012 peaked on 20 October when 26 people were killed and more than 200 wounded.

Third, apart from the rise of violent extremist elements, existing tribal and regional divisions escalated into violent conflicts. Fighting that took place in many parts of the country between rival tribal militias killed hundreds, injured many more and in one instance led to the displacement of 1 600 people. The deadliest of these clashes took place in Sabha, in the south of the country. The fighting that

erupted on 26 March 2012 between Tabu militias and an Arab militia group left 147 people dead and approximately 500 wounded. Apart from the surge in violence, the southern region also experienced major security problems, including drug and arms trafficking. On 17 December 2012, the government announced the closure of Libya's borders with its southern neighbours and declared emergency law in seven southern regions.

Additionally, Libya witnessed increased terrorist attacks during the course of the year. These attacks mainly affected Benghazi and Misrata. On 11 June a convoy carrying a UK ambassador was attacked while five days earlier a bomb exploded outside the US diplomatic mission in Benghazi. On 12 June, the International Committee of the Red Cross (ICRC) office in Misrata was attacked and one person was wounded. A similar attack on the office on 5 August 2012 led the ICRC to suspend its operations in Misrata and Benghazi. The most notable terrorist attack took place on 11 September 2012. This attack was carried out against the US Consulate in Benghazi and led to the death of the US Ambassador to Libya along with three other US diplomats.

Finally, the NTC has been encumbered with the implementation of a transitional political process leading to the establishment of an inclusive and democratically elected government. Elections were held in July. Despite this progress, for a country with no tradition of party politics and political freedoms, the evolution of the democratic process in the country remained weak and the government unstable.

SOUTHERN AFRICA

In Southern Africa, the situation in Madagascar remained a major concern during 2012, although some progress was also noted. Other notable developments of interest in the region included the transitional process in Zimbabwe, the transfer of power in Malawi and the elections in Angola.

More than three years after the unconstitutional overthrow of President Marc Ravalomanana in March 2009, the political crisis in Madagascar persisted throughout 2012. The deepening division between Ravalomanana and the President of the *Haute Autorité de Transition* (HAT), Andy Rajoelina, made the political crisis intractable. Soon after Rajoelina became President of the HAT, Ravalomanana was charged and convicted in absentia for the death of 30 people during a February 2009 riot. Despite the fact that the September 2011 SADC

Map 2 Southern Africa (11 countries): Angola, Botswana, Lesotho, Malawi, Mozambique, Namibia, South Africa, Swaziland, Zambia, Zimbabwe and Madagascar

Source *Department of Field Support, Cartographic Section, United Nations, November 2011*

roadmap provided for the 'unconditional return' to Madagascar of all exiled political leaders and the adoption of an amnesty law, the intransigence of the coup leader, Rajoelina, frustrated the adoption of the amnesty law and the return of Ravalomanana to Madagascar for much of the year. While on 21 January 2012, the Rajoelina government thwarted the attempted return of Ravalomanana to Madagascar with a closure of Madagascar's airspace, the government also missed the SADC deadline of 29 February for adopting the amnesty law.

Apart from, and perhaps because of, the deadlock in the transitional process, the country experienced other forms of political crises as well. There were three army mutinies against Rajoelina's government in 2012. On 7 March, the army staged a mutiny over tax and salary arrears. This was settled following government concession to reduce the income tax for the military from 25 per cent to 4 per cent and to reimburse taxes deducted from soldiers' salaries for the first two months of 2012. Following an alleged coup plot on 8 June 2012, four suspects, including two army officers, were arrested. On 22 July, disgruntled soldiers staged another unsuccessful mutiny quashed by the army in which a mutineer was killed.[58] Additionally, Madagascar also witnessed sporadic political protests. Following the parliamentary adoption of the two amnesty laws, Ravalomanana's supporters staged protests against the law on 28 April, but the protest was violently dispersed by police. Similarly, on 19 May police violently dispersed protestors demonstrating against a media crackdown.

The impasse between the two camps that frustrated the transitional process came to an end in December 2012 following a decision barring Ravalomanana from running for presidential elections. At the extraordinary meeting held in Tanzania, SADC decided that Ravalomanana and Rajoelina should be persuaded not to stand in the forthcoming general elections as a way of resolving this crisis. In the meantime, the electoral body announced 8 May 2013 as the date for presidential elections and 25 July 2013 for parliamentary elections.

Since February 2009, Zimbabwe has been under a national unity government that was established under the Global Political Agreement (GPA) of September 2008 signed through a SADC peace process launched in the aftermath of the March 2008 disputed presidential run-off election. As in previous years, the slow and uneven implementation of the GPA remained a major issue in 2012.

The constitution-making process was in particular in the spotlight. Although projections in the GPA suggested that the constitution-making process should have been completed by the end of 2010, after missing the 19 January 2012 deadline progress was made in finalising the drafting of the constitution. On 9 February the Constitutional Select Committee (COPAC) produced the first draft constitution. After reviewing the first draft based on views obtained from consultations, on 19 July 2012 COPAC announced the completion of the draft constitution. One of the parties to the GPA, President Robert Mugabe's Zimbabwe African National Union-Patriotic Front (ZANU-PF), proposed some 266 amendments to the draft constitution. The provisions of the draft constitution that ZANU-PF refused

to accept include the reduction of the president's executive powers, security sector reforms, dual citizenship and the devolution of power from central government.[59] The constitution-making process, which is a pre-requisite for conducting elections, as a result became a battle ground through the year between the rival political parties. Despite an anticipated showdown, the Second All-Stakeholders Conference held on 21 to 23 October with participation of over 1 000 representatives was concluded with wide support for the constitution from all the parties. Although this was supposed to end the process of finalising the draft constitution, at the end of 2012 the two parties continued to have differences over ZANU-PF's proposed amendments.

As the country is approaching the end of the GPA in 2013, there is rising concern about incidents of political violence and human rights violations that took place in 2012. On 25 March 2012, a Movement for Democracy-Tsvangirai (MDC-T) faction rally in Marondera left several injured when party youth assaulted Provincial Chairman Johannes Razunguzwa. In another incident, on 26 May ZANU-PF supporters reportedly stoned to death an MDC-T official and injured others during a rally in Mudzi. On 4 June 2012, police used tear gas against MDC-T youth gathered outside of the bail hearing of 29 activists accused of killing a policeman in May 2012. In early October, a petrol bomb attack in Zaka injured several MDC-T supporters. Reports of a new emerging trend of militia groups sprouting around the country, if true, could escalate the occurrence of political violence in the country.

There were two notable governance-related developments in two Southern African countries. Amid growing discontent exhibited in several protests in early 2012, President Bingu wa Mutharika of Malawi passed away from a heart attack on 5 April 2012. The resultant leadership vacuum was followed by an alleged coup plot to install Peter Mutharika, brother of the late president, as successor. To the relief of SADC and the AU, the uncertainties over the succession of the deceased president were soon settled and on 7 April 2012 Vice President Joyce Banda was sworn in as president in accordance with the process set out in the Constitution.

Angola held general elections on 31 August 2012. Despite reports of an uneven playing field, the elections were peaceful and delivered victory to the ruling *Movimento Popular de Libertação de Angola* (MPLA) party. Under the term of the 2010 Constitution, which provided for a parliamentary system of government, the leader of the party that wins the parliamentary vote automatically becomes Angola's president, giving incumbent President Jose Edwardo Dos Santos another

term in 2012. President Dos Santos, who has served in this position for nearly 33 years, is Africa's second longest serving leader after Equatorial Guinea's President Teodoro Obiang Nguema Mbasogo.

CENTRAL AFRICA

In 2012, insecurity arising from state fragility and armed rebellion, the perpetration of heinous human rights violations against civilians, the activities of the LRA

Map 3 Central Africa (7 countries): Central African Republic, Congo, Chad, Democratic Republic of Congo, Equatorial Guinea, Gabon and São Tomé and Príncipe

Source *Department of Field Support, Cartographic Section, United Nations, November 2011*

and the expansion of Boko Haram's terrorist threat from Nigeria into the region were the major peace and security concerns in Central Africa. Human security threats that emerged during the year in this region included the eruption of armed conflict in eastern DRC and Boko Haram attacks and threats in Cameroon and Chad.

In early 2012, Cameroon deployed 600 soldiers near its border with Nigeria following reported infiltration of Nigeria's terrorist group *Jama'atu Ahlis Sunna Lidda'awati wal Jihad* (People Committed to the Propagation of the Prophet's Teachings and Jihad), also known as Boko Haram, into its territory. In an effort to enhance border security and limit the movement of insurgent groups across borders, on 28 February 2012 the governments of Cameroon and Nigeria signed an agreement establishing the joint Border Security Committee. The threat of Boko Haram's attack materialised on 10 April 2012 when an explosion left 11 dead, including three Cameroonians in the border town of Banki. A similar attack in the same town on 12 April killed five people. The Cameroonian government responded by deploying additional forces to the border. On 4 May, there was a shootout with suspected Boko Haram gunmen in Banki. Another security issue that arose in Cameroon during the year was the establishment of the Bakassi Self-determination Front (BSDF) rebel group on 10 August 2012.

The Boko Haram attacks that took place in Cameroon have heightened fears of further regional expansion of the group's terrorist networks and illustrated the need for a coordinated regional initiative to tackle the threat. Highlighting the growing concern in the region about the threat Boko Haram has come to represent, on 10 April 2012 Chad President Idris Deby, during a meeting with Niger President Issoufou Mahamadou, called for a coordinated effort to fight insecurity in the Sahel and the threat from Boko Haram.

State fragility, dysfunctional governance and fragile peace agreements continued to create insecurity and political instability in the Central African Republic (CAR) in 2012. Armed elements, including rebel groups and the LRA, continued to operate in parts of the country where government security was lacking or completely absent. Disaffection created by the lack of implementation of a 2007 peace agreement led to a resurgence of rebel attacks. In early December, the Seleka rebel alliance – made up of break-away factions of the Convention of Patriots for Justice and Peace (CPJP), Union of Democratic Forces for Unity (UFDR) and Wa Kodro Salute Patriotic Convention (CPSK) – launched an offensive against government forces in northern CAR. Within two weeks, the rebels had

taken control of seven towns, including the key northern town of Ndele and a diamond-rich mining town Bria. This raised the serious danger of unravelling the 2007 fragile peace agreement that had officially ended the armed conflict in CAR.

The territories along the border with Chad remained safe havens for Chadian rebels. On 23 January the CAR and Chadian armies launched a joint offensive in North Central CAR against the Chadian rebel group Popular Front for the Union (FPR). Despite this measure, sporadic skirmishes and retaliatory raids were witnessed in the following months. Following the surrender of the leader of FPR, Baba Ladé, CAR authorities repatriated his combatants to Chad in September and October 2012.[60]

The LRA continues to terrorise civilians by ambushing traders and travellers, raiding and looting villages, killing civilians, as well as abducting women and children in the east and south east of the CAR. According to the LRA Crisis Tracker, in the more than 200 attacks that the LRA conducted in 2012 in the DRC and CAR, more than 45 civilians died and 400 were abducted. More than 5 500 people fled LRA attacks in the last ten months of the year, adding to the more than 460 000 people who had been displaced since 2008.

In 2012, eastern DRC witnessed the most worrying rise in threats to human security of people in the region. Instead of leading to consensus, the elections held in December 2011 further deepened political divisions in the country. The elections, which were marred by irregularities, further eroded the legitimacy of Joseph Kabila's government. With opposition leaders disputing the results of the election released in January 2012, tension and violence were witnessed in several areas of the country, including the capital Kinshasa, in the first two months of 2012. On 20 January the UN High Commission for refugees (UNHCR) reported that fresh violence had displaced 100 000 people since November 2011. January 2012 also saw a surge in violence by armed militants and rebel groups. In early January, Democratic Forces for the Liberation of Rwanda (FDLR) attacks in South Kivus killed 40 people and displaced thousands. On 11 January, Gedeon Mayi-Mayi attacks in Katanga displaced over 10 000 people. Similarly, clashes between rival Walikale and Masisi militias in early January killed 22 people and displaced 35 000.

Flawed and incomplete security sector reform together with the political fallout between Kabila's government and former members of the National Congress for the Defence of the People (CNDP) led to the eruption of major armed conflict

in the turbulent eastern DRC. Although members of the CNDP were integrated into the Armed Forces of the DRC (FARDC), a fall-out with the former CNDP leader, Bosco Ntaganda, sought by the International Criminal Court (ICC), and Kabila's proposal to transfer regiments away from the Kivus led to the defection of ex-CNDP soldiers, who orchestrated a mutiny. The resulting armed fighting between defected ex-CNDP soldiers and government forces in April in eastern DRC left thousands displaced. In May, the mutineers announced the formation of the March 23 rebel movement (M23). As FARDC struggled to dislodge M23 rebels from North Kivu, fighting continued between April and July. After some respite in August and September, fighting resumed again in October. Various armed groups operating in the region took advantage of the security vacuum that resulted from the abandonment of army posts by defectors and the redeployment of FARDC to confront M23. The FDLR, Mayi-Mayi militias and the LRA increased their operations in eastern DRC where they perpetrated atrocities against civilians.

As in previous conflicts in eastern DRC, civilians have borne the brunt of this violence. The UN Mission in DRC (MONUSCO) reported that 98 people were killed between 9 and 25 May in North Kivu. With more than 370 000 civilians fleeing their homes in North Kivu alone since April and hundreds of thousands more in South Kivu, an already dire humanitarian situation worsened. The situation escalated inter-ethnic tensions and violence in eastern DRC. Unfortunately, after seven months, the fighting continued unabated and indeed dramatically deterioration. On 18 November, the M23 forces reached the surrounding areas of the regional capital Goma. After two days of fighting, they pushed the FARDC out of the area and took control of Goma.

Neighbouring countries Rwanda and Uganda have been implicated in the newly erupted conflict in eastern DRC. While in May and June 2012, reports from the UN revealed that M23 enjoyed support from Rwanda, a leaked UN group of experts report in mid-October included Uganda as a source of support for M23. On 21 November, the UN Group of Experts report substantiated alleged Rwandan and Ugandan support for M23. Although both countries rejected the reports, tension had been rising between Kinshasa on the one hand and Kigali and Kampala on the other. At the end of November, following a reported agreement with regional leaders, M23 rebels reportedly withdrew from the city centre of Goma,[61] although on 30 November M23 announced a delay in the withdrawal due to logistical problems.

EAST AFRICA AND THE HORN OF AFRICA

As in past years, 2012 started with little promise of improvement in the peace and security situation of East Africa and the Horn of Africa. The first quarter of the year saw an escalation of tension between Sudan and South Sudan, which

Map 4 East Africa (14 countries): made up by the countries in the Horn (Eritrea, Ethiopia, Somalia, Djibouti, Sudan and South Sudan), Uganda, Kenya, Tanzania, Rwanda, Burundi and the islands (the Comoros, Mauritius, and the Seychelles)

Source *Department of Field Support, Cartographic Section, United Nations, November 2011*

culminated in South Sudan occupying Heglig and shutting down the flow of oil. The insecurity in the two countries was compounded by the many internal security and development issues that each had to contend with. In Somalia, although Al Shabaab continued to retreat and lose many areas in south and central Somalia, it nevertheless maintained its ability to undertake attacks, including in the capital Mogadishu. Accordingly, in early 2012, if anything, the signs for peace in the region were gloomy.

The rising tension between Sudan and South Sudan over oil income escalated in January 2012. Apparently frustrated by the failure of South Sudan to pay for past shipments and the lack of agreement on transit fees, Sudan prevented two ships filled with South Sudanese oil from leaving its port and, according to Stephen Dhieu Dau, South Sudan's Minister of Petroleum and Mining, Sudan also diverted approximately 120 000 barrels of South Sudanese oil per day as a form of payment.[62] On 22 January, South Sudan responded by suspending the production of oil.

The military operations that have been on the rise in the border areas resulted in more frequent skirmishes between February and April 2012. On 14 February, South Sudan accused Khartoum of bombing the disputed border town of Jau. Four South Sudanese soldiers were reportedly killed in the attack. On 26 March, skirmishes between the Sudan People's Liberation Army (SPLA) and the Sudanese Air Force (SAF) were reported in areas along their common border. The following day the SAF reportedly dropped bombs near the Bentiu oil fields in Unity State in South Sudan.[63] April witnessed an escalation of violence between the armed forces of the two countries, with large scale military clashes along their common border. On 9 April, fierce clashes between the SPLA and SAF began in the border area of Heglig. In a development that brought the two countries to the brink of a full-blown war, on 10 April, the SPLA claimed that it had occupied Heglig town as well as its oilfields and facilities.[64]

Conflicts also continued within both Sudan and South Sudan. In the South Kordofan and Blue Nile states in Sudan, the SAF conducted a counter insurgency campaign against the Sudan People's Liberation Movement-North (SPLM-N) forces. While aerial bombardments and armed raids by the SAF resulted in the death and displacement of large numbers of civilians, the SPLM-N also perpetrated indiscriminate shelling and forced recruitment of civilians living in South Sudanese refugee camps. The situation resulted in a major humanitarian crisis. While over 695 000 civilians were displaced without access

to humanitarian assistance, more than 241 500 people fled to South Sudan and Ethiopia.

Although for most of the year the situation in Darfur did not attract much attention, in recent months a number of clashes between the SAF and rebel groups were reported across Darfur. There was a serious escalation of violence from September. Between 25 and 27 September, 70 civilians were reportedly killed as a result of SAF clashes with rebel groups. Attacks by unidentified armed groups on 2 and 17 October left five UN-AU Mission in Darfur (UNAMID) peacekeepers dead. On 2 November an alleged attack on civilians resulted in fatalities and widespread displacement in Sigili, North Darfur.

In South Sudan, rebel attacks and major inter-ethnic clashes took place in 2012. Recent rebel attacks involved David Yau Yau's rebel forces. From early August Yau Yau's militias clashed several times with the SPLA, resulting in over 100 SPLA deaths. At the end of 2011 and in early 2012, Jonglei state was at the centre of a major inter-ethnic violence. During the December 2011 dry season a large-scale attack by armed Lou Nuer youth on Murle communities and subsequent retaliatory attacks that continued until March 2012 resulted in at least 888 civilian deaths. In the initial violence, while the UN reported that at least 60 000 people had been displaced in the conflict, an estimated 50 000 to 80 000 cattle were taken. With the dry season approaching, there were concerns that similar violence might erupt at the end of the year or early in 2013.

Prompted by strict deadlines and the threat of sanctions specified by the PSC and UNSC, South Sudan pulled out of Heglig and Sudan and South Sudan returned to negotiations facilitated by the AU High-Level Implementation Panel on Sudan, also known as the Mbeki Panel. On 27 September, the two countries signed a series of agreements covering all the outstanding Comprehensive Peace Agreement (CPA) and post-secession issues, apart from Abyei and the disputed borders. They agreed to establish a safe demilitarised zone. Preparations were also being finalised for resuming the production of oil. As a result, despite the tension arising from the conflict in the South Kordofan and Blue Nile states in which South Sudan was implicated, major risks of the two countries going to war were reduced.

