Peace & Security Council Report

From popular uprisings to regime change

On 22 August 2019 the Peace and Security Council (PSC) discussed the issue of popular uprisings and their impact on peace and security in Africa. In recent times, mass civilian mobilisations have become an avenue through which citizens express their discontent with government.

A 2019 *Foreign Affairs* article notes that 'over the past decade, mass uprisings in Africa have accounted for one in three of the nonviolent campaigns aiming to topple dictatorships around the world. Africa has seen 25 new, nonviolent mass movements – almost twice as many as Asia'. In 2019 Africa has witnessed two major uprisings that have resulted in the toppling of long-term leaders in Algeria and Sudan.

This leaves the African Union (AU), which has established strong continental norms against unconstitutional changes of government, with a dilemma: should regime changes resulting from popular uprisings be treated as 'unconstitutional changes of government' and condemned by the AU, or should they be considered as the popular will of the people and supported?

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Forms of popular uprisings in Africa

Two major forms of popular uprisings are noticeable on the continent. The first is a widely supported popular military action that results in regime change. Such actions usually end in coups d'état, which are clearly condemned under AU norms.

The second form of uprising, however, is a popular mass civilian protest demanding respect for civil, economic and political rights or changes in governance or government. Popular civilian mass protests sometimes trigger military action, especially when there is a stalemate or massive abuse by the incumbent government. Popular cases in recent times include Egypt, Algeria and Sudan.

In Libya, however, clashes resulting from the government's response to mass protests triggered a civil war, setting off a chain of events that ultimately led to the overthrow of the country's leader, Colonel Muammar Gaddafi.

While the AU unequivocally rejects regime changes that result from military coups d'état, the organisation's legal and normative frameworks

Current PSC Chairperson

His Excellency Albert Chimbini, ambassador of Zimbabwe to Ethiopia and permanent representative to the African Union.

PSC members

Angola, Djibouti, Algeria, Equatorial Guinea, Gabon, Kenya, Liberia, Morocco, Nigeria, Rwanda, Republic of Congo, Sierra Leone, Togo, Lesotho, Zimbabwe

are not clear on whether the removal of sitting governments through popular uprisings constitutes an unconstitutional change of government.

AU's responses to the different forms of uprisings

The difficulty in designating regime changes resulting from popular uprisings as either constitutional or unconstitutional stems from the multitude of ways popular uprisings lead to regime change. As a result, the AU's responses have not always been the same for all cases. It has dealt with four different scenarios.

First, when popular civilian uprisings result in the resignation of an incumbent president, as was witnessed in Algeria in 2019, the AU seems to consider them as an internal affair of the member state. Though the AU may issue statements stressing the need for a peaceful transition, there is no direct intervention as would be the case with an unconstitutional change of government.

Second, when the army of a given country steps into the vacuum created by the resignation of the incumbent president, as was the case in Burkina Faso, the AU usually provides the military with a deadline to hand over power to a civilian government. Failure to do so results in the country's suspension from AU activities.

Third are situations where the army hijacks a civilian mass movement's demands for regime change to force the sitting leader to resign. In Sudan, the AU categorised such a move by the army as a military takeover and demanded a reversal to civilian leadership. Upon the army's failure to do so, it suspended Sudan. Egypt's recent experience is another case.

Finally, when popular uprisings have turned into armed dissent or civil war, such as in Libya in 2011, the AU tends to treat these instances as civil war and launches conflict resolution initiatives from the onset.

The AU thus seems to treat the direct military ousting of governments differently from cases where popular uprisings trigger military-led regime change.

Gaps in AU legal frameworks

From the above practice, it is clear that the AU respects the right of citizens to protest in line with their domestic laws, as declared in the organisation's 50th Anniversary Solemn Declaration. But there are questions as to why the AU does not consider the resignations of heads of state following popular mass uprisings as unconstitutional, especially in cases where the circumstances of the resignation points to meddling by the army or duress. Resignations made under duress could in fact constitute an unconstitutional change of government. For example, in Zimbabwe there are indications that Robert Mugabe resigned in such circumstances. Yet the army's role in his ouster was not labelled as unconstitutional.

> The AU should promote good governance in order to mitigate the need for citizens to resort to mass uprisings

AU legal instruments are also not clear whether forcible removal of a leader as a result of foreign military action, intervention by another state or coalition of states or international action in the name of maintaining international peace and security constitutes an unconstitutional change of government. In the case of Libya, the AU rejected the involvement of foreign militaries in the removal of Gaddafi but did not expressly define his removal as an unconstitutional change of government.

