



No. 4, November 2009

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PEACE AND SECURITY COUNCIL PROTOCOL

“The PSC shall encourage non-governmental organisations to participate actively in the efforts aimed at promoting peace, security and stability in Africa. When required such organisations may be invited to address the Peace and Security Council” – Article 20 of the Protocol Relating to the Establishment of the PSC of the African Union.

Early Warning Issues for November

The scheduled Rotating Chair of the African Union (AU) Peace and Security Council (PSC) for the month of November is Rwanda. In the absence of a country’s representation at ambassadorial level, an alternate member will chair the Council for the month.

Kenya:

The PSC issued communiqué **PSC/PR/COMM(CXV)** on 14 March 2008 on the situation in Kenya following the post-electoral violence, and endorsed the National Accord and Reconciliation Agreement, of 28 February 2008, and called on Kenyans to support this agreement. Given the non-implementation of key provisions in the Agreement particularly those related to the establishment of a Special Tribunal to administer justice to those who held the

greatest responsibility presents the threat of impunity. There are suggestions that armed militia in the Rift Valley and Central Provinces are re-arming which has implications for peace and security in Kenya.

Guinea:

The death of over 150 civilians at a peaceful rally in the capital Conakry on 28 September 2009, caused by the actions of the Guinean armed forces, precipitated concern within the AU. On 29 October 2009, the PSC met at the level of Heads of State and Government, in Abuja, Nigeria, **PSC/AHG/COMM.2(CCVII)** and requested the AU Commission to take the necessary measures to implement targeted sanctions against the President, members of the CNDD, government, military and civilian individuals whose activities are aimed at maintaining the unconstitutional status quo in Guinea.

Cote d’Ivoire:

The Council issued a communiqué **PSC/PR/COMM.6(CXCII)** on 10 June 2009 which welcomed the progress made in the implementation of the Ouagadougou Political Agreement (APO), but urged the Ivorian parties to ensure that they establish and maintain a conducive political environment for the forthcoming elections. The elections in Côte d’Ivoire have been postponed on four consecutive occasions. The proposed date, of 29 November 2009, may not be definitive because the key issues that necessitated the postponement of the polls in the past have still not been addressed.

Somaliland:

On 10 September 2009, the Special Envoy of the AU Commission chairperson to

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LIVINGSTONE FORMULA

“Civil Society Organisations may provide technical support to the African Union by undertaking early warning reporting, and situation analysis which feeds information into the decision-making process of the **PSC**” – **PSC/PR/(CLX)**, 5 December 2008, Conclusions of a Retreat of the PSC on a mechanism of interaction between the Council and CSOs. This Report is an independent publication of the Institute for Security Studies.

Early Warning Issues for November (continued)

Somalia, Nicolas Bwakira, appealed for calm in Somaliland after altercations between members of the legislature due to disagreements over the postponement of the presidential elections. In the lead up to the election, the opposition political parties have particularly accused the National Election Commission (NEC), of ignoring the ruling party's misuse of the public media and misappropriation of resources to advance its political campaign. Government ministers have accused the opposition of inciting violence. The political and security situation of Somaliland remains exceptionally volatile and the forthcoming elections could determine the viability of the fragile peace.

COUNTRY ANALYSIS

Kenya

Previous AU and PSC Communiqués and Recommendations:

The PSC issued communiqué **PSC/PR/COMM(CXV)** on 14 March 2008 on the situation in Kenya following the post-electoral violence, and endorsed the National Accord and Reconciliation Act, of 28 February 2008, and called on Kenyans to support this agreement. The Council commended former President John Kufuor, the then Chairman of the AU Assembly of Heads of State and Government, for his efforts in mediating during the crisis and in establishing the Panel of Eminent African Personalities, led by Kofi Annan, the former Secretary-General of the United Nations, which included the former President of Tanzania, Benjamin Mkapa,

Issues pending for the Council include:

UNSC – AU PSC Coordination:

The PSC issued a communiqué **PSC/PR/COMM(LXVII)** on 14 December 2006, in which it adopted a decision on the Establishment of a Coordination and Consultation Mechanism between the African Union Peace and Security Council and the United Nations Security Council. The PSC acknowledged the need to undertake wider consultations within the AU to examine the legal aspects of the required mechanism with a view to articulating a comprehensive perspective on the way forward. In addition, the Council requested the African Group in New York to express its views on the proposed mechanism. Specifically, the PSC requested the AU Commission to solicit and compile views of the African Union Member States

and Madame Graça Machel. The PSC commended the Panel for mediating between the parties during the process that led to the signing of the Kenyan National Dialogue and Reconciliation Agreement. The PSC called on the parties to the conflict to ensure the full implementation of the Agreement.

Crisis Escalation Potential:

Given the non-implementation of key provisions in the National Dialogue and Reconciliation Agreement particularly those related to transitional justice and addressing impunity, following the post-electoral violence, the scene is set for a repeat of the violence either prior to or during the forthcoming 2012 elections.

PENDING PSC ISSUES

for the future consideration of the Council. The PSC is yet to issue a communiqué considering this mechanism.

PCRD:

The PSC issued a communiqué **PSC/PR/COMM.2(XXXIX)** on 30 September 2005, in which it adopted a decision on the development of a Framework on Post-Conflict Reconstruction and Development (PCRD) in Africa. A meeting of the AU Executive Council, in Sirte, Libya, in July 2005, Decision **EX.CL/191(VII)** mandated the development of an AU policy on post-conflict reconstruction based on the relevant provisions of the PSC Protocol and the experience gained thus far on the continent. Following the adoption of the AU Policy Framework on PCRD, the PSC is yet to issue a communiqué commenting on the modalities for its implementation.

There are suggestions that armed militia in the Rift Valley and Central Provinces are re-arming which has implications for peace and security in Kenya, as well as the Horn of Africa and Great Lakes Region. The failure to accelerate efforts to reform the security sector raises the question of whether the state's institutions will be in a position to manage multiple theatres of potential crisis in the country.

Key Issues and Internal Dynamics:

On 9 July 2009, Kofi Annan the former chief mediator in the aftermath of Kenya's post-electoral violence transferred an undisclosed list of senior politicians to the Prosecutor

of the International Criminal Court, Luis Moreno-Ocampo. These politicians are suspected of having committed crimes against humanity during the post-electoral violence which took place between December 2007 and February 2008 in the country.

The Office of the Special Adviser of the United Nations (UN) Secretary-General on the Prevention of Genocide (OSAPG) has developed a framework of analysis which includes indicators that alert them to the proclivity to genocidal acts in a particular country. Among these indicators are the prevalence of atrocities and extra-judicial executions, the presence of illegal arms, armed elements formed around a particular identity group, a breakdown in inter-ethnic relations and exclusionary political practices. However, the most salient issue that the OSAPG framework of analysis identifies is the persistence of impunity for atrocities particularly those targeting particular ethnic groups. As far as this framework of analysis is concerned Kenya's political situation, particularly following the post-electoral violence of 2007 and 2008, contains all of these indicators and more. The question is therefore whether the current climate in Kenya can be described as one in which the proclivity towards genocidal acts is still relatively high.