In Somalia, the shift in the military balance of power towards the African Union Mission in Somalia (AMISOM)-backed Transitional Federal Government (TFG) and against the al Qaeda-affiliated armed insurgent group Al Shabaab was reinforced in 2012. Apart from the AMISOM and TFG forces, coordinated military pressure was put on Al Shabaab by Kenyan and Ethiopian forces as well as

American drones. These efforts led to the expulsion of Al Shabaab from many locations in south and central Somalia. During January and February 2012 Ethiopian troops and militias allied to the TFG, including the Ahlu Sunna Wal Jama'a and Shabelle Valley State, forced Al Shabaab from Beletweyne and Baidoa. In a major military and strategic blow to Al Shabaab, AMISOM forces expelled the group from its last major stronghold, the port town of Kismayo, on 28 September 2012.

With the London and Istanbul Conferences in February and June affording the opportunity for mobilising coordinated international and regional efforts for completing the transitional period in August 2012, a great deal of effort was put into implementing all the transitional tasks.[65] On 1 August 2012, Somalia's Constituent Assembly overwhelmingly approved the draft constitution. The National Security and Stabilisation Plan, which established priorities for integration and strengthening of security and justice sectors, was signed on 8 August 2012. The politically complicated task of electing the members of the new parliament, made up of a lower house with 275 members and an upper house with a maximum of 54 members, was completed and newly elected MPs were sworn in on 20 August 2012. After some delays, in a major positive turn of events Somali MPs elected Hassan Sheikh Mohamud, Chairman of the Peace and Development Party, as the new president on 10 September 2012, marking the end of the transitional government.

Although the situation in Somalia remains highly precarious, the expanding security gains and the successful completion of the transition have now presented Somalia with a rare opportunity for achieving stability and peace.

During the course of 2012, Kenya geared up preparations for general elections scheduled for March 2013. While a great deal of progress had been made in areas such as electoral and judicial reforms, there were two notable developments of significant political consequence in 2012. The first was the ICC process against four politicians, including a presidential hopeful, Uhuru Kenyata, suspected of bearing the greatest responsibility for the violence that took place in 2007/2008. In this regard, a major development was the confirmation by the ICC of charges against the four suspects on 22 January 2012. While the trial of the four suspects is set for April 2013, on 22 October the new ICC Prosecutor, Fatou Bensuda, visited Kenya to hear from victims of the 2007 violence.

The other political development was the eruption of inter-ethnic violence in some parts of the country. From August 2012, Kenya had experienced a significant surge in such conflicts. According to the Kenyan Red Cross, at least 116 people

had lost their lives and more than 12 000 people had been displaced as a result of various clashes. During September, violence and retaliatory attacks between the Orma and Pokomo communities in the Tana River delta, sparked by disputes over access to land and water and incited by local politicians, resulted in the death of nearly 100 people. In another round of violence that took place on 20 December in the areas, 39 people were killed. Kenya also continued to witness terrorist attacks causing rising tension between ethnic Somalis and other Kenyans.[66]

WEST AFRICA AND THE SAHEL

In 2012 there were three major situations that dominated the peace and security terrain of West Africa and the Sahel. These were the eruption of an armed rebellion in Mali, the surge in the threat of terrorism and, finally, a military coup.

The first was the twin crises of armed rebellion and a military coup that Mali encountered. What has now become the biggest regional fallout of the Libyan crisis erupted when members of the Tuareg who, after the 2009 rebellion, had joined the Libyan army and were fighting on the side of Gaddafi in the Libyan civil war returned to Mali and launched an armed rebellion. The Tuareg rebel group known as the National Movement for the Liberation of the Azawad (*Mouvement national de liberation de l'Azawad*) (MNLA) was established in October 2011 with the aim of creating an independent homeland for the Tuareg. On 16 January 2012, an armed conflict broke out when the MNLA attacked government security posts in Northern Mali. Further compounding Mali's security woes, on 22 March 2012 middle- and low-level military officers staged a coup against the democratically elected government that was scheduled to transfer power in the general elections meant to take place on 29 April. Amid the confusion and the leadership vacuum that the coup produced, the MNLA and the Islamist *Ansar Dine* (means 'defenders of the faith') took control of all parts of Northern Mali. On 6 April, the MNLA declared the independence of that territory from Mali as the state of Azwad.

Although Mali was divided into two parts, there was no cohesive authority in Northern Mali. Instead, subsequent months revealed the existence of various armed and terrorist elements fighting for dominance and control of the region. These included the newly formed National Front for the Liberation of Azwad (FNLA), Al Qaeda in the Islamic Maghreb (AQIM), the AQIM splinter group Movement for Unity and Jihad in West Africa (MUJAW) and Boko Haram.[67] Militarily speaking, Ansar Dine and MUJAW seem to have emerged to be the

Map 5 West Africa (16 countries): Benin, Burkina Faso, Cameroon, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo

Source *Department of Field Support, Cartographic Section, United Nations, November 2011*

most formidable of the other armed rebel groups. The multiplicity of actors and their diverse motivations and objectives presented a major challenge for addressing the crisis in Northern Mali. The conflict also resulted in a major humanitarian crisis in the region, with hundreds of thousands of people displaced and fleeing as refugees into neighbouring countries.

The other major setback to the peace and security of West Africa arose in Guinea-Bissau. On Monday 9 January 2012, President Malam Bacai Sanha of Guinea Bissau passed away in a hospital in Paris. In the following months, the succession process triggered a power struggle between various establishments of the political class in the country, including the military. On 12 April 2012, soldiers

staged a military coup and for more than two weeks detained interim President Pereira and Prime Minister Gomes Junior, who was widely expected to win the presidential run-off scheduled for 29 April. This coup revealed the continuing political instability as well as crisis in the security sector of Guinea-Bissau. It raised the major question of whether rejecting the coup would be sufficient for addressing these structural factors. Like the coup in Mali, it illustrated the vulnerability of countries in the region, thereby presenting a major challenge to the Economic Community of West African States (ECOWAS) and the AU's zero tolerance policy against unconstitutional changes of government.

Perhaps the most serious threat for this region comes from the surge in terrorist attacks in Nigeria and beyond. The terrorist attacks of Boko Haram, which claimed the lives of an estimated 2 800 people from 2009 escalated in 2012. Since January 2012, the group had carried out close to 280 bombings and gun attacks in Nigeria. These attacks left more than 815 people dead. In the worst Boko Haram bomb attacks, which took place on 20 January 2012, at least 211 people lost their lives. In a development that has exacerbated inter-communal tension and the risk of widespread conflict, Boko Haram has been increasingly targeting Christians. In one such attack on 28 October 2012, a suicide bomber killed eight and wounded 100 at a Catholic church in Kaduna state. The attack triggered reprisal killings of Muslims that left two dead. With Boko Haram elements establishing their presence in neighbouring countries and building links with other terrorist networks in the Sahel, there is growing concern about the expansion of Boko Haram's terrorist threat.

In 2012 organised crime and the proliferation of weapons from Libya were also major security concerns for West Africa and the Sahel. The ECOWAS authority expressed concern over this situation during the 40th Ordinary Session of the Authority of Heads of State and Government held in Abuja, Nigeria on 16 and 17 February 2012.[68]

BALANCE SHEET OF AFRICA'S REGIONAL PEACE AND SECURITY IN 2012 AND ITS POLICY IMPLICATIONS FOR 2013

As the above analysis of the different regions of the continent reveals, in 2012 while the security situation of some regions improved, other regions saw deterioration. This is represented in the map below.

Map 6 The State of peace and security in Africa 2012

Source *Author*

A major surprise, where a wind of change seemed to have arrived, was in the conflict-ridden Horn of Africa. In 2012 Somalia, which had endured more than 20 years of conflict, recurring famine and state collapse, witnessed a rare opportunity for achieving peace. Although major localised conflicts continued in both Sudan and South Sudan, a major breakthrough was also achieved in the post-secession negotiations between the two countries. If sustained, these developments in these two situations are sure to transform the security landscape of the Horn of Africa. The increasing economic integration between countries of the region offers further opportunities for overcoming existing challenges and consolidating peace in the region. While these achievements promise an encouraging prospect

for the region in 2013, the standing impasse between Eritrea and Ethiopia as well as persisting problems of democratisation in many of the countries of the region may undermine major transformation of the security situation of the region. The situation in Sudan, involving a rising tension in Khartoum,[69] and the fighting in the border areas of the South Kordofan and Blue Nile states as well as Darfur present a serious concern for the peace and security of the region.

Similarly, although they have at times been turbulent, particularly in Libya and to some degree in Egypt, the post-revolution transitional processes in North Africa have largely been on course. Accordingly, the security situation in North Africa registered an improvement in 2012.

Whether or not peace and security will improve further in 2013 depends largely on the evolution of the situation in Libya and the deepening political division and contestation in Egypt. The multiple challenges present in Libya cast reasonable doubt on a number of fronts. Most notably, these include the full stabilisation of the country, the promotion of national reconciliation and the successful finalisation of the transitional process with the adoption of a constitution and the establishment of a democratically elected government.

With the escalation of Boko Haram attacks in Nigeria and the organisation's expansion into the region and the unfortunate double crises of an armed rebellion and military coup in Mali as well as the coup in Guinea-Bissau, the security situation of West Africa has seen a dramatic decline. West African countries such as Niger and Nigeria have also been affected by the crisis in the Sahel, notably the proliferation of arms and the return of migrant labourers in Libya into the countries of the region. If current efforts for addressing the situations in Mali and Guinea-Bissau are sustained and further improved, in 2013 the region is likely to witness an improvement in its peace and security condition.

The eruption of an armed conflict in eastern DRC, in which Rwanda and Uganda are implicated, and the surge in rebellion attacks in CAR mean that the Central African region also saw significant deterioration in its security condition in 2012. Unless the conflict in eastern DRC is arrested in good time, the region faces a serious risk of further deterioration in 2013, with the strong possibility of a wider regional crisis pitting SADC countries against those in the Great Lakes Region.

Although governance-related issues have increasingly attracted attention in several countries, including Malawi and Swaziland, no significant change was witnessed in the security situation of Southern Africa in 2012. Depending on how

(and if) the transitional processes in Madagascar and Zimbabwe come to a close, the region may see a positive change in its peace and security situation in 2013.

IV The PSC in 2012 – an insider's view

With the adoption of the Constitutive Act and the vision of the AU, African leaders set the path towards Africa's integration and sustainable development. To achieve this vision and the objectives set out in the Act, several organs were established and mandated to develop and implement priority strategies and programmes.

The most significant institutional change introduced with the transformation of the OAU into the AU was the establishment of the PSC. The PSC, the most visible component of the African Peace and Security Architecture (APSA), was established at the first summit of the AU in Durban, in July 2002, as the standing decision-making organ for the prevention, management and resolution of conflicts. It is meant to act as a collective security and early warning instrument for timely and efficient response to both existing and emerging conflict and crisis situations in Africa. It is supported by the Commission, the Panel of the Wise, a Continental Early Warning System, an African Standby Force and a Special Fund, collectively referred to as the 'APSA'. Among other things, the objectives of the PSC are to promote peace, security and stability in Africa, in order to guarantee the protection and preservation of life and property.

The PSC's decision-making power is vested in the Permanent Representatives Council, which is required to meet at least twice every month. However, given the unpredictable nature of conflicts, the PSC has, on average, met at least five times a month since 2006; this has increased the workload of the PSC Secretariat, and highlights the dire need to support the Secretariat's already overstretched resources, through providing additional staff able to deal with the Secretariat's growing responsibilities.

The PSC over the past decade has proven to be the central pillar of the APSA. Operationalised in March 2004, amid conflicts and crises ravaging various parts of Africa, the PSC in a short time has made notable achievements in addressing the various conflict and crisis situations.

Operationally, the PSC has been the most visible component of the emerging peace and security architecture. In its meetings and briefing sessions it has demonstrated the growing commitment of AU member states to tackle conflicts on the continent. It has authorised the deployment of peacekeepers to Burundi (AMIB), Comoros (AMISEC), Sudan (AMIS) and Somalia (AMISOM). However, the deployment of peacekeepers in these theatres has exposed a need to deal with a mandate-resource gap; how the AU deals with this gap will determine the credibility of the PSC.

While it may be impractical for the executive council and assembly to enforce the full range of criteria for membership of the PSC, the organisation should rather engage with the RECs to ensure that their nominees meet the basic requirements; for example, the capacity of the members to participate fully in the activities of the PSC and adherence to good governance norms. Appointing members that do not meet the basic criteria could undermine the credibility of the PSC.

The AU has to ensure greater synergy between the PSC and other APSA components. There is a strong imperative for closer collaboration between the PSC and other components owing to its role in the maintenance of peace and security on the continent, especially with the current limited evidence of cooperation between the various entities.

The PSC has become a focus of collective security decisions by Africans for Africans. In response to urgent security issues, it has been able to act more decisively than the larger assembly of 54 member states of the AU and has shifted the AU from a tradition of non-interference in domestic affairs to a new approach, which uses sanctions and more assertive regional diplomacy.

The role of the PSC in determining a road map on the steps to be accomplished by Sudan and South Sudan for achieving peace – within the framework of an African consensus – was a remarkable step on the road of acquiring the Council's credibility and legitimacy.

The PSC has also improved its methods of work with a view to enhancing the effectiveness of its work. The major improvements include the following:

- Timeliness in convening meetings to address conflict and crisis situations
- Better organised elections for the membership of the PSC
- Increasing coordination and cooperation with RECs and regional mechanisms for addressing conflict and crisis situations
- The periodic convening of retreats to brainstorm policy issues and emerging challenges to peace and security
- Establishing the foundation for interaction with civil society organisations in the promotion of peace, security and stability in Africa
- Increasing cooperation with the UNSC and the EU Political and Security Committee in addressing conflict and crisis situations in Africa

At another level, the role of the monthly rotating chair of the PSC was discussed and agreed on during its first retreat in Dakar in 2007. The role of the chairperson should involve more than chairing PSC sessions with minimal input to the development of the agenda, work programme or more substantive aspects such as the drafting of the reports and communiqués. In an effort to develop the working methods of the PSC, including those of the chairperson, a retreat for that purpose was held in Yaoundé in November 2012; another one is scheduled to take place in Djibouti in 2013.

In September 2012, the Egyptian chairmanship of the PSC showed commitment to the working methods of the Council; the monthly agenda was prepared through consultations among members of the Council ahead of the beginning of September, and the agenda was adopted by the Council at its first meeting of the month.

At the Council's second meeting, a consultation between the PSC and the AU Department of Political Affairs on ensuring greater synergies between the African Governance Architecture and the APSA was held in Banjul, where discussions focused on the modalities to activate the role of the PSC with regard to the promotion and encouragement of democratic practice, good governance, and the rule of law and protection of human rights in the context of the PSC Protocol.

An open session on capacity building for effective responses to humanitarian crisis and disaster management in cooperation with the ISS was well attended by representatives of the AU member states, REC representatives, AU partners, UN agencies and international organisations working in the field of humanitarian crisis management.

In an attempt to ensure greater synergies between the PSC and similar organs in other organisations and based on a conviction of the feasibility of the interaction between partners, the following activities took place on the margins of the UN General Assembly meetings:

- The joint consultative ministerial meeting between the AU's PSC and the League of Arab States (LAS) PSC, where the peace and reconciliation in Somalia and the situation between Sudan and South Sudan were discussed and views were exchanged
- The participation in UN meetings on the situation in the Great Lakes Region, Somalia and the developments between Sudan and South Sudan

The transformation of the AU in 2002 from the OAU was initiated with the intention of creating continental unity. The creation of the AU was an important milestone towards the development of meaningful collective security architecture among African member states and regional mechanisms. The AU has been instrumental in establishing a security management system that includes the PSC, with most of its supporting mechanisms in the process of being fully operationalised. The PSC has increasingly played crucial roles in conflict prevention and peace-making missions. As such, the continental body has demonstrated a keen resolve and the potential to promote stability, prevent conflicts, facilitate peace processes and support post-conflict reconstruction activities. And although the Council has encountered many challenges, its role is expected to grow remarkably in 2013, accompanied by an equivalent growth of challenges, both those currently occurring and expected to continue and those that could newly emerge.

V The PSC in 2012

INSTITUTIONAL DYNAMICS

There were some developments pertaining to the institutional dynamics of the PSC. In this section, two of the most significant such developments are discussed. The first concerns the change in the membership of the PSC. The other is the progress made in the PSC's working relationship with the UNSC.

Election of members of the PSC

The terms of ten members of the PSC (Burundi, Chad, Djibouti, Rwanda, Mauritania, Namibia, South Africa, Benin, Côte d'Ivoire, and Mali) all elected in January 2010 expired in March 2012. Following the communication from the AU Commission on the election of new members to the PSC for a two-year term, scheduled for the January 2012 AU summit, the regions submitted their lists of candidates for the ten seats. Table 2 shows the consolidated list of candidates from the different regions.

Although Ghana was among the original list of West African countries seeking election, it subsequently withdrew from the list in favour of the Gambia. Since

Table 2 Regional candidates for PSC membership in 2012

Region	Available Seats in the 2012 Election	Competing States	Years Previously Served on the Peace and Security Council
Central Africa	2	Cameroon and Congo	Both countries served for two years each for two consecutive terms, starting from the inauguration of the PSC (2004 and 2006).
East Africa	2	Djibouti, Eritrea, Ethiopia, Tanzania and Uganda	Djibouti served once for two years (2010); Ethiopia served for three years each for two consecutive terms (2004 and 2007); Uganda served for two years each for two consecutive terms (2006 and 2008); and Eritrea and Tanzania never previously served on the Council.
North Africa	1	Egypt	Egypt served for two years each for two consecutive terms, starting from the inauguration of the PSC (2004 and 2006).
Southern Africa	2	Angola and Lesotho	Angola served once for three years (2007) and Lesotho served for two years on the Inaugural Council (2004).
West Africa	3	Côte d'Ivoire, Ghana and Guinea	Côte d'Ivoire served for two years (2010); Ghana served for two years on the Inaugural Council (2004); and Guinea never previously served on the PSC.

Nigeria's three-year term will end next year, Ghana might opt for the three-year term membership of the PSC, taking the place of Nigeria in 2013. During the 2012 elections, competition for the two seats was high in the East Africa region.

Of all the countries that competed for membership in the PSC in 2012, three had never previously served on the Council.[70] While Cameroon, Congo, Egypt and Uganda had served for two terms previously, Djibouti, Angola, Lesotho, Côte d'Ivoire and Ghana had served at least once. Ethiopia served for two three-year terms before its replacement by Kenya in 2010.