There appears to be an inherent tension between two key AU principles – the respect for constitutional order in leadership changes and the right of people to oppose an oppressive regime, through peaceful protests.

Need for preventive measures

As acknowledged by the PSC in a 29 April 2014 statement, popular uprisings that lead to demands for regime change are often 'deeply rooted in governance deficiencies'. Clearly, while grappling with this contentious issue and refining its normative frameworks are important, the AU should take greater steps to promote good governance in order to mitigate the need for citizens to resort to mass uprisings. Also important is the need for the AU to clarify which outcomes of popular protests constitute an unconstitutional change of government.

Questions over foreign military presence in Africa

In an April 2016 statement the PSC expressed concern about foreign military bases on the continent and the establishment of new ones. The council called on member states to be 'circumspect' when 'entering into agreements that would lead to the establishment of foreign military bases in their countries'. Despite its expression of concern, however, the continent is host to a rising number of foreign military operations and bases, largely as a result of bilateral agreements between some AU member states and foreign powers.

The issue of foreign military presence is again on the PSC agenda in August 2019.

Currently, of the 13 countries with a known presence in Africa, the United States (US) and France have the most troops on the continent. According to the French Ministry of Defence, France has an estimated 7 550 military personnel spread across the continent in various military operations and missions (excluding UN operations), while the US has a higher number spread across 34 known outposts across the Northern, Western and Horn regions of Africa.

The Horn of Africa has become the epicentre of this presence, with about 11 foreign military bases. This is largely as a result of the region's strategic proximity to the Middle East and Asia and the subsequent emergence of a regional security complex along the Red Sea.

From their sprawling outposts across the continent, foreign militaries focus primarily on protecting their interests, securing friendly regimes, projecting their influence amid rising competition among global powers, and countering threats to international peace and security, particularly those posed by the activities of terrorist groups and pirates, especially in the Gulf of Aden.

Local drivers of foreign military presence

There has been a substantial increase in the size and extent of foreign military presence in Africa after 9/11, largely because of the self-seeking actions of foreign powers and their eagerness to project influence on the continent. However, their presence is clearly indicative of important gaps in Africa's responses to prevailing peace and security challenges, especially threats originating from terrorist groups and maritime piracy.

These gaps are caused by Africa's inability to swiftly operationalise the African Peace and Security Architecture (APSA), particularly its African Standby Force (ASF) component, which would help contain some of these crises. A well-functioning APSA would have enabled the continent to properly respond to its security challenges while assuring the international community that Africa is capable of addressing its own challenges, as well as threats to international peace and security.
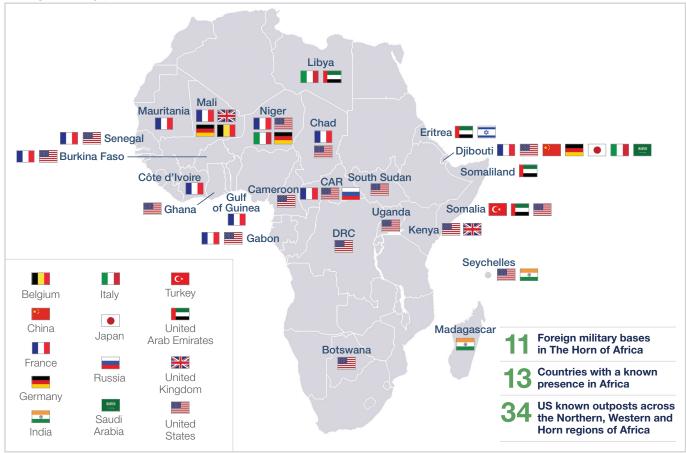
Foreign military presence in Africa is also driven by AU member states that are willing, despite the AU's concerns about the situation, to lease their territories to foreign powers.

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Apart from the right of sovereign AU member states to determine the proper use of their territories, leasing of territories for military bases is driven principally by domestic economic gains and sometimes the tendency of some member states to seek external help in dealing with serious security challenges. Djibouti, for instance, generates more than US$300 million annually from the foreign military presence on its soil.

Other AU member states, such as former French colonies, have been hosting French military bases as a result of bilateral military agreements signed after independence. Ensuring regime security for the incumbent government and securing French economic interests in the host country and the region are the principal motives for such arrangements.