In order to remedy this propensity the National Accord and Reconciliation Agreement was signed on 28 February 2008 between the Party of National Unity (PNU) and the Orange Democratic Movement (ODM) following the Annan-led mediation effort. This Agreement identified a range of measures that were necessary in order to prevent the future outbreak of inter-ethnic violence. The Commission of

Inquiry on Post-Election Violence (CIPEV), also known as the Waki Commission, produced a series of 'recommendations concerning measures to be taken to prevent, control, and eradicate similar violence in the future; bring to justice those responsible for criminal acts; eradicate impunity and promote national reconciliation'. The Waki Commission also recommended the establishment of a Special Tribunal of Kenya to try suspected sponsors and organisers of the post-electoral violence. This would serve as an in-country legal framework for the adjudication and administration of justice for the alleged suspects and thus confront the spectre of impunity which threatens to sanction future violence. Specifically, the Waki Report insisted that it was 'imperative to guard against further encouragement of the culture of impunity by granting blanket amnesty to all and sundry in the post-election mayhem'. Astutely, the Waki Commission ensured that the recommendations in its report were accompanied by sunset clauses that would initiate consequences for in-action or intransigence. Specifically, the Waki Report stated that if 'an agreement for the establishment of the Special Tribunal is not signed, or the Statute for the Special Tribunal fails to be enacted', then 'a list containing names of, and relevant information on, those suspected to bear the greatest responsibility for crimes falling within the jurisdiction of the proposed Special Tribunal shall be forwarded to the Special Prosecutor of the International Criminal Court (ICC)'. This list was under the tutelage of Annan who handed it over to the Prosecutor of the ICC at the Hague, Luis Moreno Ocampo, in July 2009.

The Grand Coalition Government failed to establish a Special Tribunal when the proposed

Constitution of Kenya (Amendment) Bill 2009 was defeated by 101 to 93 votes in the Kenyan Parliament, on 12 February 2009. The deadline that the Waki Commission had stipulated passed, but the Grand Coalition Government did not seem capable of re-visiting the issue and taking on a second attempt. A number of senior political figures in both the PNU and ODM camps have been implicated in the organising and instigating violence. Specifically, this included Kalenjin leaders from the Rift Valley Province who allegedly financed and organised pogroms against supporters of the PNU. It also included leaders in the Central Province who in retaliation organised and financed revenge attacks on Kalenjin, Luo, Luhya and other pro-ODM communities in the province. Internally Displaced Persons (IDPs) who were displaced by this violence are still languishing in their camps and to a large extent have been neglected by the authorities, including the international organisations mandated to manage their welfare including the UN Office of the Special Representative for Internally Displaced Persons and the UN High Commissioner for Refugees. According to analysts a number of key Kenya politicians are concerned that the proposed Special Tribunal would be open to manipulation and therefore preferred the Hague option.

Ocampo met with representatives of the Kenyan government and requested them to take the necessary steps to establish an in-country process to administer justice to the individuals who bore the greatest responsibility for planning, instigating and financing the post-electoral violence by the end of September 2009. The deadline expired without any final decision on this issue. A Kenyan Parliamentarian, Gitobu Imanyara,

has proposed the tabling of a Bill to the legislature to establish a local tribunal to try some of the key actors who were involved in orchestrating the post-electoral violence. However, this process is fraught with challenges and resistance from various quarters of the Grand Coalition Government and the Parliament.

The failure of the Grand Coalition Government to establish a Special Tribunal forced Annan's hand. The Coalition had continued to pay lip service to the need to end impunity without any genuine commitment to punishing those who were guilty of crimes against humanity. Several politicians argued that it was necessary to promote healing and reconciliation through the now constituted Kenya Truth, Justice and Reconciliation Commission (TJRC) rather than pursuing judicial persecution. However, four months after its establishment the TJRC Commissioners are still languishing in their offices. Financially, the Government seems to be renegeing on the commitments that it initially made to the TJRC. This suggest that the TJRC may need to finance some of its activities from funds that it is mandated to raise independently. The Executive Secretary of the TJRC is due to be appointed shortly, and he or she will need to proceed with due diligence to operationalize the activies of the Commission across the country. A number of politicians have argued that the prosecutions would threaten the stability of the country, but this revealed a lack of understanding that the short-term neglect of justice for the victims would lay the foundation for future violence and instability in the Kenya.

It is evident that a number of politicians in Kenya have adopted a policy of 'non-implementation'

of the Agreement signed in 28 February 2009. This calculation is based on the assumption that, all things being equal, their candidate for the presidency in 2012 will be victorious and thus they will inherit the ultimate prize and embrace their 'turn to eat', to paraphrase the former Permanent Secretary responsible for Government Ethics, John Githongo. The short-sightedness of this group of politicians is evident in the fact that, given the status-quo, there can only be one winner, and therefore the propensity for disagreement, dissension and renewed violence is still prevalent in the country, particularly if the 2012 elections are also contested.

In October 2009, Annan visited Kenya to urge the implementation of reforms, as well as to discuss with the two principals of the Government, Kibaki and Odinga, on the potential scenarios for the future. In particular, he sought to secure support and set the scene for the initiative that would be duly undertaken by Ocampo. The Prosecutor of the ICC is due to arrive in Nairobi on 3 November 2009, ostensibly to discuss with President Kibaki and Prime Minister Odinga, his intention to proceed with issuing indictments and arrest warrants for political and business leaders who were implicated in the post-electoral violence. However, there are already indications that Ocampo will not be given an easy ride by the Government, legislature or judiciary. Rather than receiving an invitation from the Government, Ocampo was instructed to write a letter to both Kibaki and Odinga requesting an audience with them. Clearly, the strategy in this regard is to demonstrate that Ocampo is coming on his own volition and not at the behest of Government, which will provide it with political coverage if indeed the arrest warrants are issued.

The Government has stated publicly that it will collaborate with Ocampo, based on the fact that Kenya is a state party to the Rome Statute establishing the ICC. However, Ocampo is likely to encounter resistance in keeping with the policy of non-implementation of provisions of the Agreement that has been adopted by a number of senior politicians in Kenya. In addition, the ICC is not the most popular actor in Africa at the moment following the issuing of the arrest warrant for Omar Al-Bashir, the President of Sudan, for war crimes in Darfur. The AU subsequently adopted a policy of non-collaboration with the ICC, in order to shield one of its own from prosecution. A number of Kenyan politicians whose allies may be implicated in the list submitted to Ocampo, believe that they can replicate the spirit of the AU's non-compliance with the ICC and deploy all manner of legal technicalities to prevent their colleagues from joining other former leaders in the docks of the Hague.

Scenario Planning:

Scenario 1:

A group of politicians will continue to frustrate the implementation of the provisions of the National Accord and Reconciliation Agreement and the specific recommendation to establish a local Tribunal, to try the perpetrators implicated in planning, financing and executing post-electoral violence. This would be based on the assumption that it would improve their chances, or those of their co-conspirators, to capture the presidency in 2012 and lord over their political and ethnic opponents.

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PSC RETROSPECTIVE – PSC and Constitutional Manipulation

In January 2007, the African Charter on Democracy, Elections and Governance, was adopted by the Eighth Ordinary Summit of the AU, which was convened in Addis Ababa. This Charter condemns and notes circumstances in which unconstitutional changes of government can take place. Specifically, Article 23(5) of the Charter states that 'any amendment or revision of the constitution or legal instruments ... is an infringement on the principles of democratic change of government'. Even though a similar provision can be found in the constitutions of a majority of African countries, there is an increasing and negative trend of heads of state and government systematically manipulating their legislative processes to revise their laws in order to stay in power beyond their stipulated term limits. Even though the AU PSC has been consistent in condemning such practices, the phenomenon of constitutional manipulation persists across the continent, with adverse effects on peace, stability and security in the affected countries.

On 4 August 2009, a referendum in Niger adopted a new constitution that will enable President Mamadou Tandja to seek a third term of office, having been elected to power in 1999 and re-elected in 2004. The new legislation will allow Tandja to rule until 2012, and to contest for the presidency for an unlimited number of terms in the future. The Parliament and the Constitutional Court of Niger, opposed the referendum, but Tandja dissolved both institutions and chose to rule by presidential decree. In 2008, the Algerian Parliament adopted

a constitutional amendment which abolished the two-term limit for presidents, which has paved the way for President Abdelaziz Bouteflika to seek re-election. Bouteflika has served two five-year mandates, since he was elected in 1999. Similarly, in 2008 the Cameroonian National Assembly voted against the 1996 constitution that tried to set a two-term limit for presidents. The defeat of that proposal consequently paved the way for President Paul Biya to run for re-election in 2011. Biya assumed the presidency following the resignation of his predecessor in 1982 and was subsequently elected five times in 1984, 1988, 1992, 1997 and 2004.