Table 3 PSC members elected for two-year term in 2012

Region	States Elected in January 2012
Central Africa	Cameroon and Congo
East Africa	Djibouti and Tanzania
North Africa	Egypt
Southern Africa	Angola and Lesotho
West Africa	Côte d'Ivoire, Gambia and Guinea

Table 3 shows the members of the PSC that were elected during the 18th AU Summit for two-year terms.

Of the newly elected members, two retiring states were re-elected (Djibouti and Côte d'Ivoire), and six returned to the PSC after a period of absence (Cameroon, Congo, Egypt, Gambia, Angola and Lesotho). The six newly elected members of the PSC assumed their seats on 1 April 2012. Of the three countries that sought election to serve on the PSC for the first time, Guinea and Tanzania were successful. With the addition of these two states, 37 of the 47 AU member states, parties to the PSC Protocol, will have served on the PSC since 2004.

Following the military coup that ousted the democratically elected government in Mali, the PSC, acting on its authority under Article 7 (1) (g), imposed sanctions against Mali in March 2012. This resulted in the suspension of Mali from its participation in the PSC. As a result, the PSC operated with only 14 of its members for most of the year.

Towards a PSC-UNSC Strategic Partnership?

It has been noted above that as part of the premise of a collaborative global security framework on which the AU peace and security system is premised, the PSC is mandated under Article 7 (1) (k) of the PSC Protocol 'to promote and develop a strong partnership for peace and security between the AU and the United Nations'. Within this framework, the PSC has been engaging the UNSC. Since 2007, the two organisations have agreed to hold annual consultative meetings, alternating between Addis Ababa and New York.[71]

While differences over the deferral of the ICC's arrest warrant for Sudanese President Al Bashir and UN financial support for AU-led peace operations have over the years strained the relationship between the PSC and UNSC, strategic disagreement between the two on how to resolve the crisis in Libya made 2011 a particularly difficult year in the evolving relationship between the two organisations.

In 2012 significant advances were made in articulating a more institutional and comprehensive framework for collaboration. A high level of synergy was also achieved both at the policy and operational levels in their efforts to address some of the difficult conflicts on the continent.

On 9 January 2012, the Chairperson of the AU Commission Jean Ping submitted a report on his vision of the AU-UN partnership to the PSC in accordance with the decision of the 16th session of the AU Assembly.[72] The 36-page-long report, entitled 'Towards Greater Strategic and Political Coherence', comprehensively articulated the perspective of the AU on the question of what appropriate consultative decision-making framework, division of labour and burden-sharing should be put in place between the AU and the UN. Three major issues that received prominent attention in the Chairperson's report were: the need for strategic-level coherence, deepening operational level cooperation and synergy, and the establishment of predictable, sufficient and reliable funding.

Based on the Chairperson's report, the PSC articulated in its communiqué of 9 January 2012 three principles that it considered would serve as the basis for achieving strategic partnership between itself and the UNSC. These were:

- 'support for African ownership of peace initiatives on the continent, as well as priority setting,
- flexible and innovative application of the principle of subsidiarity, which is at the heart of Chapter VIII of UN Charter, including consultations prior to decision making, division of labour and sharing of responsibilities, [and]
- comparative advantage, taking into account the familiarity of AU and its Regional Mechanisms with conflict dynamics and their flexibility in dealing with security challenges, including their ability to rapidly deploy peace support operations to create conditions for the eventual deployment of UN peacekeeping operations, in line with the recommendations of the Prodi Panel Report.'[73]

Additionally, the PSC expressed its commitment 'to strengthen its cooperation with the latter [UN], including through more structured and substantive yearly meetings, regular consultations before taking decisions on issues of common concern, enhanced interaction between the Chairperson of the AU Peace and Security Council and the President of the UN Security Council, joint field missions to enhance synergy in monitoring, assessment of results and response strategies.'[74]

With respect to financing of AU peace operations, the PSC reiterated its call for the UN 'to address in a systematic manner the issue of the predictability, sustainability and flexibility of the funding of AU peace support operations undertaken with the consent of the Security Council, through the use of UN assessed contributions' and to this end it called for a full endorsement and immediate implementation of the proposals contained in the Prodi Panel.[75]

In a major step that sought to address many of these issues and articulate a more institutional and comprehensive framework for collaboration, the UNSC responded constructively. On 12 January 2012, the UNSC debated the report of the UN Secretary General about his vision of the relationship between the AU and the UN concerning peace and security in Africa.[76] The UNSC debate, chaired by President Jacob Zuma of South Africa as the president of the UNSC for the month, produced Resolution 2033, which took the partnership between the two a major step forward.

On the AU's demand for a consultative decision-making process, the UNSC committed itself to the elaboration of 'further ways of strengthening relations between the two councils, including through achieving more effective annual consultative meetings, the holding of timely consultations, and collaborative field missions of the two councils'.[77] In paragraph 6, the UNSC encouraged 'the improvement of regular interaction, consultation and coordination, as appropriate between the Security Council and the African Union Peace and Security Council on matters of mutual interest.'[78]

The PSC and UNSC also achieved a high level of policy and operational coherence and collaboration in dealing with some of the conflicts they both faced. An example that illustrated this was their collaboration on the situation between Sudan and South Sudan. In an effort to avert the escalating tension and to end the impasse in the negotiation between Sudan and South Sudan, the PSC adopted a roadmap with a threat of sanctions and an implementation timeline. [79] Acting on the request made in the communiqué of the 319th meeting of the PSC,

the UNSC adopted Resolution 2046. Reflecting the huge potential of an effective partnership between the two, this resolution not only expressed full support for the roadmap that the PSC had outlined in its communiqué but also effectively adopted the decisions of the PSC as its own by reproducing the decisions in the PSC's communiqué. Supported by the close working relationship and synergy at operational level between the AU High Implementation Panel on Sudan and the UN Secretary-General Representative on Sudan, Haile Menkorios, these complementary decisions created a new momentum that culminated, on 27 September 2012, in the signing of a plethora of agreements covering most of the outstanding post-secession issues between the two countries.

As significant as these developments are, some issues remain outstanding. These include the lack of clarity on the mechanism for implementing consultations within the framework of Resolution 2033 and persisting differences between the two organisations on major normative and policy issues, including what constitutes a threat to peace and security and differences on peace-keeping doctrine. There is also a continuing lack of mutual understanding on the meaning and implications of subsidiarity between the UN and the AU.[80]

MAINTAINING AFRICA'S PEACE AND SECURITY

In 2012, the PSC held nearly 40 meetings, with one meeting at presidential level and three at ministerial level. At those meetings, the PSC took a wide range of decisions on a number of peace and security situations affecting various parts of the continent. Table 4 provides a summary of PSC actions and the results of those actions towards maintaining Africa's peace and security.

The following sections seek to offer a more detailed and regionally disaggregated analysis of the actions that the PSC has taken and the result (or lack of it) registered so far in achieving the objectives of those actions.

One of the features of the PSC is that it operates on the basis of the principle of collaborative global security. This is clearly articulated in the various provisions of the PSC Protocol that call on the PSC to work in collaboration with both African regional bodies[81] and global actors, notably the UN.[82] As such, the PSC takes actions ordinarily in concert with or through other actors having related responsibility on any situation of concern for the PSC. The analysis in this section interrogates the measures taken by the PSC by contrasting and synthesising them with the initiatives from African regional bodies and relevant global actors.

It is from this perspective that the next sub-section considers the activities of SADC with respect to the situations in Southern Africa.

The PSC on the situations in Southern Africa: complete delegation of authority or abdication of responsibility?

In Southern Africa, there were two existing situations that were of concern to the PSC. These were the situations in Madagascar and Zimbabwe. Neither of these situations featured on the agenda of the PSC.

Madagascar

In 2012, the PSC dedicated no single session to any situation in Southern Africa. The last time the PSC considered the situation in Madagascar was at its 303rd meeting held on 8 December 2011.[83] In the communiqué it adopted at that meeting, there were at least two matters that would require the PSC to follow up developments in Madagascar. First, the PSC urged the AU Commission 'to fully mobilise Africa and the international community at large for them to provide the necessary support to the transition process in Madagascar, including by speedily dispatching a mission to assess Madagascar's needs.'[84] Second, the PSC requested 'the Commission and SADC Secretariat to expedite the process of establishing a joint Liaison Office in Antananarivo that will ensure effective monitoring of the situation and provide daily support to the efforts of the Malagasy parties.'

The PSC made no follow-up in 2012 on any of these two matters. As a case within the Southern Africa region, the fierce electoral contest during the year between SADC's candidate, current Chairperson of the AU Commission Dr Nkosazana Dlamini-Zuma, and former Chairperson Dr Jean Ping might have played a major role in the lack of interaction between SADC and the PSC and the resultant lack of follow-up of its decisions on the part of the PSC.[85] As a result, during the reporting period, SADC, by default, assumed exclusive authority for following up the situation in Madagascar and peace and security matters generally in Southern Africa.

During 2012, the focus of SADC was on ensuring the implementation of the transitional roadmap that had been agreed to by ten Malagasy political stakeholders in September 2011. Although some progress had been made in some of the areas of the September 2011 SADC roadmap, such as the establishment of the Independent National Electoral Commission (INEC) and the Transitional

Parliament, the Malagasy parties continued to frustrate the implementation of two major components of the roadmap. The first was the 'unconditional' return of all exiled politicians. The other was the adoption of an amnesty law.

Although the Transitional Parliament eventually adopted two amnesty laws on 13 April 2012 following another SADC deadline issued on 14 March 2012, contrary to SADC's position and the spirit of the roadmap, the provisions excluded Ravalomanana. In an effort to unlock the impasse, SADC-backed direct talks were held between Rajoelina and Ravalomanana on 25 July in the Seychelles. But the talks ended without success, with Rajoelina insisting that Ravalomanana be pardoned only on condition that he would not participate in the elections. Another round of direct talks that was held on 8 August 2012 similarly ended without success. As at the end of November 2012, this battle between the two political factions remained the major stumbling block jeopardising the implementation of the roadmap.

As is clear from the above, a negotiated settlement on these outstanding issues does not seem to be within reach. Unable to impose a solution mutually acceptable to both, SADC also seems to have run out of options. On 18 August 2012, Seychelles Foreign Minister Jean-Paul Adam said that SADC was considering holding the elections in Madagascar 'without Rajoelina and Ravalomanana'. In December 2012, the SADC took a position for persuading Ravalomanana and Rajoelina not to stand in the forthcoming general elections as a way of resolving this crisis in a communique adopted at its summit held in Tanzania. Whether this would conclusively bring to an end the impasse in Madagascar's transition would depend on being able to convince the two sides to abandon their election ambitions and enforce this decision.

Clearly, complete disengagement on the part of the PSC was not at all helpful and in this particular instance seems to manifest a lack of its leadership role. Moving forward, the PSC needs to consider seriously the option of reengaging with the matter and of bringing its leverage to bear on the ongoing effort to resolve the long drawn out crisis in Madagascar, while supporting SADC's lead role. Simultaneously, the PSC's disengagement also manifests the limits of its capacity. Given that SADC is continuously involved in the situation, such capacity limitation means that the PSC is expected to prioritise more grave and urgent situations. The willingness and resolve of SADC to be in charge of regional peace and security reinforces the PSC's lack of engagement in the region and prioritisation of or active engagement in other regions.

Zimbabwe

Although progress has been made in the implementation of aspects of the GPA, disagreement between the parties to the GPA on various key issues has continued to delay the completion of key transitional tasks. This has put the monitoring mechanism in the spotlight. Although the mechanisms of monitoring the GPA and its institutions are all supposed to be self-regulatory, in an effort to fast track the implementation process SADC, at its extraordinary meeting held in Sandton, Johannesburg in June 2011, requested the troika for the SADC organ to appoint officials to be seconded to Joint Monitoring and Implementation Committee (JOMIC). Since then, two officials have been identified to join the JOMIC. Resistance from ZANU-PF, which considered the measure too interventionist, and the resultant disagreement on the legitimacy of the involvement of SADC in JOMIC prevented the deployment of the two officials for over a year.

In 2012, the finalisation of the constitution and the creation of conditions for holding elections were also matters of contention between ZANU-PF and the two MDC factions. During the course of the year, SADC made certain efforts to support the implementation of the GPA. In August 2012, SADC Chairperson and Mediator, South African President Jacob Zuma, visited Zimbabwe and held consultations with the principals of the GPA. At the summit it held in Maputo, Mozambique, SADC also adopted certain decisions. In this regard, the summit 'urged signatories to the GPA to develop a roadmap with timelines that are guided by the requirements of the process necessary for adoption of the constitution and the creation of conditions for free and fair elections to be held.'[86]

Although this clearly reflects SADC's recognition of the slow pace of progress in these areas, the regional body has taken a hands-off approach, leaving the matter largely to the parties involved. This is further reflected in its resolution that 'if there are any difficulties with regard to the Constitution and implementation of agreements, the Facilitator should be called upon to engage with the parties and assist them [to] resolve such issues, bearing in mind the timeframes and the necessity to hold free and fair elections.'[87] Clearly, what would activate the intervention of the facilitator is the request of the parties. Given the dysfunctional and antagonistic relationship of the GPA parties, it is difficult not to doubt the wisdom of such heavy reliance on the parties.

It is significant that since August 2012 quite some progress has been made in terms of the process for adopting the constitution. With the draft constitution having received wide support at the conclusion of the Second All-Stakeholders

Conference held on 21 to 23 October, the stage for the drafting of the constitution has been finalised.

Nevertheless, as at the end of November two further stages are left before the final adoption of the new constitution. As envisaged in Article VI of the GPA, after the second all-stakeholders' conference, the draft constitution and the accompanying report need to be tabled and debated in Parliament. In the next and final stage, it is envisaged that the constitution will be subjected to popular referendum. The process in these two stages does not seem free of contestation. There is an emerging debate as to the respective roles of the Parliament and the Executive in these last stages of the constitution-making process. This is attributable to the fact that the Referendum Act of 2000, which is still in force and, hence, may apply in regulating the conduct of the popular referendum, assigns to the Executive the power of declaring, by proclamation, when and how a referendum will be held.[88]

Another reform issue key for ensuring a peaceful election in 2013 is the security sector. The National Security Council (NSC) – a key GPA creation – has not been operationalised, and the security sector is not adequately transformed to guarantee impartial security for conducting the general elections. Although a strong view that SADC cannot do anything further is developing,[89] it is incumbent on newly appointed SADC Chairperson President Armando Emilio Guebuza and significantly the new chairperson of the SADC Organ on Politics, Defence and Security Cooperation to reinvigorate, in cooperation with SADC Mediator President Jacob Zuma, SADC's role in fast-tracking the transitional process in Zimbabwe.

The PSC on the situations in Central Africa: between manifest inadequacy and assertive leadership?

From Central Africa two situations featured on the agenda of the PSC. The first of this was the conflict in eastern DRC that broke out early in the year. The other situation involved the regional initiative against the LRA.

Eastern DRC calling, can someone please answer?

One of the new developments in 2012 in this region was the armed conflict that broke out in eastern DRC. This was one of the most complex conflicts to face the PSC during the year. By the end of November, the PSC had considered this

situation three times since the conflict had broken out. It was at its 324th meeting held on 21 June 2012 that the PSC for the first time discussed the rebellion in eastern DRC. Following this meeting, it considered the situation at its 335th and 340th meetings. It emerged from the statements and the communiqué that the PSC adopted at these meetings that there were three areas of concern for the PSC. The first area concerned the armed rebel groups, notably the M23.[90] The second concern that the three PSC meetings raised was the role of the government of the DRC. Here, the PSC displayed its recognition that the current crisis in eastern DRC is attributable in significant ways to the weaknesses of the government in Kinshasa.[91] Accordingly, the PSC called on 'the Congolese population and political actors to demonstrate utmost responsibility and to join their efforts towards the early restoration of peace, security and stability in the towns of North Kivu affected by the current fighting'.[92] Finally, the PSC also addressed itself to the issue of the role of regional and international actors. There are two levels to this. The first level concerns what the PSC calls 'the countries of region', which are considered key for any meaningful resolution of the crisis.[93] The second level addresses regional bodies[94] and the wider international community.[95]

The nature of the PSC's engagement on eastern DRC displays uncertainty and a lack of full engagement. Despite the fact that the conflict erupted in April 2012, there was no action from the side of the PSC until the end of June. Even on that occasion, the situation in eastern DRC was placed on the agenda of the PSC upon the request of the DRC.[96] Three months lapsed before the PSC convened its second meeting and a further month and a half before its third meeting. Despite the seriousness of the crisis, including the serious violations of human rights and the inter-ethnic tension relating to these, the PSC met only three times. The perception that the PSC was not adequately engaged on the issue of eastern DRC becomes apparent when one compares its engagement on the crisis in Mali. The PSC met on the crisis in Mali four times more than it did on eastern DRC. Significantly, the PSC took no overt steps to look into the reports implicating Rwanda and Uganda in the M23 rebellion.

In terms of a substantive solution to the crises, the PSC's limited engagement initiated very little meaningful conflict management and resolution process. While the commendable appointment of the AU's Special Representative for the Great Lakes Region has yet to produce any meaningful initiative, there is palpable uncertainty as to the wisdom of deploying a neutral international force, the only other major initiative endorsed by the PSC.[97]

There are a number of factors that seem to explain this inadequate engagement and the related lack of progress in achieving regional and international consensus on how to address the crisis. From the perspective of the PSC, 'the crisis in DRC came at a time when the PSC was overwhelmed with some acute crisis and some new situations such as Mali.'[98] Another major factor was the involvement of a multiplicity of interests and actors.[99] The fact that these actors 'tend to play according to different rules' has made it difficult to coordinate easily and address the conflict meaningfully.[100] This is compounded by the weakness of the government in Kinshasa.[101] The fact that neighbouring countries Rwanda and Uganda are implicated has complicated 'things a bit for the PSC'[102] and is a major factor in the PSC's lukewarm response.[103]

Most importantly, the relevant regional and global actors have yet to assume their responsibilities fully, achieve consensus on the crisis and develop a coordinated approach to addressing it. Although both the International Conference on the Great Lakes Region (ICGLR) and SADC have concurrently been seized of the matter, there is an apparent difference in their approach. SADC clearly views Rwanda's role as a major problem.[104] Understandably, the ICGLR does not share this position. Additionally, while there is clear acknowledgement of the leadership role of the ICGLR as the most concerned regional mechanism of the PSC, the fact that Uganda (Chair of the ICGLR) and Rwanda (a member state of the ICGLR) are implicated in the eastern DRC conflict leaves the ICGLR very little credibility for remaining the focal point for pursing initiatives to manage and resolve the conflict. The neutral international force proposed by the ICGLR and endorsed by the PSC received little traction. In the region, Tanzania is the only country that has made a troop-contribution pledge which is acceptable to the DRC.[105] Within the UN, most UNSC members are 'sceptical about the feasibility of establishing an international neutral force in the near future'.[106] Apart from the lack of a detailed plan, UNSC members are concerned about the demand on resources and the coordination with MONUSCO.[107] At the same time, apart from targeted sanctions against the M23 and other responsible actors, no other new substantive conflict management and resolution initiative is yet to be taken by the UNSC either.[108]

Eight months after it erupted, the crisis in eastern DRC has continued unabated with no one assuming full and credible responsibility for addressing it with the urgency it deserves and the actions it demands.[109] The responsible bodies have yet to articulate a more candid analysis of the conflict and develop a

meaningful and coherently complementary approach for addressing the ongoing fighting, death, displacement and misery in eastern DRC.