Foreign military presence in Africa

11 Foreign military bases in The Horn of Africa

13 Countries with a known presence in Africa

34 US known outposts across the Northern, Western and Horn regions of Africa

The dangers of foreign military presence in Africa

Arguably, the successes of US drone attacks in Somalia have contributed significantly to reducing al-Shabaab's spoiler capacity in efforts towards peace. Similarly, the contribution of French troops in building the capacity of national armies in the Sahel and driving out jihadists from northern Mali has been significant, although terrorism does not seem to be receding in the region. Yet despite such direct contributions there is also a downside to this foreign military presence.

First, the competition among the various foreign militaries to influence responses to challenges in Africa's hotspots has led to a multiplicity of activities that overcrowd the security landscape, especially in the Sahel and the Horn of Africa. This has had direct implications for the emergence of ad hoc regional response structures such as the Joint Force of the Group of Five of the Sahel (G5 Sahel) and the Multinational Joint Task Force (MNJTF).

Such regional responses emerge out of the willingness of some African states to address certain security

challenges outside the framework of the regional economic communities, with the support of a foreign military presence. The G5 Sahel, for instance, is considered by many as France's exit strategy from the Sahel. The existence of ad hoc responses such as the G5 Sahel, in which French authorities and military presence have played a key role, has lessened the urgency to operationalise regional security structures.

The increasing presence of Asian powers in Djibouti points to another major risk. Following China's expanding presence in the country, there are growing fears in Japanese and Indian circles regarding its implications for Chinese influence in the Indian Ocean. The result is a consequent expansion of Japanese influence in Djibouti.

This has not just exported the tensions in the East China Sea to Africa but has also made Africa practically complicit in the actions of its guests elsewhere. The latter is evident from the role of Djibouti as a base for US drone operations in Somalia and Yemen, as well as the United Arab Emirates' use of the Assab base in Eritrea for operations in Yemen.

Also important is the potential destabilising impact that growing rivalry among major global powers may have on the continent. Rivalry between the US and China is playing out in Djibouti, where the two countries are competing to outpace each other and have accused each other of spying.

While the Chinese have accused the US of taking unauthorised photos of its facility, the US has accused China of shining lasers into the eyes of American pilots. Such developments raise serious concerns as to the long-term outcomes of continued tension between global powers (China and the US) and between regional powers, such as Japan and China.

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Apart from turning Africa into a proxy turf for extra-regional competition, the risks of such tensions' escalating are also high. In the event of such an escalation the host member state and the African continent, in general, are set to house the showdown and will be on the receiving end of the ensuing destruction.

No continental consensus

Particularly crucial is the fact that, despite the risks associated with foreign military presence and the AU's call for member states to be circumspect in their dealings, there is still no established continental consensus on the modalities for regulating bilateral initiatives that result in the establishment of bases.

This raises questions as to what constitutes 'circumspection', given that member states reserve the right to pursue their national interests as sovereign entities. This has allowed bilateral relations that can be shrouded in secrecy but still have significant implications for collective security on the continent.

PSC's call for circumspection

The AU's request for circumspection on the part of member states is necessary to inform urgent continental action. The need for urgency stems from the self-justifying nature of foreign military presence. The US, for instance, has numerous military outposts, often referred to as lily pads, on the continent from where it conducts drone operations, training, military exercises, direct action and humanitarian activities.

The associated infrastructure, support systems and military personnel for these operations have, in and of themselves, amounted to significant American interest in Africa. The US military justifies its presence on the continent as necessary for the protection of those interests.

Owing to the sensitive nature of the situation, discussions about the future of foreign military presence therefore require the utmost objectivity – not just for African member states but also for all actors currently scrambling for a presence across the continent.

$300 million
per year

DJIBOUTI'S INCOME
FROM FOREIGN BASES

Sudan needs women at its negotiating table

Sudanese women played a leading role in the pro-democracy movement that started in April and set their country on the long road to transition. Since the popular uprisings though, women's participation in shaping Sudan's political landscape has been limited. Their notable absence from negotiations to date is a missed opportunity to achieve lasting positive change.

Non-violent resistance

Restoring power to civilian rule is proving difficult in Sudan. As the military continues to exert power over the population, civilians continue to protest. Non-violent resistance has been met with the butt of a rifle and women, in particular, have been targeted. Between April and June, 70 cases of rape and gang rape of protesters, female medical personnel and human rights defenders were reported, with over a dozen minors injured or killed.

By July, Sudan's Transitional Military Council and the civilian Forces of Freedom and Change agreed on a preliminary power-sharing agreement aimed at transferring control to civilian rule. On 4 August the two groups agreed on a constitutional declaration that will ensure the formation of a transitional government. The formal signing took place on 17 August. A three-year transitional period will be set up with a ruling body that comprises six civilians and five generals.