In 2005, Chad also experienced constitutional manipulation when a referendum rescinded the two-term limit, enabling President Idriss Deby to contest for a third term in 2006. Deby was elected in 1996 following the adoption of a new constitution and was subsequently re-elected in 2001 and 2006. In 2003, Gabon's constitution was amended to enable the late President Omar Bongo, who had ruled for four decades, to contest an unlimited number of terms and to increase the length of the term from five to seven years. Omar Bongo ascended to power in 1967 and was then re-elected six times in 1973, 1979, 1986, 1993, 1998 and 2005. At the time of his death in 2009, Bongo had achieved notoriety as the world's longest-serving ruler. Togo eliminated term limits in 2002 to allow the late Gnassingbe Eyadema to contest for a third term. Eyadema took power in 1967 and was elected in 1972, 1979 and 1986. He won the first multiparty presidential elections in 1993 and was re-elected in

1998 and 2003. After the president's death in February 2005, the army was implicated in ensuring the acquisition of power by Eyadema's son, Faure, to the chagrin of ECOWAS. Subsequently, Faure Eyadema contested for the presidency in what was widely considered as a contrived electoral process to become the ruler of Togo. In 2005, the Ugandan parliament rescinded the two-term limit from the 1995 constitution as President Yoweri Museveni of Uganda approached the end of his second term. Museveni assumed the presidency in 1986. He won the elections that were convened in 1996, and subsequently re-elected in 2001 and 2006.

There have also been failed or limited attempts at constitutional manipulation. Nigeria's former president Olusegun Obasanjo's 'Third Term Agenda' to have the constitution changed to enable him to contest another election was effectively rejected by the Parliament in 2006. Currently, in Nigeria, Presidents are still limited to two four-year terms. In Zambia, Frederick Chiluba was elected in 1991 and re-elected in 1996. He sought to contest a third term in 2001 but failed to win support in his bid to amend the necessary legislation. Namibia's constitution was amended in 1999 to specifically permit President Sam Nujoma to contest a third term. However, since the amendment applied only to Nujoma, later presidents have been limited to two five-year terms. Tunisia was more striking, Zine El Abidine Ben Ali assumed the presidency in 1987 and the country's constitution

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PSC RETROSPECTIVE – PSC and Constitutional Manipulation (continued)

was amended in 1988 to limit presidents to two terms. After Ali's first two terms in office, a new amendment in 1998 permitted a third term. In 2002, term limits were abolished altogether and the age limit will be raised to 75 (Ben Ali will be 73 in September 2009). Ben Ali assumed the presidency in 1987, was elected in 1989 and re-elected in 1994 as the sole candidate. Other candidates were permitted to contest for the first time in 1999, but in that year Ben Ali won with 99.66 percent of the vote and with 94.48 percent of the vote in 2004. In October 2009, President Ben Ali repeated his miraculous success by again winning another five year term in a landslide victory gaining almost 90 percent of the vote. Some African countries do not have any provision for

term limits in their constitutions, which gives leeway to Presidents or Prime Ministers to remain entrenched in power indefinitely.

The PSC's response to constitutional manipulation has not been as vocal as its condemnation of unconstitutional changes of government, partly due to the fact that the manipulation occurs through pseudo-legislative processes which impart the processes with an aura of legitimacy. In response to the referendum in Niger, the AU undertook a fact-finding mission which followed up on the deployment of a delegation to consult with Tandja in an attempt to explore options for resolving the crisis. If the trend of constitutional manipulation continues the PSC and the wider AU system will still be confronted

with the dilemma of how to respond to African leaders who manipulate their constitutions and domestic institutions to retain power beyond their prescribed term limits. In addition, the Council is yet to further elaborate its sanctions regime to respond to member states which fail to comply with their own constitutions. Ultimately, the best antidote to having to confront constitutional manipulation is for the PSC to continue monitoring country situations to ensure that they respect the principles and practices of democratic governance which they have voluntarily agreed to, stipulated for example in the AU Constitutive Act and the Charter on Democracy, Elections and Governance.

Scenario 2:

The impending Kenyan presidential and general elections of 2012 may turn out to be the trigger event that unleashes political violence on a scale not witnessed before in the country.

Scenario 3:

Ocampo will be able to issue arrest warrants for senior politicians and business leaders, who will duly be arrested and handed over to the ICC by the Kenyan Government and judiciary. This will demonstrate that impunity will not prevail in the country and that those who may have designs on planning future pogroms will also be prosecuted.

Scenario 4:

A local tribunal will be established, after continued obfuscation

by a minority of misguided politicians, and conduct a national prosecution process which will also demonstrate to the consequences of planning and executing violence against fellow citizens.

Scenario 5:

The Kenya Truth, Justice and Reconciliation Commission will receive the necessary financial resources that it needs to immediately begin operations, simultaneously, in all provinces across the country. The process will initiate a long-overdue internal reflection of the years of misrule by the Governments of the three post-colonial Presidents of Kenya (1963-1978), Jomo Kenyatta, Daniel Arap Moi (1978-2002) and Mwai Kibaki (2002-2007).

Early Response Options:

Option 1:

The PSC could recommend the appointment of a Special Envoy of the AU Chairperson to closely monitor the situation in Kenya and report to the Council and Commission. This could also be buttressed by the establishment of an AU Liaison Office in Nairobi, to proactively work with the Government of Kenya, on the implementation of the National Policy on Peacebuilding and Conflict Management, which was issued by the Office of the President on September 2009.

Option 2:

The PSC could engage with the Government of Kenya to ensure that the issue of impunity is addressed as a matter of urgency, through the establishment

not augur well for the future international partnerships. The ICC should establish a robust liaison office in either Addis Ababa or Nairobi to ensure an open channel of communication to discuss the emerging challenges of international criminal justice with the AU, RECs, national governments and civil society.

Civil Society Dynamics:

Ultimately, any hope of resolving the situation in Kenya will require the active participation of civil society and the media. Civil society will also have an important role to play in the implementation of the peace agreements that emerged from the Kofi Annan-led mediation process in the short-term. Therefore, CSOs will need to continue monitoring the implementation of both the Waki Commission recommendations. In the medium to long-term civil society will need to undertake country-wide reconciliation and civic-education initiatives to ensure that a commitment to transitional justice is sustained. Civil society actively campaigned to ensure that there was sufficient buy-in for the Constitution of Kenya Amendment Bill 2009 to succeed.

On 18 February 2009 a collective of religious leaders criticised the government of 'non-responsive' leadership during a prayer service for victims of tragic fires in which Kenyan citizens were killed. The inter-religious forum was composed of the Evangelical Alliance of Kenya, the Supreme Council of Kenya Muslims, the National Council of Churches and the Hindu Council which issued a joint statement which in accusing the leadership stated that 'you have been reluctant to punish your friends who are greedy; you

have neglected the Internally Displaced Persons; you have not acted decisively on insecurity and extra-judicial killings'. The inter-religious forum also criticised the culture of impunity, the pressing issue of country wide famine, unemployment and the slow pace of reform since the post-electoral violence.

A civil society Reference Group has been established to work with the Committee of Experts that is drafting a new constitution for Kenya. The TJRC undertook an Induction Meeting for civil society in Naivasha in August 2009, and invited representatives of the South African Truth and Reconciliation Commission and the Ghanaian National Reconciliation Commission, as well as other civil society organisations from across Africa to brief the TJRC and Kenyan civil society on the intricacies, challenges and obstacles to establishing an effective national truth-telling, reparation, amnesty, healing and reconciliation process.

Documentation:

Relevant AU Documents:

- PSC (21 January 2008) Statement on the situation in Kenya
- PSC (28 February 2008) Statement on the situation in Kenya
- Assembly (2 February 2008) Decision on the situation in Kenya adopted at the 10th Ordinary Session of the Assembly of Heads of State and Government.