However, the actors that play the most crucial role are the countries of the region. In this context, the measures that the major countries of the ICGLR and those in SADC initiate are set to determine the course of the conflict in eastern DRC.

The LRA: providing leadership for stopping LRA atrocities

In 2012, the LRA continued its targeting of civilians. While no LRA attacks were reported in South Sudan during 2012, the DRC and the CAR remained affected, with territories in the DRC receiving the majority of the attacks. Reports indicate that the LRA's recent attacks in the north-eastern DRC and CAR represent a significant surge in activity in comparison to the second half of 2011.[110]

At the end of 2011, the AU PSC authorised the establishment of a major initiative for addressing the LRA menace. In a communiqué issued at its 299th meeting held on 22 November 2011, the PSC authorised the implementation of the Regional Cooperation Initiative for the Elimination of the LRA (RCI-LRA) with the mandate of:

- Strengthening the operational capabilities of the countries affected by the atrocities of the LRA
- Creating an environment conducive to the stabilisation of the affected areas, free of the LRA
- Facilitating the delivery of humanitarian aid to the affected areas

On 23 November 2011, the AU appointed Francisco Caetano José Madeira as the AU Special Envoy on the LRA.

The actual operationalisation of the RCI-LRA with the establishment and activation of its three structural components has been underway since early 2012.[111] A major component of the RCI-LRA is the Regional Task Force (RTF), an AU-lead regional military operation. The RTF is envisaged to have a force size of 5 000 troops composed of military units from the affected countries, namely Uganda, the CAR and South Sudan. The RTF headquarters, with its base in Yambio, capital of the Western Equatorial State (WES) of South Sudan, comprises 30 officers.

One of the major developments in 2012 was therefore the launch of this new operation against the LRA. On 24 March, the operational phase of the RCI-LRA

was launched in a ceremony held in Juba, South Sudan, in the presence of the AU Special Envoy Madeira and Special Representative of the Secretary-General and Head of the UN Office for Central Africa, Abou Moussa. The following day, the two travelled to Yambio to inaugurate the RTF headquarters.

In a communiqué it adopted on 22 May 2012, apart from extending the authorisation of the RCI-LRA for a further period of 12 months, the PSC identified some measures which, when implementated, would further facilitate the optimal operationalisation of the RCI-LRA. The first is the mobilisation of financial and logistical support from within and outside the continent. In this regard, at its first meeting held in Addis Ababa, on 8 May 2012, the Joint Coordination Mechanism (JCM) agreed to the establishment of a support forum. The other is the provision of technical and other support for the RTF headquarters to boost its capacity. In this regard, the PSC requested the UNSC and the Secretary-General 'to consider modalities of enhanced support through the UN peacekeeping missions present in the area of operations of the RCI-LRA, including by adjusting as may be necessary their mandates.'[112]

In September 2012, three of the four LRA-affected countries deployed the contingents they pledged as part of the RTF. On 12 September, the CAR handed over 350 soldiers, as part of the battalion of 450 soldiers that it had pledged to contribute to the RTF to the RTF Commander Col Dick Prit Olum. On 18 September, the governments of South Sudan and Uganda provided their counter LRA contingents for the RTF Commander. Uganda's Minister of Defence, Dr Crispus Kiyonga, provided 2 000 soldiers from the Uganda People's Defence Forces (UPDF), while South Sudan's Deputy Minister, Dr Majak Agot Atem, provided 500 troops from the SPLA in a joint ceremony presided over by AU Special Envoy Ambassador Madeira, in Yambio. On that occasion, Ambassador Maderia explained the task of the RTF as involving the protection of people vulnerable to LRA attacks, the combatting of LRA elements and assisting in the delivery of aid.

Clearly, the AU and countries of the region have made a sustained effort towards the full operationalisation of the RTF, with the AU serving as a platform for providing policy leadership and coordinating the countries of the region. While the RTF continues to face logistical, financial and coordination problems, significant progress has thus been achieved towards its operationalisation. At the operational level, another notable development during the year was the capture (or surrender) of a senior LAR commander. On 12 May, the Ugandan military announced that it had captured Caesar Acellam, one of the LRA's top military leaders, in the CAR.

Notwithstanding this progress, the RTF has only half of the mandated force size. Significantly, apart from the various logistical and capacity constraints that limit its operations, the RTF also faces various challenges. First, given its leverage on the LRA leadership, the limited, if not the total lack of, involvement of Sudan in the RCI-LRA has left a missing link in the fight against the LRA.[113] Second, and most importantly, with the eruption of the armed rebellion in eastern DRC, both Kinshasa's participation in and cooperation with the RCI-LRA have become increasingly limited. The conflict in eastern DRC affects the fight against the LRA particularly within the DRC in two ways. First, the DRC government recently redeployed FARDC troops from LRA-affected areas to address the M23 conflict in North Kivu, leaving populations in the LRA-affected areas without any protection. Second, the DRC and Uganda have not been able to agree on the movement of troops across borders in pursuit of LRA elements. Recent allegations that Uganda is providing support to M23 rebels in the DRC is set to entrench the DRC's reluctance to allow Ugandan-origin RTF forces into its territory. Since the LRA has a strong presence in north-eastern DRC, this undermines the operation against the LRA significantly.

This operation receives support of various kinds from AU partners. The US has been providing technical support through the 100 military advisers it previously deployed. Additionally, the aerial surveillance provided by the US has helped to identify the main areas with regular LRA activity, but pinpointing the exact locations of the rebels in those areas remains the fundamental challenge.[114] The EU provides some financial support for the RCI-LRA.

As in other situations elsewhere on the continent, the countries of the region constitute the backbone of the initiative against the LRA. The PSC provided the political framework that enabled these countries to assume collective responsibility towards addressing the threat that the LRA presents to people of the region.

The PSC on the situations in East Africa and the Horn of Africa: pressing for some good news for a change?

As has been noted above, many of the activities of the PSC in 2012 dealt with the protracted conflict in Somalia and the situation between Sudan and South Sudan. The details of the measures PSC adopted on both cases and the outcome of these measures are discussed below.

Creating a rare window of opportunity for stabilising Somalia

At the end of 2011, AMISOM and allied forces achieved substantial military gains against Al Shabaab. On the political front, within the framework of the Kampala Accord, the term of the TFG was extended by one year to 20 August 2012, making 2012 a make-or-break year in Somalia's long quest for stability.

As a result, in early 2012, the PSC alongside the Inter-governmental Authority on Development (IGAD) and the UN was faced with two major challenges in Somalia. First, with Al Shabaab on the run, a major challenge of maintaining the momentum and ensuring the stability of newly liberated areas emerged. Second, the progress being achieved on the security front could only succeed where there was parallel progress on the political front.[115] In this regard, the AU working together with the UN and IGAD as well as other international actors was faced with the challenge of ensuring and supporting the implementation of the political roadmap Somali political forces had signed in September 2011 for ending the transitional process within the timeline.

A major initiative for meeting the first challenge was enlarging the size of AMISOM. In this regard, the PSC held a series of meetings in December 2011 and January 2012 to discuss a new strategic concept for AMISOM. In a 2 December 2011 communiqué, it urged the UNSC to 'review and consider thoroughly the need to adjust the mandated troop levels of AMISOM'[116] and reiterated previous calls 'to adopt a resolution that enforces measures to control access to the ports of Kismayo, Haradhere, Marka and Barawe and an air-exclusion zone to cut off arms supplies to Al Shabaab'.[117] In the communiqué issued on 5 January 2012, the PSC endorsed the strategic concept finalised between the end of December 2011 and first few days of January 2012. The AMISOM strategic concept provided for, among others, increasing the force size of AMISOM from the existing mandated size of 12 000 to 17 731 and extending 'AMISOM's area of responsibility by fast tracking the insertion of AMISOM troops in all the liberated areas'.[118] On that occasion, the PSC also extended the mandate of AMISOM for a further period of 12 months effective from 16 January 2012.

On 22 February, the UNSC adopted Resolution 2036, authorising an increase in the troop size of AMISOM from 12 000 to 17 731 uniformed personnel that comprised troops and personnel of formed police units[119] and an extension of its presence to three sectors outside Mogadishu.[120] In a move that expanded AMISOM's rules of engagement, the resolution authorised the use of all necessary means to reduce the threat from the Islamist rebel group Al Shabaab.[121] As requested by

the PSC, Resolution 2036 additionally authorised an expansion of the UN logistic support package for the mission to include reimbursement of contingent-owned equipment, resulting in a US$300 million increase from the current UN-assessed contribution support of US$250 million.[122]

The deployment of the additional forces, almost entirely from countries in East Africa and the Horn of Africa, during the course of the following months enabled AMISOM to expand outside of Mogadishu. On 5 April, 100 Ugandan and Burundian troops were deployed by AMISOM to Sector 3, which covered Baidoa, in advance of a contingent of 2 500 troops. The move represents the first time AMISOM has operated outside of Mogadishu since its establishment in 2007. On 2 June, the AU signed the Memorandum of Understanding (MoU) with Kenya as a troop-contributor to AMISOM. The 4 500 Kenyan soldiers covered Sector 2 centred on southwest Somalia and securing key towns such as Afmadow, Jilib, Bualle and Kismayo. Sector 1, covering Mogadishu and securing lines of communication for key towns such as Afgoye, Balad, Marka and Jawahar, was where most of the AMISOM troops from Uganda and Burundi were located. On 25 May 12 AMISOM forces in Sector 1 and TFG forces captured Afgoye (a strategic town situated approximately 30 kilometres from the capital that had been held by Al Shabaab) and on 27 May secured control of the corridor linking it with Mogadishu. In June and September, part of a contingent of 850 Djiboutian soldiers was deployed to Beledweyne, one of the areas freed from Al Shabaab in early 2012 by Ethiopian forces. As these deployments show, almost all of the 17 731 troops and the Ethiopian forces supporting Somali and AMISOM forces come exclusively from the countries of the region.

The EU has continued to provide the most support for AMISOM. To support the deployment of the additional troops, the EU also made available the necessary funds.[123] In 2012, the EU assistance to AMISOM from the African Peace Facility amounted to €163 million (€10 million January 2012; €71 million February to July; and €82 million August to December 2012). Among others, the EU support covers troop allowances of the military component of the mission in accordance with the UN standard of US$1 028 per month per soldier (from 2 June 2012 for the full 17 731 mandated force size of the mission), personnel costs of the civilian component and operational costs of the mission.

Working in close collaboration with the UN and IGAD as well as other international actors, the AU also contributed to ensuring the implementation of the September 2011 roadmap and the conclusion of the transitional process as

planned in August 2012. The AU along with the UN and IGAD played a critical role in ensuring the implementation of the roadmap. Together, these organisations closely monitored the process and actively supported Somali political actors at every step of the implementation. They also provided solutions to various disagreements and delays arising from various Somali political forces, including within the TFG. While the role of the AU and the UN has been critical, IGAD has in many ways been the major catalyst for regional and international consensus and action. It facilitated the roadmap that charted the political formula towards the conclusion of the TFG. It also followed the political process at the highest levels, involving the leaders of the country.

At the same time, others in the international community brought high international political attention to bear on the process. On 23 February, the UK government hosted a high-level conference on Somalia. In mid-2012, Turkey hosted an international conference on Somalia in Istanbul on 31 May and 1 June. These conferences kept international attention focused on the situation in Somalia and shaped the required coherence among the multiplicity of regional and international actors. Additionally, as a member of the PSC consulted in the course of the preparation of this review put it, spoilers that previously undermined the political process in Somalia were weakened or else were left with few opportunities to frustrate the process.[124]

Regional and external actors can do only so much. Their effort can achieve success only with a cohesive and decisive Somali leadership, a long missing ingredient in Somalia's search for peace.[125] The required 'wisdom and determination'[126] to overcome the lack of such leadership and bring the country closer to achieving peace is available today more than at any other time before. This was particularly displayed in the great sense of responsibility that Somali political forces showed, particularly at the politically sensitive stages of the selection of the new parliamentarians and the election of the new president.[127]

The result of all these concerted regional, continental and international efforts is that for the first time Somalia has a rare opportunity to achieve stability. The country that has for long been described with gloomy adjectives such as 'the classic prototype of a failed state' and a 'black hole' became a major 'good news' item to come from East Africa and the Horn of Africa. While there is cause for celebrating the milestone achieved, there is no room for complacency. The situation is still precarious and there are serious dangers of a relapse.

Sudan and South Sudan: from containing armed confrontation to a breakthrough in the negotiations on post-referendum issues

Since the May 2010 decision of the PSC mandating the AU High Level Implementation Panel on Sudan (AUHIP) to facilitate between the two parties to the CPA negotiations on post-referendum issues, the two (initially as Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) and after independence as Sudan and South Sudan) have been holding negotiations on a range of issues.

After a year and half of negotiations at the beginning of 2012, no breakthrough had been achieved on the major outstanding issues. In a press statement issued at its 308th meeting held on 17 January 2012, the PSC expressed 'concern with the lack of progress in addressing the core issues affecting relations between the two States, namely nationality, border security, Abyei, oil and humanitarian access.'[128] In a show of its dissatisfaction with the lack of political will on the part of the two governments, the PSC emphasised 'the primary responsibility of the leadership of Sudan and South Sudan to promptly resolve the outstanding issues for the benefit of their people, both countries and regional peace and security'.[129]

Notwithstanding these demands, relations between Sudan and South Sudan showed further deterioration, leading to rising tensions. As noted earlier, January 2012 saw an escalation of tension between the two countries over oil income. This tension culminated in South Sudan's decision on 22 January to halt the production of oil, depriving both Khartoum and itself of a valuable source of revenue.[130] On 23 January, the AU Commission issued a communiqué that expressed concern over the deterioration of relations between Sudan and South Sudan. Noting Sudan's diversion of South Sudanese oil and South Sudan's decision to stop its oil production, the communiqué cautioned that 'these reciprocal unilateral measures threatened grave damage to the economic prospects of both countries and relations between them.'

Additionally, the military skirmishes and the rhetoric of war that had been on the rise in the course of 2011 did not subside. Concerned by the war of words and the sporadic clashes on the border areas between the SPLA and the SAF, the AUHIP facilitated the negotiation on a non-aggression pact. On 10 February, the two sides signed, during the talks in Addis Ababa, an MoU on non-aggression and cooperation. In the document, both sides committed to 'respect the sovereignty of the other state in all respects' and 'refrain from launching any attack including bombardment' against each other and supporting armed elements.

None of these efforts produced the required political will and decisive leadership on the part of Khartoum and Juba to avert a major conflict. During March 2012, incidents of aerial bombings and of skirmishes between the SPLA and SAF were reported.[131] In April, the situation culminated in a major armed clash between the SPLA and SAF, which resulted in the occupation by the SPLA of Heglig town as well as its oilfields and facilities. This marked a major turning point in how the PSC addressed the situation between the two countries.

In a statement issued at its 317th meeting held on 12 April, the PSC strongly condemned the unfortunate and unwarranted actions that had characterised the conduct of both parties over the previous month, which ran contrary to all AU and international principles governing relations among sovereign states.[132] Expressing its dismay at 'the illegal and inacceptable occupation by the South Sudanese army of Heglig, which lies north of the agreed borderline of 1/1/56, the PSC also demanded the immediate and unconditional withdrawal of the army of South Sudan from the area.' Equally, the PSC demanded that the Government of the Sudan put an end to its aerial bombardment in South Sudan. With the UNSC and others in the international community joining the PSC in condemning South Sudan's occupation of Heglig, on 21 April South Sudan Vice President Riek Machar confirmed that the SPLA had withdrawn from Heglig on Friday night 20 April.

The PSC took an even more far-reaching decision that changed the course of negotiations between Sudan and South Sudan on 24 April 2012. In a landmark communiqué issued at its 319th meeting held at the level of ministers on that day, the PSC outlined two major steps. First, it adopted a roadmap seeking 'to ease the current tension, facilitate the resumption of negotiations on post-secession relations and the normalization of their relations'. The roadmap provided for:

- Immediate cessation of hostilities, including aerial bombardments, within 48 hours
- Unconditional withdrawal of all armed forces to their side of the border
- Establishment within one week of the Joint Border Verification and Monitoring Mission and the Secure Demilitarised Border Zone along the border separating the two countries
- A cessation by both countries of support for rebel groups fighting against the other country
- An end to 'hostile propaganda and inflammatory statements in the media', and

- Redeployment of security forces of both parties from Abyei[133]

In an effort to create urgency and political will for conducting and finalising a committed negotiation on outstanding post-secession issues, the PSC additionally demanded that the two parties resume negotiations within two weeks on oil, the status of respective nationals in each other's territories, the border disputes, and the status of Abyei.[134] Unlike other times, this demand was attached to a timeline and threat of sanction. Accordingly, the communiqué provided that if the parties failed to reach agreement on 'any or all' of these issues within three months of resuming negotiations, the AUHIP submit a report on the status of negotiations, 'including detailed proposals on all outstanding issues, to be endorsed as final and binding solutions to the post-secession relations.'[135]

In a step that demonstrated the value of working within the framework of global federalism on security involving strategic-level coherence between the PSC and UNSC, on 2 May 2012 the UNSC gave the PSC's decisions a much-needed affirmation and reinforcement by adopting Resolution 2046 with the weight of Chapter VII of the UN Charter. For the first time, the UNSC reproduced in Resolution 2046 most elements of the communiqué of the 319th meeting of the PSC, with further force. Accordingly, apart from adopting the roadmap of the PSC in full,[136] the UNSC called on both countries to resume negotiations within two weeks on all the issues identified in the communiqué of the PSC. The UNSC also decided along the lines of the PSC that the negotiations 'shall be concluded within three months of the adoption of this resolution, and in the event these negotiations fail to result in an agreement on any or all of the issues within the allotted timeframe of three months, *requests* the Secretary-General, in consultation with the AUHIP, the Chair of IGAD, and the Chairman of the AU Commission, to report within four months of the date of this resolution to the Security Council on the status of the negotiations, including detailed proposals on all outstanding issues'.[137]

While hostilities between the two countries did not end completely as required in both the PSC communiqué and UNSC resolution, progress was, however, registered in this regard.[138] The withdrawal of the armed forces of the two countries from Abyei was also largely carried out. This was noted in both the communiqué the PSC adopted on 3 August 2012 and the UNSC presidential statement issued on 31 August 2012.