The need for accountable and transparent governance

Political arrangements – like the one currently struggling for survival in Sudan – are not the end of a process but rather the beginning of building more accountable and transparent governance. They don't guarantee stability or security on their own but are indicative of the type of society that will follow.

Including women in peace processes not only bridges divides between conflicting parties, but leads to better long-term outcomes. When women are involved, peace agreements are 35% more likely to last at least 15 years, and 64% less likely to fail. Women's level of influence over a peace process is also associated with the likelihood that an agreement will be reached and that it will include gender-specific provisions.

Women aren't considered key actors in peace processes because the focus tends to be short-term – ending the bloodshed – rather than the type of society and peace the negotiations will deliver.

Peace processes typically involve powerful men forgiving each other for the wrongs – including wrongs against women – they, or those they command, have committed, says Professor Cheryl Hendricks from the Africa Institute of South Africa. These men distribute power and access to resources among themselves, which serves to consolidate existing power structures.

A key role for women in ensuring the reform process

Women bring a different voice to peace deals. Research shows that agreements with female signatories have more provisions for political, economic and social reform. When women are absent, peace deals tend to be more military-focused.

> If gender priorities are not spelt out at the beginning they are unlikely to be recognised over time

Considering the difficult transition Sudan will have to navigate to create a government based on human rights, it is essential that political, economic and social reforms are prioritised. And this is where women have a key role.

While the number of women represented during negotiations does not guarantee gender equality, including them gives their rights and interests a fighting chance. If gender priorities are not spelt out at the beginning, and strategically planned and budgeted for, they are unlikely to be recognised over time.

In the same vein, women's inclusion during the pre-negotiation and negotiation phases paves the way for their inclusion in new institutions and during the

implementation phase of the peace agreement. If women are not involved early on, chances are they will not be included in the later stages.

Lessons from Mali

Mali is a case in point. The Algiers Agreement signed in 2015 offered little in terms of inclusivity. The peace process and its related bodies and mechanisms fall short of meeting the 30% quota for Malian women. Four years later, the highest committee overseeing implementation, the Agreement Monitoring Committee, which is made up of 39 members from the government and signatory movements, is still composed entirely of men.

> Sudanese women's organisations thus far has kept the international spotlight on human rights violations

Sudan's peace process provides an opportunity for its women to strengthen and consolidate women's networks and help forge effective implementation strategies. In Liberia, such networks were instrumental in reviving political will for the disarmament process when it stalled.

Sudanese women should undertake mass action campaigns to push their way into official processes that currently exclude them. The push for inclusivity of women will have to come from civil society and political groups.

A quota for women's representation

Three possible routes could be explored. One would allow an independent delegation of women to participate in the process. A second could involve formal consultative forums to identify key issues from women's groups which are then communicated to negotiators. Finally, the 11 members of the new transitional government should at a minimum make provision for a quota for women's representation which ensures women constitute at least 30%, as per international norms.

The collective role of Sudanese women's organisations thus far has kept the international spotlight on human rights violations. They should continue to play a crucial role, especially in ensuring that the final agreement represents women and marginalised groups.

Monitoring the implementation of the political settlement – including of gender-specific provisions where they exist – is a key activity that local and international communities tend to overlook. In Sudan, women need to be closely involved in monitoring progress on the country's peace deal.

Regional and international institutions must together exert pressure to ensure women play a meaningful and sustained role in Sudan's negotiations once they resume. This requires procedures that explicitly allow women to influence decision making, rather than focusing on the numbers of women involved.

There are already woman champions who are the faces of positive transition in Sudan. In the interest of lasting stability, they need a place in the transitional government.

30%
THE QUOTA FOR WOMEN INTERNATIONALLY

As 2020 approaches, Côte d'Ivoire is faced with its old demons

On 29 July 2019 former presidents of Côte d'Ivoire Henri Konan Bédié and Laurent Gbagbo met in Brussels, where Gbagbo has been cloistered in exile since his acquittal by the International Criminal Court (ICC) on crimes against humanity.

This meeting between the president of the Ivorian Democratic Party (*Parti Démocratique de Côte d'Ivoire* [PDCI-RDA]) and the founder of the Ivorian Popular Front (*Front Populaire Ivoirien* [FPI]), the umpteenth episode in the Ivorian political game, inevitably reshuffles the cards of the country's future as it nears the 2020 presidential election.

