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On the Agenda

Focus on human rights a change of direction for the AU

The theme of the AU in 2016 and of the 26th ordinary session of the Assembly of the African Union (AU), to be held in Addis Ababa from 30 to 31 January 2016, is ‘Human rights with a focus on the rights of women’. This theme illustrates a shift from the days of the Organization of African Unity that were marked by the principle of non-interference and a limited interest in the rights of vulnerable groups.

The Constitutive Act of the AU does emphasise the importance of human rights, but in its early years this was largely limited to adopting documents rather than taking concrete action. Over the last two years, however, the issue of human rights has filtered through to AU discourse and action on the ground. In South Sudan, for example, the AU at the end of 2013 mandated a commission led by former Nigerian president Olusegun Obasanjo to investigate human rights abuses by the warring parties.

Human rights observers have now also become a tool to prevent conflicts from escalating. The growing awareness in the AU of human rights violations is visible in the way it has dealt with the various stages of recent conflict situations. Human rights observers were sent to three countries: before and during the conflict (Burundi), after full-scale war had broken out (South Sudan) and after the signing of a peace deal (Mali). However, these missions still need to be clearly defined.

Human rights observers have now become a tool to prevent conflicts from escalating

Positive role for human rights observers in Burundi

The deployment of human rights observers in Burundi deserves a closer look. In contrast to the human rights observers in Mali, who were sent de facto, in Burundi these men and women are the first elements of an AU action to prevent the situation from deteriorating.

At its 507th meeting, the Peace and Security Council (PSC) defined the mandate of the observers as ‘to monitor the situation of human rights on the ground; report violations of human rights and international humanitarian law; [and] undertake conflict prevention and resolution activities’.

The selection of the observers is a joint process led by the Department of Political Affairs – in charge of human rights issues – and the Department for Peace and Security (DPS). At the strategic level, the human rights observers report primarily to the DPS. At the operational level, they fall under the supervision of the Special Envoy of the Chairperson of the AU Commission, Ibrahim Fall.

Obviously, it is a bit premature to assess the impact of human rights observers in Burundi. However, their deployment, followed by their report, has given the PSC

PSC Chairperson

H. E. Ahmat Awad Sakine

Ambassador of Chad and Permanent Representative to the AU and UNECA

Current members of the PSC

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

a glimpse of the gravity of the situation, says Institute for Security Studies senior researcher Yolande Bouka. The PSC's decision of 17 October, in which it adopted a more severe stance, is likely as a result of the first reports by the observers, said Bouka, who had recently undertaken field research in the country.

It is a bit premature to assess the impact of human rights observers in Burundi

She pointed out, however, that the lack of a Memorandum of Understanding – which is currently being negotiated by the AU and the Burundian government – blocks the full deployment of the observers countrywide. The AU's commitment to the protection of human rights is complicated by its dependence on the consent of the host state. Therefore, the AU must find the right balance between the necessity to intervene in cases of serious violations of human rights, as advocated by its Constitutive Act, and respect for the sovereignty of states defended by the same document.

What are human rights observers supposed to do?

Human rights observers face three challenges to their effectiveness and their long-term impact on the crisis.

The first is the need to involve the AU's relevant bodies. In Mali, human rights observers were chaired by a member of the African Commission on Human and Peoples' Rights (ACHPR). Thus, it was a showcase of cooperation between the PSC and the ACHPR. In Burundi, this collaboration has not been repeated. In this case the human rights observers are separate from the ACHPR's investigation of violations of human rights, requested by the PSC at its 17 October meeting. The need for efficiency, given the limited resources of the AU, requires a merger of these two initiatives.

The second challenge is assessing the effectiveness of the human rights observers. While the PSC broadly defines their mandate, no document sets out either the expected results of their deployment or the benchmarks by which to measure their progress.

Finally, such missions should also have a long-term goal: to define the landmarks of substantial governance reforms. From this perspective, the missions of human rights observers could constitute an important link between the African Peace and Security Architecture and the African Governance Architecture.

Increasing the ratification of legal instruments

If one measures the commitment of the AU towards human rights by the rate of ratification of existing legal instruments, it seems more than nuanced. Only the Constitutive Act was ratified by all 54 member states. The African Charter on Human Rights has been ratified by 53 states. The Maputo Protocol on the Rights of Women has a relatively high rate of ratification: 36 states have ratified it. The trend is reversed for the African Charter on Democracy, Elections and Governance, which has been ratified by only 10 states but signed by 28 (16 neither signed nor ratified it). To date, the protocol creating the African Court on Human and Peoples' Rights has been ratified by only 24 member states.

This low ratification rate limits the ability of the AU to respond effectively to crisis situations. For instance, in South Sudan, the AU Commission of Inquiry in South

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THE NUMBER OF STATES THAT HAVE RATIFIED THE PROTOCOL CREATING THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS

Sudan proposed a hybrid court – an ad hoc mechanism to try those responsible for crimes against humanity and war crimes. This is because the new African Court of Justice and Human Rights is not yet operational due to the lack of ratification by states and South Sudan is also not part of any AU instrument related to human rights.