With respect to the political negotiations as well, progress was made but proved to be slower than the timeline set in the 24 April 2012 PSC communiqué.

Major sticking points were the disputed borders, Abyei and the establishment of the proposed demilitarised zone based on an AUHIP map. On the deadline of 2 August 2012, the only, but admittedly major, breakthrough was the signing of an agreement on oil. Accordingly, in the communiqué it issued on the implementation of its communiqué of 24 April and UNSC Resolution 2046 at its 329th meeting, the PSC extended the 2 August deadline to 22 September 2012.

In September 2012, the negotiation process noticeably picked up pace. The UNSC had been regularly following the negotiations, with major global powers reminding the parties of their responsibilities and the expectation of the world for full implementation of the 24 April PSC communiqué and UNSC Resolution 2046. The AUHIP and the Special Representative of the Secretary-General, Haile Menkorios, provided the required facilitation and technical support in a very coherent, complementary and integrated way. The exemplary support, active intervention and constant encouragement of regional countries, most notably Ethiopia, provided huge help in overcoming deadlocks and encouraging the will of the parties to finalise the negotiations.[139] Together with the provisions of the PSC communiqué and resolution 2046, this regional and international support and pressure created the momentum to make September the month for achieving a breakthrough in the more than two years negotiation process.

Although substantial progress has been made on many of the issues, the conclusion of the issues demanded direct negotiations between the presidents of the two countries. Upon the invitation of Ethiopia's Prime Minister Hailemariam Desalegn, who took over the invaluable role of the late Meles Zenawi in supporting the process, Sudan's President Bashir and his South Sudanese counterpart Salva Kiir convened a summit level negotiation on 22 September in Addis Ababa, which hosted most of the negotiations over the years. In an unprecedented show of leadership and commitment the two presidents remained locked in negotiation for five days cancelling their trip to participate in the annual meeting of the UN General Assembly. In the afternoon of 27 September 2011, the two presidents signed nine agreements in a ceremony held at the Sheraton Hotel in Addis Ababa.[140]

The tremendous importance of Resolution 2046 in shaping the relationship between the PSC and the UNSC was widely acknowledged. During the debate on the resolution, the President of the Council for the month Agshin Mehdiyev of Azarbajan said that it was 'important that the resolution supported the central role of the African Union.'[141] The Ambassador of Germany to the UN, Peter

Witting, acknowledged the 'leadership role of the African Union on the issue', while Martin Briens of France 'appreciated the work done by the African Union over the past few weeks to ease tensions between the two sides and restart negotiations on unresolved issues regarding the Comprehensive Peace Agreement'.[142] Significantly, Philip Parham of the UK noted that '[t]he text (of Resolution 2046), with the weight of Chapter VII of the Charter, gave full support to the African Union road map, and called on both sides to agree to a cease fire and follow the African Union framework towards peace and lasting security.'[143]

The success of the AUHIP-facilitated negotiations also illustrated the value of regional leadership and support. In this regard, the widely acknowledged support and active participation of Ethiopia's late Prime Minister, Meles Zenawi, and his successor Hailemariam Desalegn were instrumental. In acknowledgement of this, the UNSC paid tribute to Zenawi for his tireless efforts as chair of IGAD in supporting and contributing to the efforts of the AUHIP in realising its mandate on Sudan and South Sudan.[144]

The resolution of the two remaining outstanding issues of Abyei and the border disputes and the equally important task of implementing the agreements demand the continued effort of the PSC and the UNSC as well as all regional and other global actors. Similarly, the lack of progress on the implementation of aspects of the 24 April communiqué of the PSC and Resolution 2046 relating to the South Kordofan and Blue Nile states also remains a major challenge. Despite the widely hailed breakthrough in the AUHIP led negotiations between Sudan and South Sudan, the situation between the two countries is not completely free from risks.

The PSC on the situations in West Africa and the Sahel: between providing leadership and supporting sub-regional action?

In this part of the continent there have been two major situations which have confronted the PSC. The first was the twin crises in Mali. The second was the unconstitutional change of government that took place in Guinea-Bissau. With respect to both situations, the PSC was not alone in the effort to restore peace and security in the two countries. ECOWAS was also engaged in both situations. In the following section the responses of both the PSC and ECOWAS are analysed and the ways in which their responses shaped the situations in the two countries are also examined.

Mali: slow process of consensus building and delays in addressing the situation

The situation in Mali involved the twin crises of a Tuareg armed rebellion in the north and a military coup against the democratically elected government of President Amadou Toumani Touré. A day after the eruption of the armed rebellion in northern Mali, the AU Commission in a press statement of 18 January condemned the armed rebellion in the strongest terms and pledged to address the situation within the framework of the ongoing AU-UN efforts to address the crisis in the Sahel. On 29 January 2012, the AU Commission convened a ministerial-level consultation with the countries of the region and other stakeholders on the recommendations of the joint AU-UN assessment report on the situation in the Sahel. Subsequently a joint AU-UN experts meeting that drafted a strategy on the Sahel took place on 14 and 15 March.

At the 40th ordinary session of the ECOWAS summit, apart from condemning the rebellion, ECOWAS called for both 'an immediate and unconditional cessation of hostilities by the rebels as well as the surrender of the territories they seized and engagement of all parties to the conflict in an inclusive dialogue'.[145] After its leadership transition, which had been underway since the beginning of the year, was completed, on 16 to 18 March ECOWAS deployed a fact-finding mission headed by the new ECOWAS Commission President, Kadre Desire Ouedraogo. In a statement issued after the mission, the ECOWAS Commission condemned the atrocities being committed in Northern Mali and called on the MNLA immediately and unconditionally to observe a cease-fire, lay down their weapons, and relinquish all occupied territory in the north to the central authority.[146] The statement further expressed the intention of ECOWAS 'to launch a mediation process in Mali, within a framework of a general cease-fire agreement, aimed at bringing all the stakeholders to the negotiation table in the quest for a peaceful solution to the crisis' and to this end called on the AU and the international community to support the efforts.[147]

On 20 March 2012, the PSC held its 314th meeting on the crisis in the Sahel at ministerial level. The meeting took place in Bamako, the capital of Mali, which had been the most affected by the crisis in the Sahel arising from the fallout of the Libyan conflict in 2011. In the communiqué issued at the meeting, the PSC emphasised the gravity of the threat that the crisis in Northern Mali presented both to Mali and the region in general and expressed 'unwavering commitment to the respect of the national unity, territorial integrity and sovereignty of Mali

and stresses the determination of the AU and its Member States to guard against their violation'.[148]

On the resolution of the crisis, the PSC demanded 'the immediate cessation of hostilities and urges the different rebel groups to commit themselves, without delay, to the search of a peaceful solution to the crisis within the strict framework of the AU principles, particularly the respect and preservation of the national unity, territorial integrity and sovereignty of Mali'.[149] To this end, the Council stipulated the establishment of a mediation process[150] 'spearheaded by the neighboring countries of Mali, particularly the core countries and especially Algeria … as well as by ECOWAS'.[151]

In the meantime, with a military junta led by Captain Amadou Sanogo overthrowing the government under the pretext of inadequate leadership and support for fighting the MNLA rebellion, the situation in Mali gravely deteriorated. With its leadership transition completed, ECOWAS came to the centre stage by decisively seizing on this added crisis in Mali. In a statement issued on 21 March, ECOWAS expressed what it called its 'policy of "Zero Tolerance" for any attempt to obtain or maintain power by unconstitutional means.'[152]

At the level of the AU, on 23 March 2012, in a communiqué it issued at its 315th meeting, the PSC stated that 'it strongly condemns the breakdown of constitutional order in Mali, following the coup d'état of 22 March 2012 and the seizure of power by a section of the Malian army.'[153] Acting on its mandate under Article 7 (1) (g) of the PSC Protocol, the Council suspended Mali from all AU activities 'until the effective restoration of constitutional order'.[154] Subsequently in the context of the declaration of independence by the MNLA and other armed groups in Northern Mali, the PSC imposed further sanctions 'including travel ban and asset freeze' against both those that committed and supported the coup and those involved in the attacks in Northern Mali and in atrocities against the civilian population.[155]

At the extraordinary summit held on 27 March 2012, ECOWAS called for imposed travel and diplomatic bans on members of the junta and the freezing of their personal assets. Additionally, ECOWAS not only rejected the MNLA's declaration of independence but also threatened that it would deploy troops supporting Mali to push back the MNLA. To this end, ECOWAS ordered military planners to coordinate the possible intervention of 3 000 regional troops. To find a political solution to the crisis, ECOWAS appointed Blaise Compaore, President of Burkina Faso, as mediator in the Malian crisis and referred its decisions on the situation to the AU PSC. In a 29 March mini-summit held after a high-level

mission to Bamako, ECOWAS went further by suspending Mali from participating in ECOWAS processes and calling on member states to impose diplomatic, economic and financial sanctions against Mali, such as closing borders between Mali and member states and freezing access to funds from the West African Monetary Union until constitutional order had been restored.

The above decisions on the part of both the PSC and ECOWAS reflect existing AU and ECOWAS policy positions with respect to both unconstitutional change of government and armed rebellion threatening the territorial integrity of a member state. With respect to the coup, a clear position of total rejection was taken. On the armed rebellion in Mali, a combination of regional mediation and military intervention was proposed.

The implementation of these positions, however, did not go as originally planned and this soon created divergence between ECOWAS and the PSC. The problems in the implementation process arose with the work of the ECOWAS mediation team. This team, led by Blaise Compaore, signed the Bamako Framework Agreement on 6 April 2012 with the Comité National pour le Redressement de la Démocratie et de la Restauration de l'État (CNRDRE). The main thrust of that agreement was the establishment within 40 days of a transitional government made up of an interim president, prime minister and cabinet.

On the strength of the 6 April agreement and before ensuring adequate progress in restoring constitutional order, ECOWAS lifted sanctions against Mali and the junta. The PSC did not find this agreement satisfactory but called it an 'encouraging development'. Accordingly, the PSC delayed the lifting of sanctions against Mali. This was the first area of discord.

The Framework Agreement completely eroded the initial principled position of the PSC and ECOWAS in two major ways.[156] First, by providing for the establishment of a new government, the agreement legitimised the ousting of President Touré. This was a consequence that both ECOWAS, as signatory to the Framework Agreement, and the PSC, by endorsing the agreement, accepted. Second, the military junta instead of being sent back to its barracks became signatory to the Framework Agreement, which in its Article 6 states that 'the stakeholders decide on the role and place of CNRDRE[157] members during the transition'.[158]

This second aspect of the problem with the Framework Agreement opened the opportunity for the junta to establish conditions for handing over power to a civilian authority. Following the 6 April Framework Agreement, on 12 April 2012, the speaker of the National Assembly, Dioncounda Traoré, was sworn in

as the new president of Mali. However, the junta continued to exercise political power, interfering with the weak government which included initiating treason charges against the ousted president and two presidential candidates, arresting senior figures and mobilising a mob that attacked the new president. Captain Sanogo also stated that if the transition agreed to on 6 April was not completed within 40 days as agreed then the junta would work with ECOWAS to establish transitional organs.

Taking advantage of the lacuna in the April agreement, Captain Sanogo sought to take advantage of the situation by demanding to be given the status and benefits of former head of state. On 21 May 2012, the ECOWAS Early Warning Department (ECOWARN) reported that Captain Amadou Sanogo would 'retain the title of former head of state and all privileges with it'. The report further noted that Sanogo would enjoy all the benefits attached to his rank. This seems to have been a trade-off made to preserve the ECOWAS proposal for a 12-month interim period under the leadership of Dioncounda Traore. As convenient as such a concession was, it nevertheless displayed on the part of the mediator as well as the ECOWAS leadership a total ignorance or disregard of the rules on unconstitutional changes of government or simply a lack of experience.[159] Some believe that it may also have manifested a weakness of the mediator towards the junta.[160]

Not only did the PSC continue to withhold the lifting of sanctions against Mali, it even went further by demanding 'the dissolution of the National Council for the Recovery of Democracy and the Restoration of the State (CNRDRE), whose existence, under any form, is not consistent with the restoration of constitutional order in the Republic of Mali.'[161]

The apparent disconnect between the PSC and ECOWAS allowed a slow and perverted process towards the restoration of constitutional order. It also undermined the emergence of effective political leadership in Bamako that could engage in negotiations and other actions for ending the crisis in the north. As a member of the PSC stated, the situation reflected the sheer weakness of the existing framework for coherent policy making at AU and REC level.[162]

For the crisis in the north, a major focus of the ECOWAS initiative was the proposal for the deployment of an ECOWAS force. For quite some time, there had not been consensus among the countries of the region and between ECOWAS and the AU on the choice between political negotiation and military intervention. On 8 April Mali's neighbours held an emergency meeting in Mauritania. This meeting revealed the differences of opinion that leaders had in regard to handling the

rebellion in Northern Mali. The foreign minister of Niger said in Nouakchott, the capital of Mauritania, that 'we (countries of the region) need to redress the balance of forces on the ground before we can talk about negotiations. We need to organize a confrontation with the terrorist groups. Mali's north must be cleared of terrorism and it seems to me we have the ideal opportunity.' Others voiced concerns about 'putting boots on the ground'. Algeria, a country with huge influence in the politics of the region and in the fight against AQIM, in particular expressed preference for a political process. During the meeting in Nouakchott, Algerian Minister of African Affairs Abdelkader Messahel said that 'the solution can only be a political one. It cannot be the result of a military effort, which could instead worsen an already complex and precarious situation.'

Even after an understanding had been achieved on the necessity of sending a military force, difference of opinion persisted on a number of issues. One such area of difference was the question of the target of the military operation. While countries such as Algeria sought to engage Ansar Dine, the strongest armed group operating in Northern Mali, ECOWAS countries were of the view that Ansar Dine was one of the groups to be targeted in the military operation.[163] Another issue was coordination with Mali's neighbouring countries. Similarly, the long reluctance of the Malian military to deploy the proposed peacekeeping force raised the issue of the role and position of the Malian defence and security forces in the operation.

The issue of command and control and the AU's place in this was also another area of contention.[164] Apart from expressing support for the request of ECOWAS for UNSC authorisation, as it did in the communiqué of its 323rd meeting, the AU did not go further and commit to undertake the deployment.[165] The AU's major involvement with respect to the preparations for the deployment of the proposed force arose in the context of the development of the strategic concept and the concept of operations.

According to the concept of operations the PSC endorsed at its 341st meeting, the African-led International Support Mission in Mali (AFISMA) to be deployed to Mali would consist of 5 500 troops composed of the ECOWAS Standby Force (ESF) and reinforced with contributions from other African countries and willing partners.[166] The force to be deployed was not exclusively ECOWAS led. Unlike Economic Community of West African States Monitoring Group's (ECOMOG) operations, it was envisaged to be under a shared AU-ECOWAS command.[167]

It took more than eight months to achieve the required level of regional and international consensus on the approach for resolving the crisis in Mali. Although there are major tasks ahead, as a PSC member put it, 'the machinery is now working more effectively and with coherence'.[168] Accordingly, the process towards the launching of a new peace mission has commenced. As this review went for publication in December 2012, the political process also picked pace as some of the armed forces in the north met with the Malian authorities to negotiate on ways of ending the armed rebellion in Northern Mali.

Guinea-Bissau: continuing disconnect between PSC and ECOWAS?

In perpetrating the 12 April coup, the leaders of the military coup sought to justify their actions on the unwanted presence of the Angolan Technical and Military Assistance Mission in Guinea-Bissau (MISSANG). Similar to the military coup in Mali, the timing of the coup in Guinea-Bissau coincided with an ongoing electoral process. In fact, one might be tempted to suggest that the event in Guinea-Bissau was deeply inspired by the coup and the regional response to the crisis in Mali. This is because the military command pre-emptively established an NTC with the collaboration of some minority political parties. This step mirrored the ECOWAS response to the Mali crisis and was most likely intended to legitimise the latest coup. Yet, the history of Guinea-Bissau suggests that the country has not experienced a successful democratic transition since its independence in 1974. Besides, the cycle of violence, instability and failed 'multiple actors driven' post-conflict reconstruction, especially in relation to security sector reform (SSR), has gained Guinea-Bissau a reputation as one of the most unstable states in the world. Moreover, the perception of the country as a notorious transit route for drug trafficking from Latin America to Europe and North America explains why Guinea-Bissau is sometimes referred to as Africa's first narco-state.

The AU and ECOWAS also responded very strongly to the crisis in Guinea-Bissau. They, together with other partners (namely, the Community of Portuguese Speaking Countries (CPLP) and the UN), condemned the coup and called for the restoration of constitutional order in the country. The AU and ECOWAS further underscored that the so-called agreement establishing the NTC 'does not meet the exigencies of the AU instruments relating the restoration of constitutional order'[169] Similarly, ECOWAS decided that it would never recognise an unconstitutional transitional arrangement (referring to the NTC). It also authorised the immediate deployment of the ESF in Guinea-Bissau with immediate effect

to facilitate the withdrawal of the MISSANG, assist in securing the transitional process and undertake preparatory work for the immediate implementation of the roadmap for the Defence and Security Sector Reform Programme (DSSRP).[170] The ECOWAS mediation team in Guinea-Bissau is being led by Alpha Condé, President of Guinea. His team successfully negotiated the release of Carlos Gomes Junior and Raimundo Pereira, prime minster and interim president respectively, at the time of the military coup. Unfortunately, there seems to be a repeat of the compromised approach of ECOWAS that parallels its regional response to the crisis in Mali. The following paragraphs describe some of the preliminary outcomes of the ECOWAS mediation process in Guinea-Bissau.

First, ECOWAS agreed to the establishment of a one-year transitional period to allow for an effective SSR and revisions of electoral legislation and processes.[171] This 12-month transitional period differed from the two-year period proposed by the military junta. Yet, it seems to have legitimised the military coup through the untimely termination of the transitional process prior to the coup and disrupting the electoral process.

Second, the ECOWAS mediation outcome led to the appointment of a new prime minister and president for Guinea-Bissau. Accordingly, Rui Duarte Barros and Manuel Serifo Nhamadjo were appointed as prime minister and interim transitional president respectively.[172] Again, this was clearly a setback for the zero tolerance policy on unconstitutional changes of government. The ECOWAS decision was justified by Nurudeen Muhammad, Nigeria's foreign minister, who was also part of the regional mediation team, as being on the basis of consensus following prolonged engagement and discussions with the military junta, civil society and political parties.