UN Documents:

- S/PRST/2008/4 Statement by

the President of the Security Council on Peace and Security in Africa

- UN Office of the Secretary-General (2 January 2008) Statement of the Spokesperson of the UN Secretary-General on the situation in Kenya

Useful Additional Resources:

- Grand Coalition Government of Kenya, Acting Together for Kenya – The Agreement on the Principles of Partnership of the Coalition Government, 28 February 2008
- Grand Coalition Government of Kenya, The National Accord and Reconciliation Act, 28 February 2008

COUNTRY ANALYSIS

Republic Of Guinea

Previous AU and PSC Communiqués and Recommendations:

The death of over 150 civilians at a peaceful rally in the capital Conakry on 28 September 2009, caused by the actions of the Guinean armed forces, precipitated concern within the AU. On 29 September 2009 the AU Commission issued a statement which indicated that it was considering the evolving situation and would issue a further decision on the crisis following consultations with ECOWAS and other partners. On 15 October 2009 the PSC was briefed by the Commissioner for Peace and Security and the Special Envoy of the Chairperson of the Commission for Guinea. Subsequently the Council issued a

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PSC RETROSPECTIVE – The PSC and Treaty of Pelindaba

The PSC issued a communiqué **PSC/PR/Comm(LIII)** on 31 May 2006, on the African Nuclear-Weapon-Free Zone Treaty (the Treaty of Pelindaba) **PSC/PR/2/(LIII)**. In this communiqué, the Council expressed its concern at the delay in the entry into force of the Treaty and urged the member States to sign and ratify the Treaty. On 15 July 2009, the African Nuclear-Weapon-Free Zone which covers the entire African continent, as well as the surrounding islands entered into force after Burundi ratified it as the 28th party of the treaty, fourteen years after it was adopted in July 1995.

In response to the first French nuclear test in Algeria in 1961, and in the context of Cold War arms race, the OAU Heads of State adopted the 'Declaration on the Denuclearization of Africa' [**AHG/Res.II(I)**] in July 1964. The Declaration called for Africa to aspire towards becoming a zone free of nuclear weapons, as an important step towards the strengthening of the international non-proliferation regime, the promotion of co-operation in the peaceful uses of nuclear energy, complete disarmament of nuclear weapons, and the enhancement of global and regional peace and security. This statement was subsequently endorsed by the UN General Assembly. In July 1995, the Pelindaba Treaty was adopted following the OAU Summit, held in Addis Ababa.

The Treaty of Pelindaba is named after the South African nuclear arsenal which was dismantled in the early 1990s, in the twilight of the apartheid regime. The treaty seeks to

ensure that nuclear weapons are not developed, produced, tested, or otherwise acquired or stationed on the continent. The Treaty also prohibits the dumping of radioactive waste in Africa and promotes the peaceful application of nuclear technology and science among the member states. The treaty is supplemented by three additional protocols. The first targets nuclear powers; the second prohibits nuclear tests; and the third addresses states which de jure or de facto have territories under their jurisdiction in the Treaty application area. In addition, the Treaty commits its parties to apply the highest standard of security and physical protection of nuclear material, facilities, and equipment to prevent theft and unauthorized use, as well as prohibits armed attacks against nuclear installations within the zone.

The Treaty is at its core an attempt to ensure the non-proliferation and disarmament of nuclear weapons. South Africa's renunciation and complete dismantlement of its nuclear facilities and Libya's revelation and rejection of its nuclear weapons programme, in 2006, are examples of actions that would be encouraged by the Treaty.

Article 12 of Pelindaba Treaty, states that following the required provisions for ratification, African countries will establish an African Commission on Nuclear Energy (AFCONE). In addition to serving as a compliance mechanism, the AFCONE will be responsible for encouraging regional and sub-regional programs for co-operation in the peaceful uses of nuclear science and technology, therefore becoming a hub for the African nuclear

expertise. Article 14 of the Treaty also recommends that an AU conference of all parties should be convened to establish the way forward and intensify the wider ratification process among the remaining countries. The conference will need to further articulate and draft specific guidelines for AFCONE which could ideally function as a regional partner for the International Atomic Energy Agency (IAEA). Both the AU conference of all parties and the establishment of the commission are yet to take place.

Article 7(n) of the PSC protocol empowers the Council to promote and encourage the implementation of OAU/AU, UN and other relevant international conventions and treaties on arms control and disarmament. Accordingly the PSC could continue to encourage other parties to ratify the Pelindaba Treaty and accelerate the establishment of AFCONE. AFCONE could potentially play a vital role in promoting an African common position ahead of the conference to review for the Nuclear Non-Proliferation Treaty (NPT), in May 2010.

The ratification of the Treaty of Pelindaba re-articulates Africa's commitment to nuclear disarmament and non-proliferation both globally and at the continent level. Therefore, Africa will have the moral legitimacy to speak with authority on these issues at international meetings focusing on nuclear, as well as wider peace and security issues.

implicated in covert and overt support for factions that fought in the conflicts which ravaged the Manu River region.

The current junta came to power in a bloodless coup on 23 December 2008, when a group of low ranking army officers, led by Captain Camara, took control of the country a few hours after the demise of Conte. Since then the 32-member military junta, also known as the National Council for Democracy and Development or Conseil National pour la Démocratie et le Développement (CNDD) has wielded authority in the country. The CNDD initially assured the domestic population and the international community that it would reform the institutions of government and eliminate corruption. True to form and in keeping with dictatorial double-speak, Captain Camara declared himself 'president of the republic' the day after the coup. Camara stated that he had no intention of clinging to power and assured his bemused audience that he would convene elections in 2010 after, what is now, the customary two-year transitional period. The junta has utilised its ten months in power to consolidate its position and has systematically replaced numerous administrators in government with its own supporters. Consequently, the majority of the key posts in the government established on 14 January 2009 are held by fellow military cadres. Currently, the internal dynamics in Guinea are defined by the absence of political dialogue among key actors and the regime. The voter registration process has been effectively distorted and there has been an escalation of human insecurity and human rights violations, culminating in the stadium carnage.

Regionally, the future stability of

Guinea is vital in order to provide a modicum of tranquility in the West Africa region which was ravaged by the scourge of conflict in the last two decades. Guinea's relatively peaceful neighbours have been monitoring the evolving situation in the country with increasing apprehension. Sierra Leone's President Ernest Bai Koroma called an emergency cabinet meeting following news of events in Guinea. The location of co-ethnic groups within both countries means that the domestic and cross-border relations between both countries have to be managed so that they do not provide the necessary fuel to ignite another regional conflict system. On 15 October 2009 the Guinean Minister of Communications resigned in protest over the massacre of the demonstrators. In addition, the Civil Service Minister, Alpha Diallo, and the Minister for Agriculture, Abdourahmane Sanoh, have also resigned in protest over the military action against the civilians.

Scenario Planning:

Scenario 1:

The 'uncontrollable' elements within Guinean armed forces could push for a more hard-line position by the military junta with dire consequences for the citizenry including further human rights violations.

Scenario 2:

The CNDD could continue to resist external pressure and refuse to respect the timetable for a transition to the restoration of constitutional order.

Scenario 3:

Captain Camara could renege on his assurance and contest

the presidency in the January elections, further casting doubt on any short-term resolution of the domestic crisis. Dissent and disagreement within the military junta could increase the prospects for a counter-coup.

Scenario 4:

Guinea could convene national elections, as required and stipulated by the AU and the international community before the end of 2009.