The question facing the international community, particularly the African Union (AU), its Peace and Security Council (PSC) and the Economic Community of West African States (ECOWAS), is what role they could or should play in the reconstruction of post-conflict states such as Côte d'Ivoire, and therefore in the prevention of a possible eruption of old tensions into armed conflagrations.

The current political context in Côte d'Ivoire, characterised by shifting political alliances between major allies, disagreements around the reform of the electoral commission, and a military that does not seem sufficiently integrated, presents major challenges in the lead-up to the 2020 presidential election.

The spectre of another political crisis, or even a bloody scenario that must be avoided at all costs, is hovering over Côte d'Ivoire. The AU, PSC and ECOWAS should swiftly engage all Ivoirian stakeholders to help them iron out their differences. This is necessary to ensure a peaceful electoral campaign and polls.

A troubled recent past

Côte d'Ivoire slid into conflict after the military overthrew Bédié in December 1999 and installed Gen. Robert Guéï in power.

Despite the relative calm brought about by the Linas-Marcoussis (2003), Accra (2004) and Pretoria (2005) agreements, the country remained divided between the north and the south and in a state of instability.

The 2007 Ouagadougou agreement, another attempt to make peace, somehow managed to reunite the territory and resolve the crucial question of the eligibility criteria for the presidency. These had excluded Alassane Dramane Ouattara in particular from the race.

The disputed presidential election of December 2010 again plunged Côte d'Ivoire into a deadly crisis that claimed more than 3 000 lives. Gbagbo refused to yield power to Ouattara, after first one and then the other was declared the winner by key electoral management bodies (the Constitutional Council for the former and the National Independent Electoral Commission for the latter).

The 2010–2011 crisis suggests that the institutional question concerning the electoral process and therefore the impartiality of electoral management bodies is not really resolved. This despite the fact that it forms an integral part of the various agreements, including Ouagadougou.

> Political actors are in open disagreement about the latest reforms of the Independent Electoral Commission

Today, political actors (government and opposition) are in open disagreement about the latest reforms of the Independent Electoral Commission (CEI). These were recently adopted by a parliament largely dominated by the ruling party, the Rally of *Houphouëtistes* for Democracy and Peace (*Rassemblement des Houphouëtistes pour la Démocratie et la Paix* [RHDP]). In 2016 the African Court on Human and Peoples' Rights had ordered the Ivorian government to reform the CEI.

The adoption of the new framework for the composition of the CEI was neither unanimous nor consensual. The opposition has denounces a balance of power that still favours the ruling party, which would keep control over one of the key electoral management bodies.

Mutinies in the Ivorian army in 2017 and 2018 add to the political dissent. The rumble – which also involves soldiers demobilised in 2011 – began in Bouaké, the former rebel headquarters. Many of these rebels have since been integrated into the Ivorian regular army. Former rebels have asked the government to make bonus payments dating back to 2011, when they had backed Ouattara after Gbagbo's refusal to abdicate power.

It appears as though the Ivorian army is the victim of its inadequate integration – one of the problems that the 2016–2020 military programming law (*loi de programmation militaire*) is struggling to address.

Taking the same and starting again

In 2010 the electoral contest revolved around three major political parties, namely Bédié's PDCI-RDA, Gbagbo's FPI and Ouattara's RDR. The last two reached the second round, after which Bédié rallied behind Ouattara under the RHDP platform.

> It is necessary to prevent, at all costs, having the country torn apart again by partisan and personal interests

The recent transformation of the RHDP into a unified political party does not have the approval of all the members of the platform, especially the PDCI-RDA. Bédié – who in September 2014 had launched the so-called 'Daoukro call' to vote for Ouattara in the first round of the 2015 presidential election – denounced the latter for reneging on his promise to support a PDCI-RDA candidate in 2020. The umbilical cord being cut, Bédié is now attempting a rapprochement with Gbagbo's FPI ahead of the election campaign for 2020.

Another important man in the equation, Guillaume Soro (president of the National Assembly until February 2019 and former secretary general of the rebel *Forces Nouvelles* that helped bring Ouattara to power in 2011), having also refused to join the RHDP, is positioning himself for 2020. He has rallied two political parties to his cause, and is also said to be in talks with Bédié.

An alliance among Bédié, Gbagbo and Soro for the 2020 presidential election would undoubtedly shake Ouattara's regime, if it does not make it fall. It should be noted that Gbagbo, Ouattara, Bédié and Soro were the main signatories of the 2007 Ouagadougou agreement. Their interactions before that were marked by even more animosity. Since then, alliances have been formed and disbanded and continue to play a major role in Ivorian political life.