Finally, ECOWAS and the AU failed to adopt an irreversible position on the restoration of the constitutional order. Only a few days before the military coup, there was a tripartite ECOWAS-AU-UN mission that met with the military authorities, emphasising the importance of not disrupting the electoral process. Importantly, ECOWAS had recommended the deployment of an ECOWAS-led peace support mission in Guinea-Bissau to replace the MISSANG. It is therefore regrettable that ECOWAS refused to use its prior engagement with the military as a basis for the total rejection of the coup. At the time of writing, the ESF has deployed some troops to Guinea-Bissau to ensure 'the security of the transition, and help in the implementation of the DSSRP'. Despite the fact that the AU expressed support for ECOWAS' efforts in Guinea-Bissau,[173] there is a continuing difference

between the two on how they enforce the norm against unconstitutional changes of government. While ECOWAS has lifted the sanction on Guinea-Bissau, the sanction that the PSC imposed remains in effect. Apart from raising issues of consistency in the application of the norm against unconstitutional changes of government, this clearly illustrates the inadequacy of existing frameworks on the AU-REC relationship for ensuring policy coherence between the AU and RECs.

VI Prospects for 2013

INSTITUTIONAL DEVELOPMENTS

In 2013 the term of five of the PSC members will come to an end. The election of the five PSC members for three-year term will take place during the 21st ordinary Assembly of the Heads of State and Government of AU member states.

Table 4 PSC members ending their three-year term in 2013

Region	States whose Term Ends in 2013
Central Africa	Equatorial Guinea
East Africa	Kenya
North Africa	Libya
Southern Africa	Zimbabwe
West Africa	Nigeria

It is anticipated that Nigeria's de facto permanent membership in the PSC will come to an end, unless ECOWAS member states decide otherwise. If ECOWAS

countries decide to replace Nigeria, Ghana, which withdrew its candidacy in favour of the Gambia during the election in January 2012, is the likely country to take over.

If Southern Africa maintains its tradition of rotating the seats in the PSC among its member states, it will rotate the current seat of Zimbabwe in favour of one of its member states. Mozambique, as a country that has not served on the PSC since 2006, is the likely candidate.

Since all North African countries, except Tunisia and Mauritania, have served twice on the PSC, the seat of Libya is likely to be taken by either of the two countries. There is little clue to allow informed prediction of whether, and by whom, the countries in the other regions will be replaced.

As far as AU-UN efforts for achieving a more structured partnership are concerned, there are two issues for 2013. The first is the hosting by the PSC of its annual consultative meeting with the UNSC sometime in the middle of the year. Second, the AU may also consider following up on the implementation of the decisions in Resolution 2033; these most notably include the elaboration of the consultation mechanism envisaged in operative paragraph 6 of Resolution 2046 and the convening of a lessons learned workshop on UN-AU cooperation on peacekeeping, in particular regarding UNAMID and AMISOM.

2013 promises to see more activism in the AU's engagement and leadership in tackling the peace and security challenges of the continent, albeit with less focus on peacekeeping operations.[174] The new AU Commission leadership, under the able chairpersonship of Dr Nkosazana Dlamini-Zuma, assumed responsibility in mid-October 2012. This brought to an end the 'lame duck' Commission that was in charge of the affairs of the AU for most of 2012.[175] The election season in the US, which froze US support for any major peace and security initiatives, has also ended with incumbent President Baraka Obama winning a second term of office.[176] The African Union will also have a new Chair.[177]

MAINTAINING AFRICA'S PEACE AND SECURITY

For obvious reasons, this section does not pretend to predict what 2013 holds for Africa in terms of peace and security. The best it promises to do is to offer an overview of the emerging trends and issues that are set to persist into 2013. Following the same methodology of regional analysis, this section offers an overview of the direction of the peace and security situation of the five AU regions in 2013.

North Africa

The continued presence of AQIM and the proliferation of weapons from Libya into the region will remain as two of the major challenges facing North Africa in 2013. Additionally, despite the progress they are making in their transition, Libya and to some degree Egypt continue to face challenges of various kind and intensity. While Libya will continue to face challenges in reforming the security sector, in institutionalising democratic governance and in dealing with regional and tribal tensions, Egypt will on its part contend with the contestations between various political forces observed throughout the post-revolution phase.

In 2013, the most important development that the PSC needs to monitor in Egypt is the elections to be held under the new constitution in 2013.

As for Libya, the major concerns for the PSC include halting the proliferation of arms from Libya into North Africa and the Sahel; fully restoring law and order, including preventing large-scale killings; and developing and implementing SSR. Another issue of significant interest for the PSC is the completion of the political transition with the adoption of a constitution through national referendum and the holding of national elections thereafter.

The PSC may address the activities of AQIM and other terrorist groups such as the Movement for Oneness and Jihad in West Africa (MUJAO) in the region within the framework of its thematic agenda on terrorism. This can also be dealt with as part of the joint AU-UN strategy on the Sahel, which also covers the continuing challenge arising from the proliferation of Libyan weapons in the region and beyond.

West Africa and the Sahel

In West Africa and the Sahel, the deployment and running of the proposed regional mission to Mali will remain a major agenda of ECOWAS and the PSC in 2013. Additionally, the finalisation of the transitional process for the restoration of a full constitutional order that will culminate in national elections will also require their close monitoring and active support.

Similarly, the full implementation of the transitional process in Guinea-Bissau will also continue to occupy the two organisations. However, if the situation in Guinea-Bissau is to improve, two issues need to be addressed. First, the lack of consensus between the various regional and continental actors and the resultant

policy divergence should end. Additionally, without addressing the structural problems of weak national political consensus and inadequate SSR, Guinea-Bissau will remain vulnerable to coups and political assassinations.

In terms of governance, the local elections in Cote d'Ivoire that are scheduled for 2013 will be of interest to both ECOWAS and the AU. The significance of these elections lies in the opportunity they present to consolidate the stability of parts of the country affected by violence and political disturbances.

With respect to the rising threat of terrorism, harmonising the initiatives of countries in the region and promoting coordinated security and development policies for addressing the terrorism threat should also feature as crucial areas of policy intervention. This is an issue that the PSC will continue to be engaged with in 2013 within the framework of its thematic focus on terrorism in Africa. The challenge in terms of achieving the desired result in this regard is for the PSC to be able to move beyond its security-focused approach to terrorism and for it to prioritise and synchronise, within its existing framework on terrorism, governance and development measures, both of which are critical for success in combating the threat of terrorism.

East Africa and Horn of Africa

An overview on the situations in the two Sudans and in Somalia shows that despite promising positive developments, fundamental challenges remain. While supporting the implementation of the 27 September agreements on outstanding CPA and post-secession issues, the PSC needs to prioritise the conflicts in the South Kordofan and Blue Nile states. In Somalia, stabilising the areas taken from Al Shabaab, building Somalia's security institutions, establishing government structures and pursuing national reconciliation are major issues for 2013. In this context, the PSC will also need to consider the role and form of AMISOM's presence in Somalia as well as the necessary changes to be made in the composition and structure of the force.

Since the post-election violence in 2007/2008, Kenya has been under a national unity government. The implementation of the AU-negotiated agreement that established the national unity government will be concluded in the general elections set for March 2013. As Kenya prepares for the national elections, the PSC's attention should be drawn to the concern about whether the impending electoral contestation will heighten inter-communal conflicts and

make possible the blossoming of violent organised militias, which will endanger all the efforts made since 2008. Its regular thematic focus on elections in Africa offers the PSC the entry for considering the evolution of the electoral process in Kenya.

Central Africa

For 2013 and beyond, current challenges facing countries in Central Africa are likely to persist. One such challenge is the structural issues of state building and establishing an effective and legitimate system of governance in all parts of the CAR. This challenge will continue to make the country vulnerable to political instability and armed rebellion. Significantly, it will leave people in remote areas of the country, where the provision of security is weak, susceptible to attacks from armed elements operating in the region. Another challenge is the need to strengthen border development and security cooperation with neighbouring countries. The PSC could build on the ongoing AU-initiated regional military operation against the LRA. It could also facilitate support and security cooperation for ending the security vacuum that allows the LRA to sustain itself through violence and terror against unprotected civilians.

Without a timely decisive intervention, the situation in eastern DRC may become much worse. About eight months have passed since the conflict in eastern DRC broke out. The conflict has not only continued but also shown further escalation. In the event, the M23 forced DRC forces out and took control of the regional capital Goma. Given the manifest lack of regional and international consensus as well as decisive action, there is no end to the conflict in sight. The possibility of the conflict continuing into 2013 is not unlikely. Most importantly, with weak political consensus in Kinshasa and various armed groups operating in different parts of the country, the persistence of this situation entails the risk of the explosion of the country. Additionally, the danger of the eastern DRC crisis expanding into a regional conflict pitting SADC countries against some in the Great Lakes Region should not be discounted.[178] This is the most serious challenge facing the PSC and failure to avert this crisis would severely undermine its credibility as a pan-African peace and security mechanism.

The magnitude of the situation thus should not only receive priority from but also demand coordinated mobilisation of regional, continental and international

effort to avert a major regional crisis. The AU is expected to take leadership in these efforts.

The prevailing situation at the start of 2013 raises questions about the need for the PSC to reconsider its current approach for addressing the crisis. First, the escalation in the conflict and the concomitant violence and the manifest inadequacy and declining credibility of the ICGLR for continuing to lead the continental response demand that the PSC step up its engagement and assume the leadership role expected of it. Second, the PSC also needs to be less diplomatic and more direct in its analysis and characterisation of the nature of the crisis and the role of the countries of the region. Third, against such analysis and taking advantage of the appointment of the AU's Special Representative to the Great Lakes Region, the PSC needs to articulate and pursue (within a global collaborative security framework) an approach that is more comprehensive and credible than the security-focused proposal for the deployment of a 'neutral international force', which may actually prove to be counter-productive given the regional dimension of the crisis.

In this regard, all that the PSC may need to do is anchor such an approach in its key decision it adopted at its 335th meeting, in which it called:

> the Commission, in cooperation with the Executive Secretariat of the ICGLR and with the support of the UN and other international partners, to develop … a strategic document articulating in a holistic manner the political, military and security measures that need to be taken, as well as the synergies and complementarities with existing mechanisms and arrangements in the region, including the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO).[179]

Within this framework, the PSC should initiate a high-level mediation process that addresses both the national and regional dimensions of the conflict.

In 2013, there are at least three areas that require further action for addressing the current gaps in the AU-led operation against the LRA and achieving substantial progress in dealing with the terrible violations the LRA inflicts on unprotected civilians. One such step is ensuring the deployment of the additional pledged troops and achieving the mandated force size. Apart from the role of the affected countries, this would require the continued financial and logistical support of the EU, the UN and the US. Alongside this, it is also important to boost

early warning capabilities that facilitate timely response against LRA attacks. The follow-up and implementation of the measures identified in the communiqué of the 323rd meeting of the PSC is also necessary.

The other area is filling the vacuum left by the withdrawal of the FARDC from LRA-affected territories of the DRC. In this regard, one possible option is to expand the role of MONUSCO. Another option is to complement the RTF by deploying a force from a country outside the region acceptable to the DRC.

Finally, the regional consensus for supporting the ongoing operation against the LRA should be widened. Apart from the four affected countries, regular consultations and exchanges should be established with Chad and Sudan. Similarly, measures need to be taken to bridge the rift in the level of cooperation of countries of the region in the context of the need to prioritise the protection of civilians.

The situation in CAR deteriorated very quickly by the end of 2012. In 2013, the most immediate challenge for the PSC is to initiate a process for ending the renewed armed violence. Addressing the root causes of the crisis demands an inclusive state-building and peace building processes.

Southern Africa

In Southern Africa, 2013 is a make-or-break year in addressing the situations in Madagascar and Zimbabwe. With respect to Madagascar, there are a few major issues in the transitional process that continue to impede progress. The first is the need to end the deadlock between the two political factions and complete the implementation of the roadmap. Second, there is a need to create the conditions for conducting the free and fair elections scheduled for May 2013. In this regard, a notable area of concern is the implementation of SSR. Finally, there is also the issue of achieving and sustaining a more solid regional and international consensus on how to engage the parties in Madagascar.

In Zimbabwe, the GPA will come to an end in 2013. For SADC and the PSC, a major focus for 2013 will be the conclusion of the long-drawn-out and highly contested transitional process with the adoption of the constitution and the holding of general elections. There are fears that, as preparations for the election gear up, political violence may also increase in frequency and intensity. This is another major issue that requires close monitoring. The issue of SSR also remains a major area of concern.

SADC's role in the effort to ensure the timely implementation of the GPA in Zimbabwe and the roadmap in Madagascar faces a number of challenges. First is the lack of an effective mechanism for following up, evaluating and ensuring time-bound implementation of agreed processes. In both Madagascar and Zimbabwe the parties have repeatedly flouted SADC deadlines with no apparent consequences. While capacity limitations of SADC partly explain this, the lack of compliance is also attributable to the nature of the decision-making structure of SADC, which involves too much political centralisation of power around heads of state.[180] Second is a lack of clarity about the role of SADC with respect to the implementation of peace processes. For example, some steps that SADC initiated for ensuring the implementation of the GPA provoked accusations of unacceptable intervention in the internal affairs of Zimbabwe.

Finally, there is a recognisable reluctance on the part of SADC to encourage a broader pan-African engagement with the ongoing efforts in these two countries. There seem to be two explanations for this. First, core SADC members are concerned that involving the PSC will further expose the region to external interference and manipulation.[181] Apart from the intransigency of the major factions, many of these countries feel that the slow progress in the transitional process in Madagascar is attributable to the interference from France.[182] The fact that the AU depends so heavily on external support means that it lacks full control over its decision-making processes regarding peace and security in Africa. Second, the fact that SADC is able to fund its peace efforts gives it little incentive to seek a wider pan-African engagement through the PSC.

Unless the fact that the AU Commission Chairperson hails from SADC changes the perception of SADC countries and improves PSC-SADC interactions, these factors will continue to limit the engagement of the PSC on peace and security issues in the SADC region.

VII Conclusion and recommendations

The peace and security situation in Africa continues to show both continuity and change. While civil wars or armed conflicts involving rebel groups remain rare, other forms of human security threats are increasingly affecting parts of the continent. This mixed and evolving peace and security landscape of the continent raises important questions about the role of the PSC. Chief among these are: a) whether the PSC is vested with the necessary authority that enables it to deal with the changes in the nature of human security threats in Africa and b) whether it requires new methods and tools or needs to adapt existing ones for handling these challenges.

While, as noted in Chapter II, the PSC is vested with wide powers, member states of the AU retain much of their pre-existing sovereign authority over the management of their internal political affairs. A major dilemma for the PSC is whether it can go beyond the 'fire fighting' approach that characterises its work and pursue a more interventionist preventive role by initiating or carrying out the implementation of the necessary structural and political reforms in member states that resolve conflicts and permanently address their root causes. Even if the PSC were willing, it lacks the requisite capacity and resources as well as member states' support to take such an intrusive approach. In its current condition, the

PSC seems to be more suitable as a 'fire fighting' mechanism than as an agent of political and structural change within AU member states.

In 2012, Africa faced a wide range of threats to peace and security involving armed conflicts, terrorism, inter-state conflict, proliferation of arms, insurgency and unconstitutional changes of government. Different regions of the continent were affected differently.

For 2013 and beyond, the balance sheet in the state of the different regions may precipitate a shift in the focus of regional and international peace and security policy and action in Africa. As the situation in the Horn of Africa improves, the crises in West Africa and the Sahel as well as Central Africa are likely to receive more attention. Resources and diplomatic attention may accordingly be directed to these situations. Needless to say, in making this shift the PSC and its international partners need to maintain the necessary support required to sustain the gains achieved in East Africa and North Africa.

THE PSC'S RESPONSES AND THEIR OUTCOME IN 2012: THE LESSONS

The analysis of the work of the PSC by region reveals that none of the situations in Southern Africa and North Africa featured on the agenda of the PSC. With more than a quarter of the PSC meetings focused on West Africa and the Sahel, this can be considered the region that generated the highest number of PSC meetings. The PSC dedicated 12 of its nearly 40 meetings to situations in this region. With ten out of the 12 meetings dedicated to West Africa and the Sahel, the situation in Mali received the most attention in the work of the PSC during 2012. Interestingly, three of these meetings (the 314th, 319th and 339th meetings) were held at ministerial level. This is a clear indication of the level of concern that the crisis in Mali raised within the PSC. Guinea-Bissau also featured in a number of meetings in which the PSC adopted various measures.

The measures taken on the situations in Mali and Guinea-Bissau produced different outcomes. While with respect to the coup in Mali they produced an unsatisfactory progress, with respect to the armed rebellion in Mali the outcome of PSC actions was the agreement and preparation for the launch of an international mission within the framework of the APSA. With Guinea-Bissau, the measures taken were frustrated partly by the divergence in the approach between the PSC and ECOWAS.

Table 5 Activities of the PSC in 2012

Region	PSC Activities and Outcomes
Central Africa	Held five meetings, of which one saw the launch of a military operation against the LRA but the decisions on the DRC produced no outcome
East Africa	Held about ten meetings: a) pulled back Sudan and South Sudan from the brink of war and led to breakthrough in negotiations, and b) expansion of AMISOM force size and finalisation of the TFG in Somalia
North Africa	Held no meetings on the situations in North Africa
Southern Africa	Held no meetings on situations in this region and left them to SADC
West Africa	Held more than a dozen meetings: a) sought to restore constitutional order in Mali and Guinea-Bissua, and b) facilitated the emergence of regional consensus and the development of the strategic and military plans for launching an international support mission to Mali

Source *Author's compilation*

The other region that received the most attention was East Africa and the Horn of Africa. Situations in this region featured in 11 of the nearly 40 sessions of the PSC. While five of the 11 sessions focused on Somalia, five other sessions dealt with the situation between Sudan and South Sudan and one session with the AU-UN Hybrid Mission to Darfur (UNAMID). The measures adopted in these various sessions both on Somalia and Sudan-South Sudan contributed in a large way to the emergence of a rare opportunity for peace in Somalia and the breakthrough in the negotiations between Sudan and South Sudan. Obviously, the measures initiated with respect to the conflict in the South Kordofan and Blue Nile states did not produce the expected outcome.

Compared to the peace and security challenges facing it, the region that received inadequate attention was Central Africa. The PSC met only four times to address situations in this region. Despite the level of violence and insecurity that the armed conflict that broke out in eastern DRC generated and the grave risks of it degenerating into a region-wide conflict, the PSC discussed this situation only in three of its meetings. Thus far this response amounts to nothing more than a knee-jerk reaction and manifests a gap between expectations of what

the PSC should be doing and what the PSC has thus far done. This has allowed the crisis to fester and escalate further, with a serious risk of expansion into a regional crisis.

The PSC specifically considered the LRA threat, the other major situation in Central Africa, in one of its meetings. However, within the framework of decisions taken by the PSC, the AU launched a regional peace operation against the LRA. This was a promising development in 2012 in the AU's response against the LRA.

With respect to situations in Southern Africa such as Madagascar, the PSC was completely silent. Although this could be explained in terms of an implicit delegation of authority on the situations in the region to SADC, the progress made during the year was inadequate to warrant the PSC's total and continued disengagement.