Early Response Options:

Any escalation in the internal Guinean power struggle would transform a volatile situation into an even more acerbic and dangerous one given the ethnic divisions that exist in the country. The 28 September 2009 incident reveals a military regime that is either reckless with the lives of its own citizenry or immune to international condemnation. In both cases this suggests that the situation in Guinea is precarious and that there are no guarantees that either the period leading to the proposed presidential election or its aftermath will be peaceful. Given the above scenarios, the following options could be considered:

Option 1:

The PSC, working closely with ECOWAS Facilitator for Guinea, could increase its pressure on the President of the CNDD to formalize the commitment it made, on its own volition, not to extend the election date beyond January 2010, or try to contest the presidency. Specifically, the Council could appeal to the provisions of the AU Constitutive Act and the Lomé Declaration on Unconstitutional Changes of Government to outline the sanctions available to the Union,

PSC RETROSPECTIVE – The PSC and ECCOSOC

The PSC convened a Retreat **PSC/PR(CLX)** in Livingstone, Zambia, from 4 to 5 December 2008 to discuss the relationship between the Council and the Civil Society Organizations (CSOs) in the promotion of peace, security and stability in Africa. The retreat considered an appropriate mechanism for interaction between the PSC and CSOs and recognized the Economic, Social and Cultural Council (ECOSOCC) of the AU as a key consultative organ for organizing and coordinating the participation of civil society in the PSC activities. At the conclusion of the Retreat the PSC established the Livingstone Formula which institutionalized and formalized the engagement between the Council and the civil society.

According to Article 20 of the PSC protocol the Council is mandated to encourage non-governmental organizations (NGOs), community-based and other civil society organizations to engage with the Council. There are also provisions for civil society to address the PSC. The articulation of the Livingstone formula is a manifestation of the recognition and political acceptance of the civil society to engage with the PSC. The Formula effectively recognizes the shared ownership of the African peace and security agenda between the AU, member states and civil society.

The Organisation of African Unity Assembly of Heads of State and Government, in its Decision **AHG Dec. 160 (XXXII)** of July 2001 in Lusaka, stressed the importance of involving African NGOs, socio-economic organizations, professional associations and CSOs in the

continent's integration process, as well as in the formulation and implementation of program of the Union. Article 4(c) of the AU Constitutive Act also emphasises the participation of the African peoples in the activities of body as one of the principles of the Union. Article 22 of the Constitutive Act established the Economic, Social, and Cultural Council (ECOSOCC) as a key vehicle for ensuring citizens' participation in the activities of the Union. ECOSOCC is an advisory organ composed of representatives from a range of social and professional groups of AU member states. The functions, powers, composition and organization of ECOSOCC were further discussed by the Assembly of the African Union **Assembly/AU /Dec.42(III)** on 6-8 July 2004 when it adopted the Draft Statutes of ECOSOCC and requested the Chairperson of the Commission to take the necessary steps to launch and operationalize the Council. Subsequently, in March 2005, ECOSOCC was officially launched at the AU in Addis Ababa, Ethiopia. An interim Standing Committee was elected to serve as members of ECOSOCC. In 2009, elections had taken place to duly elect the General Assembly of ECOSOCC. The Assembly is supposed to represent a cross-section of national, regional, and diaspora organisation.

According to Article 7 of the ECOSOCC Statue one of the functions of the Council is to contribute to the effective translation of the objectives, principles and policies of the Union into concrete programs. In addition, the Council is mandated to undertake and submit recommendations to the AU on how to promote popular participation, human rights, the rule of law, democratic

governance, gender equality and child rights. The ECOSOCC has ten sectoral cluster committees to enable the Council to engage with and monitor the work of the AU's corresponding Commissions. ECOSOCC's Peace and Security Cluster was established to engage with the peace and security issues, and by extension with the PSC on a wide range of issues, including early warning, conflict prevention, peacemaking and mediation, peacekeeping, humanitarian support, peacebuilding and post-conflict reconstruction and development.

Even though the PSC Protocol stipulates that the Council will engage with the representative organizations of civil society through the Livingstone Formula, in practice the institutionalization of the formal engagement of the civil society with the PSC is yet to be implemented. ECOSOCC is yet to make it mark on engaging the PSC on peace and security issues. The first few years of its existence have been mired in addressing administrative and bureaucratic challenges. Even though the President of ECOSOCC submits an annual report to the AU Assembly, there is still scope for the Council to become more active and vibrant particularly with regards to its outreach and engagement with national CSOs. The ECOSOCC Peace and Security Cluster could potentially serve as a vital link between CSOs and the work of the PSC. However, this would require a certain degree of dynamism from its members. Ideally, ECOSOCC should now utilize its new mandate to promote a proactive and visionary agenda for peace and security in Africa.

it described as a crime against humanity. The EU Development Commissioner, Karel de Gucht, defined the massacre as a form of 'brutality never seen before' in the country. He singled out Camara and stated that he should stand trial. The ICC indicated that a preliminary examination had been opened over the massacre to determine whether crimes were committed that fall under the court's jurisdiction. The statement pointed out that Guinea was party to the treaty establishing the ICC, giving the court jurisdiction over the country with respect to any allegations of war crimes, crimes against humanity or genocide.

To date the international community's engagement with the Guinean crisis is proceeding under the rubric of the ICG-G, which met on 22 September 2009 in New York and on 12 October 2009 in Abuja where it reviewed the situation in Guinea. Following the coup in December 2008, the United States suspended all aid to Guinea except for vital humanitarian assistance and funding for pro-democracy initiatives. The international financial institutions are also re-evaluating their programs in Guinea, particularly with regard to initiatives to implement debt relief pending the outcome of the current situation.

Amid continuing criticism of the junta, news sources reported that China has agreed a huge mining and oil agreement with Guinea's military rulers. The Guinean Minister of Mines Mahmoud Thiam stated that a Chinese firm would invest more than 7 billion US dollars in infrastructure. Guinea has one of the world's largest reserves of the aluminium ore and bauxite. Though analysts say the timing of the Guinea deal is likely to stir controversy, as the legitimacy of Guinea's government

is under question, Mr Thiam dismissed those concerns, noting that the government only has the interests of its citizens in mind because the Chinese firm would help to build ports, railway lines, power plants, low-cost housing and even a new administrative centre in the capital, Conakry. On 15 October 2009, China defended its right to trade and conduct business with Guinea despite accusations that a potential multi-billion dollar Chinese investment could help prop up the military junta.

Civil Society Dynamics:

After the 28 September 2009 incident, Guinea's military leader banned all 'subversive' gatherings. In a televised address, Captain Camara noted that troublemakers would be 'severely punished'. He announced that any gathering by religious authorities, opinion leaders, political party leaders, organisations of the civil society was banned until further notice. On top of this, Guinea's national civil society coalition, Les Forces Vives, is currently divided on their way forward. In practical terms, the role of this group in the political sphere remains limited. In the current climate civil society remains politically constrained and the media is virtually state-controlled and limits the coverage of opposition perspectives or any criticism against the junta. Civil society also requires support in terms of resources for their activities. This is particularly true for the initiatives being undertaken by various women's groups, professional and labour organisations, the academia, business leaders and religious groups. In mid-October, labour unions called on residents to stay home in protest of the 28 September 2009 massacre.

Documentation:

Relevant AU Documents:

- PSC/PR/BR.1(CCVI) (15 OCTOBER 2009) Communiqué on the situation in the Republic of Guinea
- PSC/PR/COMM(CXCVII) (10 July 2009) Communiqué on the situation in the Republic of Guinea
- Assembly/AU/6(XIII) (1-3 July 2009) Report of the Peace and Security Council of the African Union on its Activities and the State of Peace and Security in Africa, Sirte, Libya
- PSC/PR/BR.4(CXCII) (10 June 2009) Communiqué on the Republic of Guinea.
- PSC/PR/BR.(CLXXXIII) (26 March 2009) Statement on the situation in the Republic of Guinea.
- PSC/AHG/COMM.2(CCVII) (29 October 2009) Communiqué on the situation in the Republic of Guinea

RECs Documents:

- ECOWAS Statement 098/2009 (3 October 2009) ECOWAS Chairman Appoints President Compaore as Facilitator for Guinea', 3 October 2009, Abuja, Nigeria.
- ECOWAS Statement 00312009 (10 January 2009) 'Leaders Reject Military Transition in Guinea'

support reconstruction efforts, particularly with regards to addressing the situation of ex-combatants through improving the design and implement of DDR and SSR programmes as well as revitalising public administration in the country.