It is necessary to prevent, at all costs, having the country torn apart again by partisan and personal interests. While the primary responsibility for

December
2010

ELECTIONS THAT LED
TO CIVIL WAR

peace rests with the country's main political (and military) actors, the AU, the PSC and ECOWAS could do a lot to help.

Rebuilding and preventing conflict go hand in hand

The AU, in particular its PSC, is mandated to prevent conflicts on the continent. Côte d'Ivoire has had a turbulent history since the demise of Felix Houphouët-Boigny and the subsequent division of the country. This became more pronounced in the first decade of the 21st century. In the face of this, the continent should have supported Côte d'Ivoire in a more sustained manner.

> The Gambia, which had a post-election crisis similar to that of Côte d'Ivoire, was recently visited by the PSC to assess the country's progress in consolidating its institutions

When Gbagbo refused to leave power in 2011, the PSC suspended Côte d'Ivoire while ECOWAS threatened to take military action to dislodge him. These two institutions should have taken the full measure of the Ivorian situation and not limited their action to ensuring that Ouattara assumes power as a solution to a crisis that has contaminated the entire body politic and society.

The AU and the PSC have tools at their disposal that they could have used to support Côte d'Ivoire after 2011. It should be noted that The Gambia, which had a post-election crisis in 2017 more or less similar to that of Côte d'Ivoire in 2011, was recently visited by the PSC to assess the country's progress in consolidating its institutions.

The disarmament, demobilisation and reintegration process in Côte d'Ivoire has been, in many ways, a success. Yet security sector reform, particularly that of the military, has not been completely successful, as evidenced by the 2017–2018 mutinies.

There is also no consensus that national reconciliation is a reality in the country, with some arguing that such claims amount to little more than political posturing. However, it is indisputable that the question of reforming the CEI will continue to be a major stumbling block between the government and opposition and could, if left unresolved, cause serious upheaval.

In this context, the continent could help to further reconciliation. The Panel of the Wise (part of the African Peace and Security Architecture) could ensure, for example, that a consensus is reached on divisive issues ahead of the 2020 election. The chairperson of the AU Commission could also make use of his good offices. A wait-and-see attitude is certainly not a viable approach.

Civil society wants peoples' voices to be heard

Civil society organisations (CSOs) across the continent are calling for greater access to continental institutions such as the AU and regional economic communities (RECs).

The call comes as many civil society actors become increasingly apprehensive about what they see as a shrinking space for civil society. In countries such as Burundi and Tanzania, non-governmental organisations (NGOs) are regulated through strict new laws and there are growing concerns about restrictions against the media. Elsewhere, such as in Uganda and Rwanda, freedom of speech and of association have been under threat for some time.

Many believe therefore that CSOs in Africa will have a stronger voice by reaching across borders and supporting one another when engaging with issues such as democracy and good governance on a continental level. To do this, they need functioning channels through which to engage with institutions such as the AU and RECs. Yet these channels are not always available.

> **In Burundi and Tanzania non-governmental organisations are regulated through strict new laws**

While the AU aspires to transform itself into a people-centred organisation – a principle contained in Agenda 2063 – civil society is often relegated to a secondary role.

At the same time, CSOs can find it difficult to collaborate with each other because of the vast diversity of organisations in terms of areas of focus, capacity, credibility and representivity. Working together across borders is not always easy – especially for those with limited funding.

Still, a number of suggestions are on the table to amplify civil society's contribution. This includes pushing for stronger institutional structures, ensuring regular engagements with high-ranking officials, participating in drawing up continental protocols and action plans, and assisting with the sourcing of funding for some activities. In some instances, African institutions collaborate with NGOs on programmatic issues if funding is available.

Ironically, while the main accusation against many CSOs is that they are foreign funded, most pan-African institutions such as the AU and RECs also receive considerable outside funding.

Institutional arrangements at the AU level

Several institutional models exist for engagement between civil society and continental institutions. The AU's Economic Social and Cultural Council (ECOSOCC), for example, is its civil society policy organ. Yet its work has limited capacity and visibility.

When it comes to CSOs working in the area of peace and security, there are regular interactions between many of them and the AU Commission.

During a retreat of the Peace and Security Council (PSC) in Lesotho in February 2014, CSOs again recommended the proper operationalisation of ECOSOCC, as well as greater collaboration with the PSC through, for example, assistance with mediation, training and input into the biannual reports to the AU on the state of peace and security in Africa.