It is clear from the above that, in 2012, the activities of the PSC were skewed towards addressing situations in a few regions. A comparison of PSC responses in 2011 reveals that the regional focus of the PSC was less diverse in 2012 than in the previous year. While in part this is attributable to the improved peace and security situation in North Africa, as this review clearly showed the same cannot be said for other regions.

Not only was the PSC's engagement during 2012 limited to a few regions but it also seemed to reflect inconsistency in the attention given to situations in different parts of the continent. The regular attention that the situation in Mali received in the PSC was not only because of the gravity of the situation but also significantly because the lead role played by ECOWAS necessitated the PSC's follow-up and engagement. While the PSC's inadequate attention to the situation in eastern DRC may be attributable to a lack of a similar regional process that prompts and sustains the PSC's engagement, it also invites questions about whether the PSC gives deserving attention to all situations requiring its action.

The analysis of the actions the PSC initiated in 2012 reveals some important points with respect to its role. First, there is a gap between the wide power vested in the PSC and the capacity of the PSC to address the wide range of peace and security situations arising on the continent. Although the PSC has not been consistent, it seems to accord priority to grave and urgent situations with systematic and structural issues receiving no attention. As many of the measures adopted by the PSC involve conflict management and resolution tools such as peace-making and peace support operations, the approach of the

PSC is predominantly characterised by 'fire-fighting', with very limited conflict prevention initiatives.

In terms of decision making, it clearly emerged that apart from members of the PSC and the AU Commission, there are a number of major role players. The first of these role players are neighbouring countries of the affected country that make the required leadership and support available. Almost all the case studies from Somalia to Sudan-South Sudan to DRC and Mali show that the position that neighbouring countries take with respect to the situation in those countries plays a major role in shaping the kind of decision the PSC adopts. In many of these cases, this role of neighbouring countries is channelled through decisions of the regional mechanism for peace and security. Accordingly, IGAD and ECOWAS, for example, provided the required regional leadership that facilitated the measures that the PSC adopted towards addressing the situations in Somalia, Sudan-South Sudan, Mali and Guinea-Bissau, albeit the positions between the PSC and RECs in some of the cases were not always congruent. As the case studies on Somalia and Sudan-South Sudan illuminated, although external to the AU system, the UN, the EU and individual donor countries also exert a great deal of influence on the decisions of the PSC. This is particularly the case where the PSC requires global political and financial support for the implementation of a particular initiative. This is also demonstrated in the ongoing efforts for deploying an international support mission to Mali for addressing the situation in Northern Mali.

There is no doubt that the role of regional mechanisms on peace and security has been expanding. In almost all the cases that featured on its agenda in 2012, the PSC looked to the RECs when considering adopting a particular policy position. If there is one thing that the experience of the PSC in 2012 shows, it is the surge in regionalisation of peace and security in Africa, with RECs or a coalition of regional countries serving as the backbone of action. Member states of the AU also show stronger willingness to make diplomatic, military and even financial contributions within their own regions rather than at the level of the AU.

In this context, there are two issues of significant policy consequence that deserve the attention of the AU. First is whether and what kind of adjustment is needed in terms of the role of the PSC. The other is the kind of division of labour and framework for consultative decision making that should be put in place between the AU and the RECs.

Lessons from 2012

The PSC had a mixed record of handling threats to peace and security during 2012. Positive results were registered when strong regional leadership in the security arena combined with the commitment of resources and the willingness and commitment of the parties to the conflict to reach compromises. A notable example in this regard was the breakthrough achieved in the post-secession negotiation between Sudan and South Sudan. The leadership that IGAD and the AU displayed was the catalyst that brought the parties to achieve agreement on most of the outstanding issues. As the case of Somalia demonstrated, maintaining a sustained international consensus, attention and support is also an ingredient of a successful peace process.

Clearly, success is a result of three important factors. First is the provision of effective leadership at the AU and REC levels. The second is unified UN political and technical support. The third is an international financial contribution, in which thus far the EU has played a major part.

An interplay of various factors accounts for the lack of success in addressing the peace and security challenges of the continent. One such factor is the lack of the required financial and military resources. The slow process in undertaking operations against the LRA is a case in point. This often undermines effective and timely action. Indeed, a lack of financial resources was a major reason for the slow pace of regional and international consensus on, and of the preparation for, the deployment of an international force to Mali.

The second important factor for the lack of success is the absence of effective regional leadership and failure to mobilise the required regional and continental consensus. The resultant lack of timely decisive action allows the crisis to fester. A case in point is the tragedy which has been unfolding in eastern DRC since April 2012. No significant action was initiated on this crisis until the end of November 2012. The multiplicity of regional actors and the lack of consensus frustrated credible regional leadership and hence a timely decisive action for halting the violence.

Related to this is the articulation and deployment of coherent and coordinated measures for addressing conflicts. In some cases such as in Mali and Guinea-Bissau inconsistent application of agreed norms at AU and REC levels has been witnessed. In other cases, a lack of follow-up and an inability to enforce agreed timelines as in the case of Madagascar undermined progress. These

highlighted the need to rethink the apparently inadequate framework for co-ordinating AU-REC actions and develop a more effective consultative decision-making mechanism between the AU and the RECs.

Another lesson in 2012 was that preference should be given to a standing and sustained mediation effort over *ad hoc* mediation that relies heavily on heads of state. Both the unsatisfactory mediation experience in Mali and the successful processes in the Sudans and Somalia illustrate the value of a standing mediation process.

SOME RECOMMENDATIONS

Consolidating the efficiency and effectiveness of the PSC

Member states have expressed concern about the degree to which the PSC is the author of its actions. This is in part attributable to the lack of implementation of the Conclusions of the 2007 Dakar Retreat on the Method of Work of the PSC. The following would address some of the limitations facing the PSC:

- Full operationalisation of the working methods with the required additional refinement would add to the efficiency of the PSC. In this respect, the full operationalisation of the committee of experts and its assumption of its role is critical. Additionally, the role of the chairperson of the PSC with respect to the preparation of PSC documents should be clarified.
- Particular attention should be paid to addressing existing capacity limitations at the level of both the members of the PSC and the AU Commission. Importantly, the staff complement of the PSC Secretariat needs to be enlarged.

The PSC Protocol envisages a PSC that works in close collaboration with and through other relevant AU institutions as well as civil society actors. These include the Pan-African Parliament, the AU Department of Political Affairs and the African Commission and Court on Human and Peoples' Rights. The existing mechanisms that are meant to translate the envisaged working relationship with these bodies are weak or otherwise ineffective. As part of the consideration of the review and implementation of its working methods, the PSC may need to address this issue.

Towards a global federalism on peace and security in Africa: Addressing gaps in political and policy coherence between the AU and RECs

The experiences of the past year clearly illustrate that success is more likely when sub-regional, continental and international actors bring their respective comparative advantages to bear on initiatives for peace and security. An important dimension of this is the provision of regional and continental leadership in a framework that allows adequate consultation with and participation of the wider international community, most notably the UN. The role and importance of each of the three levels of response systems involving sub-regional actors, the AU and the UN has during the course of the year been manifestly acknowledged. There are indications of a process towards achieving a global federalism on peace and security in Africa. The reports of the AU Commission Chairperson and the Secretary-General of the UN on their visions of an AU-UN partnership on peace and security and most notably UNSC Resolution 2033 offered the policy and operational framework of such a security global federalism in Africa.

Gaps have, however, been witnessed in this global federalism on peace and security in Africa. This was most notably the case in the interactions between the AU and the regional mechanisms on peace and security. To address this gap, the AU could consider three measures that go a long way towards solidifying PSC-REC partnerships:

- Apart from the provision on regular information exchange stipulated in the Conclusions of the Dakar Retreat, there is a need to have a provision that calls on the PSC and the RECs to coordinate the preparation of policy decisions and invite the respective substantive input when considering the adoption of a particular course of action on situations that they are simultaneously engaged with.
- The PSC should also take advantage of the regional representation of its members and create a caucus of countries of the five regions represented in the PSC as the bridge linking its actions with the regional mechanisms.
- The AU should look into the effectiveness of the role of the liaison offices of RECs and AU liaison offices to RECs and redefine their mandate and structure to enable them to play the role of facilitating policy coherence and operational coordination between the AU and RECs.

These measures will enhance more policy coherence and synergy between the decision-making processes of the PSC and regional peace and security mechanisms.

Additionally, in the operationalisation of the policy and operational framework set out in Resolution 2033, provisions of the resolution that require follow up should be identified and pursued in 2013. The lessons to be learned from the successful collaboration between the AU and UN particularly on the situations in Somalia and Sudan and South Sudan also need to be adequately integrated.

Improving consistency

The issue of consistency was raised during the year at two levels. The first was the level of attention and the nature of action the PSC dedicated to various situations. The activities of the PSC in 2012 reflect that PSC actions have not always been consistent. While the PSC was completely disengaged on situations in Southern Africa, its response to some situations raised questions as to whether the PSC treats all cases with the urgency they deserve and the kind of action they require.

The other situation in which the issue of consistency emerged was with respect to the enforcement of the norm against unconstitutional changes of government. Apart from the lack of synergy witnessed between ECOWAS and the PSC on Mali and Guinea-Bissau, their application of the norm against unconstitutional changes of government displayed inconsistency. To avoid this, the PSC needs to clarify the circumstances that constitute restoration of constitutional order after a country has experienced an unconstitutional change of government.

Making the required capital and material investment

While the PSC is participatory and egalitarian in its membership and decision-making processes, much of the burden of promoting peace and security in Africa is borne by less than a dozen countries. Most importantly, close to 90 per cent of the funding for AU peace and security activities comes from donor support. Under the PSC Protocol, African states have committed to 'extend full cooperation to, and facilitate action by the Peace and Security Council for the prevention, management and resolution of crises and conflicts'.[183] Despite this, the level of financial and material investment from AU member states in peace and security efforts of the PSC is very weak. This has created a huge gap between the

ambitions of the PSC and the ability of AU member states to provide the required financial and material support to realise that ambition. This is a major challenge that the PSC will continue to face in 2013 and beyond. Without addressing this gap, the PSC will face serious challenges in achieving adequate control over the peace and security agenda of the continent and credibly deliver on its mandate of maintaining peace and security in Africa.

Notes

1 PSC Communiqué, 10th meeting of the PSC, PSC/AHG/COMM(IX), 25 May 2004.

2 Protocol relating to the establishment of the Peace and Security Council of the African Union (adopted 9 July 2002, entered into force 26 December 2003), (PSC Protocol), Art. 2.

3 Art. 8 (1) states 'The Peace and Security Council shall be so organized as to be able to function continuously'.

4 PSC Protocol, Art. 7 (1) (a).

5 Ibid., Art. 7 (1) (b).

6 Ibid., Art. 7 (1) (c).

7 PSC Protocol, Art. 7 (1) (a).

8 PSC Protocol, Art. 7 (1) (e). For an analysis on the practice of the AU with respect to Art. 4 (h) of the Constitutive Act, see Solomon A Dersso, The responsibility to protect and the African Union: from policy to practice, in Gentian Zyberi (ed) *An institutional approach to the responsibility to protect*, Cambridge: Cambridge University Press, forthcoming 2013.

9 See Solomon A Dersso, The role and place of human rights in the mandate and works of the AU PSC: an appraisal, *Netherlands International Law Review* 58(1) (2011), 99.

10 See African Union Solemn Declaration on a Common African Defence and Security Policy, adopted on 28 February 2004 at the Second Extra-ordinary Session of the AU Assembly held in Sirte, Libya.

11 PSC Protocol, Art. 7 (1) (g).

12 Ibid., Art. 7 (1) (m).

13 See Solomon A Dersso, The adequacy of the African peace and security architecture to deal with serious democratic deficits: lessons from the North African uprisings, *African Security Review* 21(3) (2012), 13.

14 PSC Protocol, Art. 7 (1) (k).

15 Ibid. Art. 7 (1) (l).

16 See the section entitled 'Institutional dynamics' in Chapter V: The PSC in 2012, which documents the advances made in establishing a more institutionalised strategic partnership between the PSC and the UNSC.

17 See Solomon A Dersso, The quest for Pax Africana: the case of the African Union's Peace and Security regime', *African Journal of Conflict Resolution*, 12(2) (2012), 42–44.

18 Modalities for the election of members of the PSC, para. 4.

19 Nigeria has continued to serve as a member of the PSC since it became operational in 2004. It is the only country with such a *de facto* permanent membership status.

20 See PSC Protocol, Art. 5 (2).

21 See in particular para. 3 of the Modalities for the election of members of the PSC, where the two categories of criteria for membership are distinctly addressed.

22 At the drafting stages of the PSC Protocol, the 'big five' (South Africa, Nigeria, Algeria, Libya and Egypt) were in favour of a proposal providing for the existence of permanent members to the PSC modelled on the UNSC but this was rejected. See Kathryn Sturman and Aissatou Hayatou, The Peace and Security Council: from design to reality, in Ulf Engel and Joao Gomes Porto (eds), *Africa's new Peace and Security Architecture: promoting norms, institutionalizing solutions*, Ashgate: Farnham, 2010, 62; Paul D Williams, The Peace and Security Council of the African Union: evaluating an embryonic international institution, *Journal of Modern African Studies* 47(4) (2009), 606.

23 Of the 53 AU member states, only 47 are parties to the PSC Protocol. As of July 2012, while Cape Verde and South Sudan did not sign the PSC Protocol, four member states (the Central African Republic (CAR), the Democratic Republic of Congo (DRC), Liberia, Seychelles and Somalia) did not ratify the Protocol, although they are signatories. See Report of the PSC on its activities and the state of peace and security in Africa to the July 2012 AU Assembly Summit, AU Doc. Assembly/AU/6(XIX), July 2012, 1.

24 Modalities for the election of members of the PSC, para. 5.

25 PSC Protocol, Art. 8 (12).

26 While the 'big five' make the most contribution to the AU budget, the major contributors of military capability and other resources for peace operations in Africa include Liberia, Burundi, Sudan, Somalia, include South Africa, Nigeria, Ethiopia, Ghana, Uganda, Rwanda, Burundi and Senegal. See Williams, The Peace and Security Council of the African Union, 619.

27 In discussions with AU PSD staff and PSC members for this review, it was noted that members of the PSC that present well-prepared position papers during the PSC sessions often number less than half a dozen. Very few attend with written views. Ordinarily, the contribution of many PSC members is often limited, with many of their interventions lacking substantive points and filled with diplomatic niceties.

28 See PSC Protocol, Art. 8 (7) and Rules 6 and 7 of the Rules of Procedure of the PSC.

29 Conclusions of the retreat of the Peace and Security Council of the African Union, Dakar, Senegal adopted at the 83rd meeting of the PSC, AU Doc. PSC/PR/2(LXXXIII), 30 July 2007.

30 Interview with an official of the AU PSD, 10 November 2012.

31 Rule 6 (4) of the Rules of Procedure of the PSC stipulates that the provisional agenda for a meeting shall be communicated by the chairperson of the Commission at least three days before the meeting. The agenda of the individual session reflects not only the subject of the meetings as indicated in the monthly programme of work but also the timeline and the speakers who will brief the PSC during that session.

32 Ibid.

33 Interview with an official of the AU PSD, 10 November 2012.

34 Ibid.

35 PSC Protocol, Art. 8 (9).

36 See AU Doc. PSC/PR/2(LXXXIII), 6 July 2007.

37 Rules of Procedure of the Peace and Security Council, Rule 15 (2–4).

38 Conclusions of the retreat of the PSC, Dakar, para. 6.

39 See Agenda of the 333rd meeting of the PSC, 14 September 2012.

40 Apart from the monthly session in which the chair of the month briefs members of the PRC, in practice only one open session is held per month.

41 See Rules of Procedure of the PSC, Rule 16.

42 Conclusions of the retreat of the PSC, Dakar.

43 The September Programme of Work of the PSC shows that the PSC met seven times.

44 These include the 314th, 319th and 339th PSC sessions.

45 PSC Protocol, Art. 8 (13).

46 It thus stipulates that the Council 'shall adopt its decisions on procedural matters by a simple majority, while decisions on all other matters shall be made by a two-thirds majority vote of its Members voting'.

47 Interview with an officer of AU PSD, 13 November 2012.

48 See Sturman and Hayatou, The Peace and Security Council: from design to reality, 66.

49 Interview with official of PSC Secretariat, 10 November 2012.

50 Remark by a member of the PSC, 26 November 2012. Full realisation of this provision demands all members of the PSC to designate someone with the required competence to be a member of the committee. Not all members may have such expertise.

51 Sturman and Hayatou, The Peace and Security Council: from design to reality, 63.

52 Interview with official of PSC Secretariat, 10 November 2012.

53 See Sturman and Hayatou, The Peace and Security Council: from design to reality, 67.

54 See Jakkie Cilliers, Barry Hughes and Jonathan Moyer, *African Futures 2050: the next forty years*, Institute for Security Studies Monograph 175 (2011), 73–75.

55 A new round of violent protest erupted following the announcement by President Morsi of executive powers not subject to any review on 23 November 2012.

56 Reuters, Egyptians protest after draft constitution raced through, 30 November 2012, http://www.reuters.com/article/2012/12/01/us-egypt-president-idUSBRE8AM0DO20121201 (accessed 3 December 2012).

57 On 24 October Egypt intercepted two trucks smuggling weapons from Libya.

58 Radio France international (English edition), Madagascar troops mutiny ahead of Rajoelina-Ravolamanana meeting, 22 July 2012.

59 Mail & Guardian, Zimbabwe's constitution process a battle ground, 23 September 2012, ttp://mg.co.za/article/2012-09-28-00-constitution-process-a-battleground (accessed 22 October 2012).

60 See Report of the chairperson of the AU Commission to the PSC on the Situation in Central Africa Republic, AU Doc. PSC/PR/2(CCCXLV), 6 December 2012, para. 8.

61 Al Jazeera, DR Congo rebel withdrawal facing hitches, 30 November 2012.

62 See Sudanese Online. South Sudan accuses Sudan of stealing 120,000 barrels of oil per day; talks open in Ethiopia, 17 January 2012, http://sudaneseonline.org/cs/blogs/english/archive/2012/01/17/south-sudan-accuses-sudan-of-stealing-120-000-barrels-of-oil-a-day-talks-open-in-ethiopia.aspx (accessed 7 March 2012).

63 See Al Jazeera, Clashes continue as Sudan summit suspended, 28 March 2012.

64 Sudan Tribune, SPLA claim seizure of South Kordofan's Heglig area, 10 April 2012, http://www.sudantribune.com/SPLA-claim-seizure-of-South,42191 (accessed 21 April 2012).

65 These include the adoption of a national stabilisation and security plan and new interim constitution, election of a new parliament, election of a new president and establishment of a new government.

66 Charles Wachira, After Somalia intervention Kenya faces war within, http://www.worldpoliticsreview.com/articles/12562/after-somalia-intervention-kenya-faces-war-within (accessed 14 December 2012).