Geo-Political Dynamics:

Pan-African and RECs Dynamics:

The Ivorian authorities have formally requested the AU to provide it with support in the lead up to the electoral process, notably by sending an electoral observer mission. The Council has also requested that the Chairperson of the Commission to make the necessary arrangements to respond to this request. Cote d'Ivoire's neighbours including Burkina Faso and Ghana are naturally concerned with the dynamics that are unfolding in the country.

UN Dynamics:

On 24 August 2009, the UN Secretary-General's Special Representative, Y. J. Choi, visited the main centre for voter identification in Abidjan as well as coordination centres in Bouaké, Séguéla, Daloa, Issia and San Pedro. The UN Operation in Côte d'Ivoire (UNOCI) will also provides technical and logistical support in preparation for the elections, including for voter identification and registration. UNOCI has approximately 8,000 personnel on the ground and it is conducting joint patrols with UNMIL along the border with Liberia. Both UNOCI and UNMIL also convene coordination and liaison meetings with authorities in Burkina Faso, Ghana and Guinea, in order to consolidate border security arrangements in preparation for the elections. The UN Office in West Africa

(UNOWA) and the United Nations Office on Drugs and Crime (UNODC) have established a West Africa Coast Initiative to establish transnational crime units to address drug trafficking and organised crime as a threat to security in the region. This Initiative includes Côte d'Ivoire as one of the four pilot countries in addition to Guinea-Bissau, Sierra Leone and Liberia and focuses on strengthening national law enforcement and intelligence-gathering capacities. A United Nations Industrial Development Organisation (UNIDO) programme is actively working with the Youth Employment Network, based in West Africa, to continue to provide training for employment projects in the country.

Wider International Community Dynamics:

A 1,800-troop Licorne force which is a French military operation in support of UNOCI, which has been deployed from 2002, continues to maintain a quick-reaction capability to support UNOCI support the implementation of the Ouagadougou Agreement. In September 2009, a joint IMF-World Bank fact-finding mission assessed efforts to achieve economic stability in Cote d'Ivoire. France remains Cote d'Ivoire's most significant external partner, linked to its historic links with the country. By June 2009, French Licorne was a 900-troop operation. The Ivorian Government has traditionally played a constructive peacemaking role in Africa. President Houphouët-Boigny was active in the mediation of regional disputes, most notably in Liberia and Angola.

Civil Society Dynamics:

The Convention of the Ivorian

Civil Society (CSCI) has articulated concerns about obstacles that could jeopardise the delayed presidential elections in Cote d'Ivoire. CSCI has denounced the 'lack of transparency' in the processing of data that was collected during the voter registration and population identification programs. The Civil Society Convention also criticised the 'confusion' in the way the exercise was conducted and accused the Independent Electoral Commission (CEI) for having not undertaken the necessary logistical plans ahead of time to ensure the execution of a credible process. Ivorian journalists have created a new association called OJPCI - Cote d'Ivoire Professional Journalists Organisation, with an objective to inculcate and campaign for ethics and professionalism in journalism during the election period and in its aftermath. International humanitarian organizations are collaborating with Ivorian authorities to coordinate and support the return of some 120,000 Internally Displaced Persons (IDPs) in the western part of the country promoting social cohesion and managing protracted land disputes.

Documentation:

Relevant AU Documents:

- PSC/AHG/COMM.2(CCVII) (29 October 2009) Communiqué on the situation in the Republic of Guinea
- Assembly/AU/6(XIII) (1-3 July 2009) Report of the Peace and Security Council of the African Union on its Activities and the state of peace and security in Africa, Sirte, Libya.
- PSC/PR/COMM.6(CXCII) (10 June 2009) Communiqué on the Situation in Côte d'Ivoire

COUNTRY ANALYSIS

Somaliland

Previous AU Communiqués and Recommendations:

On 10 September 2009, the Special Envoy of the AU Commission chairperson to Somalia, Nicolas Bwakira, appealed for calm in Somaliland after altercations between members of the legislature due to disagreements over the postponement of the presidential election from September 27 to 29 October 2009. Bwakira requested the parties to avoid pronouncements and actions that may lead to the further deterioration of the situation.

Crisis Escalation Potential:

Recent tensions in Somaliland have been fueled by the dispute over the forthcoming elections. The territory is governed by the House of Representatives directly elected by the people and an upper house composed of a Council of clan elders (Guurti). The five-year term of President Dahir Riyale Kahin's officially ended a year ago in May 2008, and was controversially extended by the elders. In the lead up to the election, the opposition political parties have particularly accused the National Election Commission (NEC), of ignoring the ruling party's misuse of the public media and misappropriation of resources to advance its political campaign. Government ministers have accused the opposition of inciting violence. The government's inability to tackle corruption, lack of job opportunities and rising food prices has fomented tension within the ruling party which has effectively split the two factions. In February 2009, the Vice-President, Ahmed Yusuf Yasin, declared that Somaliland could

pursue federation with southern Somalia (with Mogadishu as the capital) has precipitated a general sense of disillusion with the Unity of Democrats (UDUB). There are disagreements between the political parties about the validity of the electoral register and the opposition has indicated that it may boycott the poll. Following the dispute and tension between parliamentarians, the activities of the House of Representatives have effectively been suspended and are now under the control of security forces. Moreover, Somaliland is embroiled in a dispute with the neighbouring autonomous Somali region of Puntland, over the Sanaag and Sool regions. Some of the inhabitants of these regions, claimed by Somaliland, view themselves as belonging to Puntland. Last year there were three suicide bomb attacks carried out in Hargeisa. The exact origins of these attacks have not been ascertained, however they are deemed as a reaction to Somaliland's claim to independence and its increasing ties with a number of external governments. The political and security situation of Somaliland remains exceptionally volatile and the forthcoming elections could determine the viability of the fragile peace.

Key Issues and Internal Dynamics:

In 1991, following the collapse of the central government in Somalia, Somaliland declared itself an independent republic. On 18 May 2009, Somaliland marked eighteen years since its proclamation of independence from the rest of Somalia. Despite the lack of international recognition, Somaliland has the primary constitutive components evident in most nation-states including: an internally accepted political system; institutions of

- PSC/PR/COMM.5(CXCII) (10 June 2009) Communiqué on the mission to West Africa
- PSC/PR/COMM (CXXVIII) (26 May 2008) Communiqué on Cote d'Ivoire
- PSC/PR/2(CIV) (19 December 2007) Chairperson Report on the situation in Cote d'Ivoire
- PSC/PR/COMM.(LXXIV) (29 March 2007) Communiqué on the situation in Cote d'Ivoire
- PSC/PR/COMM.2(LXXII) (19 March 2007) Communiqué on the situation in Cote d'Ivoire
- PSC/PR/COMM.(LXIV) (17 October 2006) Communiqué on the situation in Cote d'Ivoire
- PSC/PR/COMM.(LII) (29 May 2006) Communiqué on the situation in Côte d'Ivoire

UN Documents:

- S/2009/332 (19 June 2009) Report of the Secretary-General on the United Nations
- Office for West Africa (UNOWA).
- S/RES/1765 (2007) (16 July 2007) Security Council Resolution on the Situation in Cote d'Ivoire

Useful Additional Resources:

- Bernard Owusu-Sekyere, 'Towards Sustainable Peace and Reconciliation in Cote d'Ivoire', African Security Review, Vol.18, No.2, Institute for Security Studies, June 2009.

governance; a police force; and its own currency. The territory has continued with its international diplomatic offensive to gain recognition, but the AU and the wider international system have not taken the radical step of acknowledging its sovereignty. This is largely due to the perceived negative impact that the granting of sovereignty would have on the crisis in south Somalia.