They also called for the implementation of the 2008 Livingston formula on cooperation between the PSC and CSOs. The formula calls for, among others, an annual meeting between ECOSOCC and the PSC.

Meanwhile, CSOs engaging with the AU on peace and security have vowed to further coordinate their efforts and to engage collectively on issues that are crucial for silencing the guns on the continent.

During a meeting in Addis Ababa earlier this year, in which representatives of the AU acknowledged the significant contribution by CSOs to the peace and security agenda, it was decided to deepen engagement with the AU at all levels on strategic issues where civil society can make an important contribution.

Unequal access to regional economic communities

CSOs are also finding it difficult to engage with their respective RECs.

Institutionally, engagement between civil society and regional institutions on the continent is progressing in asymmetrical ways. While the Southern African Development Community (SADC) CSO Forum, created in 2012, is not a statutory body of SADC, it is recognised by the SADC Secretariat and has regular interactions with it. In East Africa, the East African CSO Forum, created in 2007, is an autonomous body of NGOs and CSOs engaging with the East African Community (EAC).

Citizens in East Africa do have indirect access to the EAC through the East African Parliament, something that does not exist in SADC. NGOs and other organisations have called for years for the SADC Parliamentary Forum to be transformed into a proper parliament where citizens' issues can be debated, but this has yet to happen.

The case of SADC

On the margins of SADC's annual summit in Dar es Salaam in August 2019, CSOs attending the 15th SADC–CSO Forum expressed concern about the lack of access to the SADC Secretariat and the summit of leaders taking place on 17 and 18 August.

> CSOs called on SADC to ensure the free movement of people in the region and to condemn acts of xenophobia

The CSO Forum handed a memorandum of understanding to a representative of the Tanzanian government, the host of the SADC summit, calling on leaders to take drastic steps to improve people's socio-economic situation. Calls were also made for the reinstatement of the SADC Tribunal – a crucial institution that could give citizens in SADC recourse if their rights are violated, but which was scrapped in 2014.

CSOs also called on SADC to ensure the free movement of people in the region and to condemn acts of xenophobia in South Africa.

Yet no proper, recognised channels exist for regular engagement with SADC – either at the summit level and ministerial meetings or at the secretariat in Gaborone. SADC is currently revising its two key development frameworks – the Regional Indicative Strategic Development Plan and the Strategic Indicative Plan of the Organ on Politics, Defence and Security – which are expiring in 2020. Some CSOs have been consulted in this process, but there is no plan on the table to include the institutionalisation of civil society engagement in these strategies.

As many doors close for civil society on a national level, these regional and continental structures can provide much-needed solidarity and support for efforts to ensure accountability and good governance by African leadership.

2014

THE SADC
TRIBUNAL ABOLISHED

Zimbabwe aims to highlight disaster prevention and foreign militaries in Africa

Zimbabwe chairs the PSC for the month of August 2019, when the council will be discussing a range of issues – from preventing disasters to the presence of foreign troops on African soil. The *PSC Report* spoke to Zimbabwe's Ambassador Albert Chimbini about Zimbabwe's plans for the month.

What are the major peace and security issues that the PSC will focus on in August 2019?

There are statutory meetings that the PSC has to convene during the month of August 2019, which are important to its agenda and are included in the programme of work adopted in July 2019. Key issues to be addressed include natural and other disasters and peace and security; the state of foreign military presence in Africa and its implications for the African Common Defence and Security Policy; cooperation, coordination and collaboration between the PSC and regional economic communities and regional mechanisms (RECs/RMs) on peace and security related matters; and the concept of popular uprisings and how it impacts peace and security on the continent.

The PSC will also hold its annual consultative meeting with the African Commission on Human and Peoples' Rights (ACHPR).

What should be the role of the African Union (AU) in disaster prevention and management?

Article 15 of the PSC Protocol confers upon the council the responsibility to 'take active part in coordinating and conducting humanitarian action in order to restore life to normalcy in the event of natural disasters'. The AU Commission (AUC) is endowed with the normative frameworks, the required structures and some funding to manage and mitigate natural and other disasters. The existing structures should be capacitated to sustainably activate preventative measures, partly through the timely dissemination of relevant information to all stakeholders. An effective early warning mechanism is therefore critical. The AU is establishing a database that will enable experts to foretell natural disasters.