67 See Joint strategic concept of operations for the international military force and the Malian defense and security forces to restore the authority of the state of Mali over its entire territory, 6 November 2012, para. 5, 2.

68 Communiqué of the 40th Session of ECOWAS Authority, para. 12.

69 On 22 November, Sudan said it foiled an attempted coup. See http://www.crisisgroup.org/en/regions/africa/horn-of-africa/sudan/op-eds/hogendoorn-dalton-boldness-required-to-end-sudan-misery.aspx (accessed 15 December 2012).

70 These were Eritrea and Tanzania from East Africa and Guinea from West Africa.

71 On 13 June 2012 the PSC and the UNSC held their sixth annual consultative meeting in New York. For the outcome of that meeting see African Union, Peace and Security Council Report, 36, (Institute for Security Studies) July 2012.

72 Report of the Chairperson of the AU Commission on the partnership between the African Union and the United Nations: towards greater strategic and political coherence, AU Doc. PSC/PR/2(CCCVII), 9 January 2012.

73 Communiqué of the 307th meeting of the PSC, AU Doc. PSC/PR/COMM(CCCVII), 9 January 2012, para. 13.

74 Ibid., para.11.

75 Ibid., para. 18.

76 Report of the Secretary General on United Nations-African Union cooperation in peace and security, UN Doc. S/2011/805.

77 See UN Security Council Resolution 2033, adopted on 12 January 2012, UN Doc. S/RES/2033 (2012), para. 17.

78 Ibid., para. 6.

79 Communiqué of the 319th meeting of the PSC, AU Doc. PSC/MIN/COMM/3(CCCXIX), 24 April 2012.

80 Remark by a senior official of the United Nations Office to the African Union (UNOAU), 26 November 2012.

81 See PSC Protocol, Articles 7 (1) (j) and 16.

82 See PSC Protocol, Articles 7 (1) (k) and 17.

83 Communiqué of the 303rd session of the PSC, AU Doc. PSC/PR/COMM.1(CCCIII), 8 December 2012.

84 Ibid., para. 8.

85 Interview with an officer at UNOAU, 13 November 2012.

86 'Final communiqué of the 32nd summit of SADC Heads of State and Government, 18 August 2012, para. 13.5, 4.

87 Ibid., para. 13.6, 4.

88 See Logun Mhukahuru, The constitution-making process: where do we stand? *The Sunday Mail*, 10 November 2012, http://www.sundaymail.co.zw/index.php?option=com_content&vi

ew=article&id=32333:constitution-making-process-where-do-we-stand&catid=46:crime-a-courts&Itemid=138#.UKs7XoWFaI0 (accessed 16 November 2012).

89 See SADC has failed to address the Zimbabwe crisis, *The Standard*, 2 September 2012, http://www.thestandard.co.zw/2012/09/02/sadc-has-failed-to-address-zim-crisis/ (accessed 13 November 2012); Alex Bell, SADC failures allowing Zimbabwe crisis to unfold, *SW Radio Africa*, 24 October 2012, http://www.swradioafrica.com/2012/10/24/sadc-failures-allowing-zim-crisis-to-unfold/ (accessed 13 November 2012).

90 See Statement of the 324th meeting of the PSC, AU Doc. PSC/PR/COMM(CCCXXIV), 21 June 2012, para. 3 and 4; Communiqué of the 335th meeting of the PSC, AU Doc. PSC/PR/COMM(CCCXXXV), 19 September 2012, para. 4; Statement of the 340th meeting of the PSC, AU Doc. PSC/PR/BR.1(CCCXL), 2 November 2012, para. 6. (These statements note the need for the M23 to act within the framework of the Goma Agreement and their responsibility for acts of violence.)

91 Interview with an ambassador (1) of a member state of the AU PSC, 19 November 2012.

92 See Statement of the 324th meeting of the PSC, AU Doc. PSC/PR/COMM(CCCXXIV), 21 June 2012, para. 6.

93 Statement of the 340th meeting of the PSC, AU Doc. PSC/PR/BR.1(CCCXL), 2 November 2012, para. 2; Statement of the 324th meeting of the PSC, AU Doc. PSC/PR/COMM(CCCXXIV), 21 June 2012, para. 7. (These paragraphs urge the countries of the region to collaborate and support the efforts aimed at bringing peace and stability to the DRC.)

94 Here the PSC acknowledged the central role of the International Conference on the Great Lakes Region (ICGLR) and SADC, albeit with a bias towards the ICGLR as the most concerned regional body. See Statement of the 324th meeting of the PSC, AU Doc. PSC/PR/COMM(CCCXXIV), 21 June 2012, para. 7; Communiqué of the 335th meeting of the PSC, AU Doc. PSC/PR/COMM(CCCXXXV), 19 September 2012, para. 5 and 6; Statement of the 340th meeting of the PSC, AU Doc. PSC/PR/BR.1(CCCXL), 2 November 2012, para. 2 and 3.

95 See Statement of the 324th meeting of the PSC, AU Doc. PSC/PR/COMM(CCCXXIV), 21 June 2012, para. 5; Communiqué of the 335th meeting of the PSC, AU Doc. PSC/PR/COMM(CCCXXXV), 19 September 2012, para. 6 and 9; Statement of the 340th meeting of the PSC, AU Doc. PSC/PR/BR.1(CCCXL), 2 November 2012, para. 4.

96 Interview with an officer of the AU PSD, 13 November 2012.

97 Communiqué of the 335th meeting of the PSC, AU Doc. PSC/PR/COMM(CCCXXXV), 19 September 2012, para. 5.

98 Interview with an ambassador (2) of a member state of the AU PSC, 19 November 2012.

99 Personal exchange with a senior UN official, 17 November 2012.

100 Interview with an ambassador (1) of a member state of the AU PSC, 19 November 2012.

101 Ibid.

102 Interview with an ambassador (2) of a member state of the PSC, 19 November 2012.

103 Interview with a diplomat of a member state of the PSC, 22 November 2012.

104 Final communiqué of the 32nd summit of SADC Heads of State and Government, 18 August 2012, para. 13.1, 3. In the communiqué it adopted at the summit, SADC 'noted that this [the crisis in eastern DRC] is being perpetrated by rebel groups with assistance of Rwanda, and urged the latter to cease immediately its interference that constitutes a threat to peace and stability, not only of the DRC, but also of the SADC Region.'

105 Despite the fact that Burundi, Rwanda and Uganda expressed willingness to participate in the neutral force, understandably this is not an option that the DRC would agree to.

106 UN Security Council Report, November 2012 Monthly Forecast, 1 November 2012, http://www.securitycouncilreport.org/monthly-forecast/2012-11/democratic_republic_of_the_congo.php (accessed 8 November 2012).

107 Ibid.

108 The UN has been considering how to reinforce MONUSCO to enable it to carry out its mandate to protect civilians and monitor the flow of arms.

109 Indeed, at the end of November, the conflict worsened. After two days of major fighting, the M23 took control of the regional capital Goma on 20 November 2012.

110 R2P Monitor, 6, 15 November 2012, www.globalr2p.org/publications/215 (accessed 17 November 2012), 14.

111 These are: a) the Joint Coordination Mechanism chaired by the AU Commissioner for Peace and Security comprising the defence ministers of the affected countries, b) the Regional Task Force with its headquarters in South Sudan, and c) the joint operations centre. See Communiqué of the 299th meeting of the PSC, 22 November 2011, AU Doc. PSC/PR/COMM. (CCXCIX), para. 5.

112 Communiqué of the 321st meeting of the PSC, 22 May 2012, AU Doc. PSC/PR/COMM. (CCCXXI), para. 7.

113 After mid-2012, AU Special Envoy Ambassador Maderia has been discussing the possibility of a visit to Khartoum with Sudanese authorities. AU Commission Chairperson's Report to the PSC, May 2012.

114 Kasper Ager, Field dispatch: chasing the LRA, challenges faced by Ugandan forces pursuing the LRA, *Enough Project Report*, November 2012, 7, http://www.enoughproject.org/news/chasing-lra-enough-project-video-and-report-frontlines-hunt-joseph-kony (accessed 15 November 2012).

115 For far too long both of these elements were missing. Between 2008 and 2010 the balance of military power was in favour of Al Shabaab. The TFG leadership had been largely dysfunctional, divided and corrupt, and thus with little credibility to help achieve a political bargain

with various Somali political forces. See Solomon A. Dersso, Somalia dilemmas: changing security dynamics but limited policy options, ISS Paper 218, October 2010.

116 Communiqué of the 302nd meeting of the PSC, 2 December 2011, AU Doc. PSC/PR/COMM(CCCII).

117 Ibid.

118 Communiqué of the 306th meeting of the PSC, 5 January 2012, AU Doc. PSC/PR/COMM(CCCVVI), para. 3.

119 Security Council Resolution 2033, 22 February 2012, UN Doc. S/RES/2036 (2012), para. 1.

120 Ibid., para. 2.

121 Ibid., para. 1.

122 See Security Council Report, March 2012 Monthly Forecast, 29 February 2012, http://www.securitycouncilreport.org/monthly-forecast/2012-03/lookup_c_glKWLeMTIsG_b_7996433.php (accessed 17 November 2012).

123 Email communication with a counsellor at the EU delegation to the AU on EU support for AMISOM, 6 December 2012.

124 Interview with an ambassador (1) of a member state of the PSC, 19 November 2012.

125 See Solomon A Dersso, Leadership – the major missing link, *The African.org*, 18, April-May 2012, 22–24.

126 Ibid., 24.

127 Ibid., 23-24.

128 Communiqué of the 308th meeting of the PSC, AU Doc. PSC/PR/BR(CCCVIII) 17 January 2012, para. 3.

129 Ibid.

130 See Solomon A Dersso, Sudan and South Sudan: from turbulent cohabitation to a messy divorce? *Journal of African Union Studies*, 1(1), 81-86.

131 BBC News, Sudan and South Sudan in fierce oil border clashes, 27 March 2012, http://www.bbc.co.uk/news/world-africa-17515209 (accessed 7 April 2012).

132 Statement of the 317th meeting of the PSC, 12 April 2012, AU Doc. PSC/PR/BR/2(CCCXVII), para. 5.

133 Communiqué of the 319th meeting of the PSC, 24 April 2012, AU Doc. PSC/MIN/COMM/3(CCCXIX), para. 12.

134 Ibid., para. 13.

135 Ibid., para. 14.

136 See UNSC Resolution 2046 of 2 May 2012, UN Doc. S/RES/2046 (2012) operative para. 1.

137 Ibid., para. 5.

138 See Interim Report of the AUHIP to the PSC, 24 October 2012, 3, http://www.peaceau.org/en/article/communique-of-the-339th-peace-and-security-council-meeting

139 See Mukoni Ratshitanga, The Sudan – South Sudan agreement brief account and emerging lessons from an African-led conflict resolution exercise, http://mukoni.wordpress.com/2012/09/27/the-sudan-south-sudan-agreement-brief-account-and-emerging-lessons-from-an-african-led-conflict-resolution-exercise-since-the-beginning-of/ (accessed 1 October 2012).

140 Ibid.

141 See Statement of the United Nations Security Council's on its 6764th Meeting, UNSC Doc. SC/10632, 2 May 2012, http://www.un.org/News/Press/docs/2012/sc10632.doc.htm (accessed 9 May 2012).

142 Ibid.

143 Ibid.

144 See Statement of the Security Council, UN Doc. S/PRST/2012/19, 31 August 2012.

145 See Communiqué of the 40th ordinary session of the summit of ECOWAS held in Abuja, Nigeria, 16-17 February 2012, ECW/HOSG/ABJ/40, para. 13.

146 ECOWAS Statement on the situation in the north of Mali, 065/2012, 19 March 2012.

147 Ibid.

148 Communiqué of the 314th meeting of the PSC, 20 March 2012, AU Doc. PSC/MIN/COMM(CCCXIV), para. 4.

149 Ibid., para. 6.

150 Ibid., para. 7.

151 The mediation process that the PSC proposed clearly diverged from the one that ECOWAS envisaged in its statement of 19 March 2012. While the PSC expressed preference for a mediation process led by 'the core countries and especially Algeria', the 19 March ECOWAS statement arrogated that role to ECOWAS.

152 ECOWAS Statement on the disturbances in Bamako, Mali, 070/2012, 21 March 2012.

153 Communiqué of the 315th meeting of the PSC, 23 March 2012, PSC/PR/COMM(CCCXV), para. 8.

154 Ibid., para. 9.

155 Communiqué of the 316th meeting of the PSC, AU Doc. PSC/PR/COMM(CCCXVI), 3 April 2012, para. 7 and 12.

156 Some observers have criticised the technical competence of the ECOWAS mediation team in Mali. Some of its members were new appointees in the Ivory Coast ministerial cabinet with little mediation experience. Interview with anonymous official, 20 May 2012.

157 CNRDRE refers to *Comité National de Redressement pour la Démocratie et la Restauration de l'Etat*, a body constituted by the junta.

158 Framework Agreement on the implementation of the solemn commitment on 6 April 2012 signed by the ECOWAS mediator, ECOWAS and the junta.

159 Discussion with UN officer, 12 November 2012. The fact that the entire ECOWAS leadership was replaced during the first quarter of 2012 might have created gaps that allowed such an outcome.

160 Ibid.

161 Communiqué of the 323rd meeting of the PSC held on 12 June 2012, AU Doc. PSC/PR/COMM(CCCXXIII), para. 11.

162 Interview with an ambassador (2) of a member state of the PSC, 19 November 2012.

163 Interview with an early warning and preventive diplomacy expert at AU PSD, 13 November 2012.

164 Discussion with a UN officer involved in the drafting of the concept of operations, 13 November 2012.

165 Ibid. This mainly concerned the reluctance of member states to assume responsibilities.

166 Joint strategic concept of operations for the international military force and the Malian defence and security forces to restore the authority of the State of Mali over its entire national territory. See para. 19.

167 Ibid., para. 34 to 37.

168 Interview with an ambassador (2) of a member state of the PSC, 19 November 2012.

169 AU Press Release, The African Union reiterates the demand for the immediate restoration of constitutional order in Guinea-Bissau, Addis Ababa, 19 April 2012.

170 Final Communiqué on the extraordinary summit of ECOWAS Heads of State and Government, Abidjan, 26 April 2012.

171 Final Communiqué on the extraordinary summit of ECOWAS Heads of State and Government, Dakar, 3 May 2012.

172 Ibid.

173 AU Press Release, African Union reaffirms it support to the efforts aimed at ensuring an early return to constitutional order in Guinea-Bissau, Addis Ababa, 11 May 2012.

174 A major caveat that should be noted is the seemingly never-ending economic woes of Europe (the AU's major financial supporter) and the slowing global economy, which is set to limit resources for supporting AU peace and security severely. In mid-November, it was reported

that the EU Council President proposed huge cuts to EU development aid. See ECDPM, Weekly Compass, 128, 16 November 2012, http://us1.campaign-archive2.com/?u=f3098f0aa17cc73cc4c42bc9b&id=b48151193b&e=aae16c3e8f (accessed 19 November 2012).

175 According to a member of the PSC, the focus of the Commission to secure another term was not without consequences for the work of the PSC during the year. Interview with an ambassador (1) of a member state of the PSC, 19 November 2012.

176 Some within the AU Commission raise the US election as a factor for the slow pace of action on Mali. Interview with an officer of the AU PSD, 14 November 2012.

177 During 2012, the chair of the AU was occupied by Benin, which was perceived as having been 'soft' in terms of addressing the affairs of the Union, notably matters of peace and security. Ethiopia, a major contributor to peace and security efforts of the continent, is set to assume the position of chairing the Union during 2013.

178 There is a precedent to support this. A similar crisis led countries in the two regions to send troops supporting different sides of the conflict. It should also be recalled that in the communiqué it adopted at the Maputo summit on 18 August 2012, SADC held 'that this (the crisis in eastern DRC) is being perpetrated by rebel groups with assistance of Rwanda, and urged the latter to cease immediately its interference that *constitutes a threat to peace and stability, not only of the DRC, but also of the SADC Region*.' [author's emphasis] SADC, Final communiqué of the 32nd summit of SADC Heads of State and Government, 18 August 2012, para. 13.1, 3.

179 Communiqué of the 335th meeting of the PSC, AU Doc. PSC/PR/COMM(CCCXXXV), 19 September 2012, para. 6.

180 According to an AU PSD staff member consulted in the preparation of this review, the SADC region places greater emphasis on state and regime security.

181 Exchange with an officer of the AU PSD, 19 November 2012.

182 Interview with an ambassador (1) of an AU PSC member country, 19 November 2012.

183 PSC Protocol, Art. 7 (4).

ISS Addis Ababa Office
5th Floor, Get House Building
Africa Avenue, Addis Ababa, Ethiopia
Tel: +251 11 515 6320 Fax: +251 11 515 6449
E-mail: addisababa@issafrica.org

ISS Cape Town Office
2nd Floor, The Armoury, Buchanan Square
160 Sir Lowry Road, Woodstock, South Africa
Tel: +27 21 461 7211 Fax: +27 21 461 7213
E-mail: capetown@issafrica.org

ISS Dakar Office
4th Floor, Immeuble Atryum
Route de Ouakam, Dakar, Senegal
Tel: +221 33 860 3304/42 Fax: +221 33 860 3343
E-mail: dakar@issafrica.org

ISS Nairobi Office
Braeside Gardens, off Muthangari Road
Lavington, Nairobi, Kenya
Tel: +254 20 266 7208 / +254 20 266 7198
E-mail: nairobi@issafrica.org

ISS Pretoria Office
Block C, Brooklyn Court, 361 Veale Street
New Muckleneuk, Pretoria
Tel: +27 12 346 9500 Fax: +27 12 460 0998
E-mail: pretoria@issafrica.org

www.issafrica.org

The Annual Review of the Peace and Security Council (PSC) raises and engages a number of questions relating to the AU PSC and its activities in 2012/2013. These questions include: What is the peace and security trend or outlook for Africa in 2012/2013? What are the peace and security challenges that Africa faced in 2012? What has been the response of Africa to these challenges through the PSC? What results have been and are being achieved from the response? What are the lessons to be learned from the work of the PSC in 2012? How does the PSC take decisions? Who are the role players in the decision-making processes of the PSC? Are there properly functioning mechanisms for effective interaction and interface between these various role players and the PSC? In addressing these questions, this annual review offers the PSC, its member states and the AU Commission, as well as other institutions working with the PSC, perspectives on and critical insights into the nature and extent of its contribution towards effectively addressing peace and security threats on the continent. The annual review also makes invaluable contributions towards improving the framework of working relationships, collaboration and coherent decision-making between the PSC and the AU Commission, RECs, the UN and the wider international community.

This publication was made possible through funding provided by the Hanns Seidel Foundation. In addition, general Institute funding is provided by the governments of Denmark, the Netherlands, Norway and Sweden.

ISBN 978-1-920422-80-6