Historically, in July 1960 the former colonies of Italy and Britain voluntarily established a unitary nation-state known as Somalia. Almost immediately the leadership in Somaliland, formerly colonized by the British, regretted this decision and begun to wage a secessionist struggle against Siad Barre's misrule of the country. Barre's forces pursued Somaliland armed movements killing tens of thousands of people and destroying infrastructure in the region. This experience of brutal political repression and military atrocities, fostered the emergence of the Somali National Movement (SNM) in 1981. From October 1996 and February 1997, locally initiated peace talks consolidated the ties between three different clans, namely the Isaaq, the Darod/Harti (including the Warsangeli and Dhulbahante) and the Dir (including the Iise and Gadabursi). These groups represented 66 percent, 19 percent and 15 percent respectively of the population of Somaliland. At the declaration of its independence, Abderahman Ahmed Ali Tuur became its first president of Somaliland. His successor, Muhammad Haji Ibrahim Egal, was appointed in 1993 and remained in power until his death on 3 May 2002. In 2000, a 45-member committee appointed jointly by the president and the Parliament consensus based draft constitution which was widely publicized in the territory. In May 2001, a referendum led to

the adoption of the constitution. Local government elections as well as presidential and legislative elections took place in 2002, 2003 and 2005 respectively. In April 2003, the current president, President Dahir Riyale Kahin, from the ruling UDUB party, narrowly won Somaliland's first multi-party presidential elections. In 2002, Riyale had been appointed by the Council of Elders, following the death of Egal, his predecessor.

The periodic elections appear to have regulated the competition for power in Somaliland. However, this trend of democratic transition is now threatened. Earlier on 25 August 2009, the AU Special Envoy, Bwakira, visited Hargeisa for separate meetings with the candidates of the three political parties and the representatives of parliament. In October 2009, Somaliland's three political parties, the ruling party UDUB and the two opposition parties, Kulmiye and Justice and Welfare Party of Somaliland (UCID), signed a six-point Memorandum of Understanding (MoU) aimed at bringing to an end months of disagreement over the impending election. The MoU was endorsed by the Friends of Somaliland, namely the UK and Ethiopia, and was duly signed by leaders of the three parties. The MoU stresses the need for free and peaceful elections to preserve stability in Somaliland and commits the parties to the amicable resolution of political differences including the contentious date of the election. In effect, the parties have agreed to postpone the election and convene them at a mutually agreed date under the auspices of a revitalised Election Commission which will be assisted by a team of independent international experts. The Commission will be tasked with compiling a voter's registration list and determine a new date for the election based on an assessment of the period

of time to plan convene credible and transparent polls. The MoU also committed the parties to agree that the terms of the office bearers in the Presidency and Vice-Presidency will be extended to no more than a month after the agreed date of the election, to ensure that there is an appropriate handing over of power to the newly elected officials.

Regionally, as far as ties with the rest of Somalia are concerned, Somaliland's leaders have distanced themselves from the Transitional Federal Government. The existence of the TFG is viewed as a threat to Somaliland's autonomy. Somaliland authorities claim the entire region that fell under the parameters of former British Somaliland. Between 2002 and 2009, tensions between Puntland and Somaliland have periodically escalated into violent confrontation. In October 2004, and again in April and October 2007, armed forces of Somaliland and Puntland clashed near the town of Las Anod, the capital of Sool region. In October 2007, Somaliland troops took control of the town. On 10 July 2008, the Somaliland Defence Forces had taken control of the town of Las Qorey in eastern Sanaag. In October 2008, Hargeisa endured a series of suicide attacks as in which more than 20 civilians were killed and more than 30 people injured. In these attacks, cars were transformed into improvised explosive devices and driven into three separate compounds including, the president's residence, the UN Development Programme offices, and the Ethiopian trade mission. At the core of the dispute between Somaliland and Puntland, is their positions on the reconstitution of Somalia. Somaliland has asserted its independence and therefore endorses the partition of Somalia. Puntland, on the other hand,

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African's Common Position on Climate Change: Implications for Security

Following the 12th Ordinary Session of the Assembly of Heads of State and Government of the African Union, held in February 2009 in Addis Ababa (**Assembly/AU/Dec.257(XIII)**), and the 13th Ordinary Session convened in July 2009, in Sirte, Libya (**Assembly/AU/Dec.236(XII)**), the AU considered its position on climate change. The Assembly designated a unitary delegation known as the Conference of African Heads of State and Government on Climate Change (CAHOSCC) to lead negotiations on Africa's behalf. CAHOSCC includes Algeria; the Republic of Congo; Ethiopia; Kenya; Mauritius; Mozambique; Nigeria; Uganda; the Chairperson of the AU Assembly; Chairperson of AU Commission; and the Chairperson of the Conference of African Ministers of Environment (AMCEN). The Sirte Summit approved the Algiers Declaration, of May 2009, on the African Common Platform to Copenhagen to serve as a platform for the Common African Position on Climate Change. The Assembly had then requested the AU Commission to coordinate activities. Pursuant to this mandate the Commission hosted a meeting of leaders of the ten CAHOSCC member countries and lead experts on 24 August 2009 at its Headquarters in Addis Ababa, Ethiopia (**AUC Press Release N. 158/2009**).

Looking back, the history of Africa's participation and the benefits gained from such engagement were minimal. Since the Summit in 1972 in Stockholm, Sweden and that of in 1992 in Rio de Janeiro, Brazil, and Johannesburg, South

Africa, in 2002, Africa has never expressed a common position on the environment or climate change. The continent has been neither been able to overcome its major limitations nor had the opportunity to assert its claims and request for compensation and damage caused by emissions of greenhouse gases (GHGs). Currently, Africa's main pillars of negotiation focus on shared vision, adaptation, mitigation, finance and technology. The stress is that Africa's climatic vulnerability is compounded by a very low capacity to adapt to the adverse effects of climate change. That requires to massively scaling up the funding in particular for adaptation. It also emphasises that finance for climate change has to be new, predictable, and adequate; and one that must be provided in addition to the development assistance Africa is currently receiving.

It is paradoxical that while Africa has played an insignificant role in global warming it is going to pay the highest price for climate changes. For a continent whose foundation of most of its economies remain agriculture and fisheries, the major impact of climate change on African populations will be from droughts and water shortage. Climate change will negatively affect water resources and thus the fertility of the land, thereby presenting a major threat to food security. This will lead to increased competition over resources that could turn violent. There is also real danger of coastal infrastructure of countries being flooded. That is a nightmare given three fourth of African countries have access to the sea. The various activities being undertaken at the AU level are the result of these dynamics

which also indicate that African leaders, representatives and experts of CAHOSCC have become increasingly aware of the far reaching implications of the problem to the fragility of the continent's peace and security situation.

Eventually, to what extent Africa has enhanced its negotiating position and whether it will be taken with the seriousness it deserves is yet to be seen. Meles Zenawi, the Ethiopian Prime Minister who leads Africa's negotiators, has threatened to walk out of talks if the December in Copenhagen fails to consider Africa's position. Irrespective of the outcome of the summit, the climate change agenda now remains critically important and timely one. For the AU's negotiation structure to bring the desired impact, current initiatives need to be coordinated, technical competence of the negotiators backed with political weight at the highest level, and stay engaged beyond the Copenhagen summit.

Key Documents

- (Assembly/AU/Dec.257(XIII) AU Assembly Decision on the African Common Position on climate change including the modalities of the representation of Africa to the world summit on climate change
- Assembly/AU/Dec.236 (XII) AU Assembly Decision on the African Common Position on Climate Change
- Submission by Algeria on behalf the African Group: Ad Hoc Working Group on

would welcome the establishment of a united but federal Somali state.

Scenario Planning

Scenario 1:

Somaliland's political leaders will manage to diffuse their current rivalries and maintain a unified front in pursuing a policy of national self-determination.