The African Standby Force (ASF) is one mechanism that is charged with the responsibility to conduct humanitarian action. The AUC is expeditiously taking measures to operationalise the AU Humanitarian Agency.

Equally important is the need for a rapid response team that is adequately staffed and equipped to intervene and manage disasters as and when they occur. The AU, in collaboration with other stakeholders, should manage post-disaster rehabilitation and reconstruction in a manner that empowers local communities to mitigate the effects of future disasters.

Why is the PSC discussing institutional relationships and partnerships between the AUC, foreign states and/or organisations?

Article 3 of the AU Constitutive Act states that one of the key objectives of the union is to 'establish the necessary conditions which enable the continent to play its rightful role in the global economy and in international organizations'.

> There is a need for a rapid response team that is adequately staffed and equipped to intervene

Further, the PSC Protocol in articles 12, 17, and 20 sets parameters for the council to collaborate and to hold consultations with parties concerned by or interested in conflict situations in Africa. Such collaboration and consultations have been ongoing between the PSC, foreign states and/or organisations, with some being formalised partnerships. Despite the laid-out frameworks for collaboration and consultations, it is necessary that the state and scope of institutional relationships be reviewed as it relates to their efficacy towards the anticipation, prevention, management and resolution of conflicts in Africa. It is therefore necessary to continuously review the relationships with the objective of assessing whether they are fit for purpose in view of the ever-changing dynamics.

Why is the presence of foreign militaries a concern for the PSC?

In pursuit of the implementation of the African Common Defence and Security Policy, the PSC should systematically and periodically take comprehensive stock of the defence and security dynamics on the continent. A key principle of the AU that is contained in its Constitutive Act is to 'establish and implement a common defence and security policy for the African continent'. The policy was adopted in Durban, South Africa in July 2002 by the AU Assembly. It is premised on the collective responsibility of African states to face common security threats to the continent and in line with the Solemn Declaration on a Common African Defence and Security Policy. The defence of Africa involves both traditional and non-military aspects that relate to the protection of people's political, cultural, social and economic values and their ways of life. Africa's non-military security threats emanate from the prevailing international environment and the high incidence of intra-state conflict.

> Africa's security threats emanate from the prevailing international environment and the high incidence of intra-state conflict

It is in the context of the above that the council has to evaluate the presence of foreign militaries on the continent with a view to establish whether it complements and/or advances the objectives of the African Common Defence and Security Policy. There are positives and negatives arising from this relationship whose political and socio-economic utility can only be fully exploited and realised through candid engagements with all the stakeholders.

What is the significance of the meeting between the PSC and the ACHPR?

The interface between the PSC and the ACHPR is provided for in the AU Constitutive Act and the PSC Protocol. Article 3 of the Constitutive Act espouses the objective of 'promoting and protecting human and people's rights in accordance with the African Charter on Human and People's Rights and other relevant human rights instruments'. In the same vein, the PSC Protocol states that the council 'shall seek close cooperation with the ACHPR in all matters relevant to its objectives and mandate. The Commission shall bring to the attention of the Council any information relevant to the objectives and mandate of the PSC.'

The observance and monitoring of human and people's rights calls for a sustained exchange of views and the evaluation of related activities that impact the consolidation of peace and security on the continent. It has been established that a failure to adhere to the union's principles related to human and people's rights often leads to the eruption of conflicts and crises on the continent. In the situations in Sudan and Libya, the PSC tasked the ACHPR to investigate allegations of human rights abuses.

About the PSC Report

The Peace and Security Council Report analyses developments and decisions at the African Union Peace and Security Council (PSC). The monthly publication is the only one of its kind dedicated to providing current analysis of the PSC's work. It is written by a team of ISS analysts in Addis Ababa.

About the ISS

The Institute for Security Studies (ISS) partners to build knowledge and skills that secure Africa's future. Our goal is to enhance human security as a means to achieve sustainable peace and prosperity. Using its networks and influence, the ISS provides timely and credible analysis, practical training and technical assistance to governments and civil society.

Contributors to this issue

Mohamed Diatta, ISS Addis Ababa researcher

Liesl Louw-Vaudran, ISS senior research consultant

Andrews Attah-Asamoah, ISS senior research fellow

Shewit Woldemichael, ISS Addis Ababa researcher

Liezelle Kumalo, ISS Pretoria Researcher

Cassie Roddy-Mullineaux, ISS Pretoria Intern

Contact

Liesl Louw-Vaudran

Consultant to the *PSC Report*

ISS Pretoria

Email: llouw@issafrica.org

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