Scenario 2:

Riyale's regime could respond to the uncertain tense domestic political situation by fomenting tension with neighbouring Puntland to divert attention. An escalation of violence in the region would undermine efforts to stabilize what is becoming one of Africa's worst regional conflict systems.

Scenario 3:

Despite the MoU between the political parties the current opposition could boycott the election. This could unleash clan-based fragmentation and political infighting for the control of Somaliland politics. In addition, it could effectively undermine the institutions that have been established to govern, which would be a major setback for the process of democratic transition in the Somaliland.

Key Documents (continued)

Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP), 8 April 2009

- AU Commission Statement 158/2009 (21 August 2009) - African Common Position on Climate Change in Africa, Addis Ababa.

Scenario 4:

A process of resolving the potential clan-based fragmentation could be achieved by the traditional Council of Elders through the convening of dispute resolution processes.

Early Response Options:

Even though the AU has not formally recognized the independence of Somaliland, the spill-over effects in the autonomous region, if not managed appropriately, could further escalate the regional conflict dynamics in the Horn of Africa. It is therefore incumbent upon the Union to undertake some remedial measures to prevent the escalation of tension in the country. In this regard, the following options may be considered.

Option 1:

The AU could take proactive measures to defuse the growing crisis in Somaliland. The PSC could suggest to the AU Commission Chairperson to appoint a separate Special Envoy for Somaliland with a mandate to coordinate stakeholders' efforts as well as to report regularly to the Council. This would enable the PSC to adopt a more informed approach to dealing with Somaliland.

Option 2:

The PSC could recommend that the AU Commission provides assistance to Somaliland's National Electoral Commission which could benefit from additional resources and technical expertise.

Option 3:

The PSC could work in tandem with the IGAD and its member states, the UN Security Council,

the EU and the UN Office for Somalia to manage Somaliland's relationship with neighbouring countries, particularly Ethiopia and Puntland.

Option 4:

The PSC could recommend that the AU Assembly of Heads of State and Government recognise Somaliland as a sovereign and independent African country. Formal recognition could encourage the autonomous region to further consolidate democratic transition, which would enable it to play a more constructive role in assisting with the resolution of the crisis in Somalia.

Geo-Political Dynamics:

Pan-African and RECs Dynamics:

In December 2005, President Rayale submitted Somaliland's application for membership in the AU. The autonomous region claims that it is entitled to statehood because it possessed an independent status during the colonial era. In addition, following its independence from Great Britain in June 1960, it was briefly an independent sovereign state before it voluntarily acceded to Somalia. Despite the concerns that the recognition of Somaliland would lead to the fragmentation of Somalia and potentially set a precedent for other AU member states, an AU fact-finding mission in 2005 concluded the situation was sufficiently 'unique and self-justified in African political history' and recommended that the AU 'should find a special method of dealing with this outstanding case'. On 16 May 2006, Rayale met with the then AU Commission Chairperson, Alpha Oumar Konare, to discuss Somaliland's application for membership. The AU has not been prepared to take such a radical step and in

this regard has retained some of characteristics of its predecessor the OAU, notably on the issue protecting the territorial integrity of its member states. The issue of the recognition of Somaliland has there been left to stagnate. Its two neighbours, Ethiopia and Djibouti have allowed Somaliland to open liaison offices in their respective capitals and engage in a range of bilateral political and trade links. The late President Egal visited South Africa in 2002, which suggested that Pretoria tacitly endorsed Somaliland's quest for self-determination.

UN Dynamics:

On 2 October 2009, the UN Special Envoy to Somalia, Ahmedou Ould-Abdallah, issued a statement commending the political parties in Somaliland for signing the MoU on the presidential elections. Ould-Abdallah has also met with Riyale to discuss peace efforts and the forthcoming elections, based on a statement issued by the President's office. During the visit, the UN Envoy was quoted as stating that the organisation would 'open a new UN political affairs office in Hargeisa ...[and that] this office will further advance UN funding support to Somaliland in the fields of maritime security and counterterrorism.' President Riyale has formally requested that the UN award Somaliland a 'special status,' especially with respect to development projects funded by the UN. In July and August 2009, the UN also facilitated the visit of 13 Directors-General from Somaliland to Tanzania, Uganda and Rwanda, for an exchange of views on how to improve public administration and enhance service delivery.

Wider International Community Dynamics:

Somaliland has not been recognised by any country or inter-governmental organisation. However, it occupies a strategic position adjacent to the Gulf of Aden which is one of the world's major oil-transport routes, and major powers are keen to ensure the security of this region. Somaliland has therefore increased its formal links with the wider international community, through a forum known as 'Friends of Somaliland' which includes the United Kingdom. The Friends of Somaliland have openly stated that Somaliland deserves encouragement and support as the self-proclaimed state, because it has provided an area of relative stability in the volatile Horn of Africa region. Somaliland also has links with Belgium, Ghana, South Africa, Sweden, and Djibouti. On 17 January 2007, the European Union sent a delegation to Somaliland to discuss development cooperation. In 2007, President Riyale led his own delegation to attend the Commonwealth Heads of Government meeting which was convened in Kampala, Uganda. To enable the Somaliland National Electoral Commission undertake its responsibility effectively, the International Community, including donor governments and international organizations could provide adequate financial and logistical support.

Civil Society Dynamics:

The civil society activities in Somaliland have been substantially curtailed by the ongoing lack of security. Following the delay of elections, individuals within the Somaliland government have adopted a more adversarial stance with regard to critics in the fledgling free press. In late August 2009, Somaliland police

reportedly utilised excessive force against demonstrations in a number of key towns, including the capital Hargeisa. Somali civil society associations in the diaspora are actively campaigning for a comprehensive peace process in the region and within the autonomous territory of Somaliland.

Documentation:

Relevant AU Documents

- PSC/PR/COMM.2(CLXXIX) (15 June 2009) Report of the Chairperson of the AU Commission on the Situation in Somalia
- Statement by Special Envoy of the AU Commission Chairperson to Somalia calling for calm, 10 September 2009, Nairobi, Kenya.

UN Documents:

- 027/2009 (02 October 2009) Statement by the UN Special Representative to Somalia, 'Somalilanders agree on way forward to presidential elections', Nairobi, Kenya.
- S/2009/210 (16 April 2009) Secretary-General's Report requested by resolution 1863 on a possible UN peacekeeping deployment in Somalia

Useful Additional Resources:

- Berouk Mesfin, 'The Political Development of Somaliland and its conflict with Puntland', ISS Paper 200, September 2009.
- Michael Walls, 'Somaliland: Democracy Threatened', Chatham House Briefing Note, September 2009.

Important Forthcoming Dates

PSC Meetings

The PSC met in Abuja, Nigeria, on October 29, 2009 at the level of Heads of State and Government to consider the AU High – Level-Panel on Darfur (AUDP).

28 January - 2 February 2010: Election of Members of the Peace and Security Council.

AU Meetings, visits, reports

6 November 2009: Ministerial Meeting on the Rome Statute of the ICC, Addis Ababa, Ethiopia

28 January - 2 February 2010: 16th Ordinary Session of the Executive Council and the 14th Ordinary Session of the Assembly to be held in Addis Ababa, Ethiopia.

Expected Upcoming elections in Africa

Niger	4 November 2009	Presidential/National Assembly
Cote d'Ivoire	November 2009	Presidential/ Parliamentary
Namibia	November 2009	Presidential/ Parliamentary
Guinea	13 December 2009	Presidential
Chad	December 2009	National Assembly
Sudan	April 2010	National elections

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This Report is published through the support of the Ministry of Foreign Affairs of the Federal Republic of Germany, the Government of Denmark, the Foundation Open Society Institute, and the Humanity United Foundation. In addition, the Institute for Security Studies receives core support from the Governments of Norway, Sweden and the Netherlands.

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