Clearly, the AU must create incentive mechanisms to encourage states to ratify the various legal instruments. For example, any state wishing to be a member of the PSC could be required to have ratified at least two-thirds of the legal instruments relating to human rights. Such a requirement would legally empower the AU in managing crises.

The AU must create incentive mechanisms to encourage states to ratify the various legal instruments

Fighting impunity

Another challenge is the collective ability to deter violations of human rights. This means, among other issues, fighting impunity, notably among state officials. The AU is at loggerheads with the International Criminal Court, but it still does not have an effective mechanism to try the perpetrators of violations of human rights, including state officials.

Streamlining the AU mechanisms dealing with human rights

Human rights are a core issue in various positions and bodies. ‘Political rights’ are part of the mandate of the Department of Political Affairs. Children’s rights are included in the portfolio of the Department of Social Affairs. Many positions deal with women’s rights: the Directorate of Women, Gender and Development; the newly created Special Envoy for Women, Peace and Security; and the Special Rapporteur on the Rights of Women in the ACHPR. If these positions and organs seem to be complementary on paper, it should be clearly articulated.

Streamlining these mechanisms would make it easier for member states to respond to their reporting obligations and provide a focal point for the AU’s external partners. Three options could be considered:

Create the position of Special Adviser on Human Rights reporting to the AU Commission chairperson. Its mandate would include drafting a comprehensive strategy on human rights to be implemented by the existing actors and bodies.

Empower the Commissioner of Political Affairs to be in charge of all issues related to human rights. The department could be renamed the Department of Political Affairs and Human Rights. The benefit of this option is the reinforcement of an existing department that is already in charge of drafting a strategy on human rights.

Create the new position of Commissioner for Human Rights, with an extended portfolio encompassing political and social rights, and the rights of women and children. The commissioner could define the AU strategy for human rights and be in charge of its implementation. The new department could include the Directorate of Women, Gender and Development and the unit in charge of human rights in the existing Department of Political Affairs. The ACHPR could be attached to this department with an independent status. This option, however, risks diluting the human rights focus of other departments.



AMONG OTHERS, THE FOLLOWING POSITIONS DEAL WITH WOMEN’S RIGHTS:

- THE DIRECTORATE OF WOMEN, GENDER AND DEVELOPMENT
- THE SPECIAL ENVOY FOR WOMEN, PEACE AND SECURITY
- THE SPECIAL RAPPORTEUR ON THE RIGHTS OF WOMEN

On the Agenda

The AU in 2016: the reset and the challenges ahead



The main organs of the AU will be renewed in 2016 – changes that will affect the pan-African organisation for years to come. While a new chairperson of the AU Commission will be elected in July, a complete reshuffle of the members of the PSC will take place in January.

The new faces may bring their own new ideas and energy. Expect the regional heavyweights – in particular South Africa, Ethiopia and Nigeria – to receive another PSC term. In fact, Nigeria told the *PSC Report* earlier this year that it was virtually guaranteed a seat as a de facto permanent member. There is however, no clarity about the Southern African candidates and South Africa may well stay on after having served for two years on the council. It previously served a three-year term in 2004 and a two-year term in 2010.

The regional heavyweights – in particular South Africa, Ethiopia and Nigeria – can be expected to receive another PSC term

Electing the PSC: capability versus representivity

According to the protocol creating the PSC, its members are elected by the AU Executive Council, and then endorsed by the Assembly of Heads of State and Government. Five members are elected for three years while 10 are elected for two years.

Two sets of criteria guide the election of new members. The first set consists of the principles of equitable regional representation and national rotation. From this perspective, the seats are shared among the five regions in the following configuration: North Africa (two seats), West Africa (four seats), Central Africa (three seats), East Africa (three seats) and Southern Africa (three seats). A member state of each region is elected for three years.

There are nine other criteria that the Assembly should take into account, according to the protocol:

- A commitment to uphold the principles of the Union
- A contribution to the promotion and maintenance of peace and security in Africa (in this respect, experience in peace support operations is an added advantage)
- The capacity and commitment to shoulder the responsibilities entailed in membership
- Participation in conflict resolution, peacemaking and peacebuilding at regional and continental levels
- The willingness and ability to take responsibility for regional and conflict resolution initiatives
- Contribution to the Peace Fund and/or a special fund created for a specific purpose

- Respect for constitutional governance, in accordance with the Lomé Declaration, as well as for the rule of law and human rights
- Sufficiently staffed and equipped permanent missions at the AU and United Nations' (UN) headquarters to be able to shoulder the responsibilities that go with membership
- A commitment to honour financial obligations to the AU

The actual process of choosing the members of the PSC is slightly different, while respecting the guidelines set by the protocol creating the PSC. To ensure proper representivity in the PSC, each regional community proposes candidates for a seat to the Executive Council. It is decided at the regional level which countries will hold the three-year seats and which the two-year seats. The designation process differs depending on the region. There are currently two major trends.

To ensure proper representivity, each regional community proposes candidates

On one hand, there is an unbiased method that is aimed at allowing every state to participate in the PSC. In this case, the rotation among the states is according to alphabetical order. Central and West Africa use this method. However, the Economic Community of West African States (ECOWAS), has added two rules, whereby Nigeria is in permanent possession of the three-year seat, and the holders of the two-year seats are automatically allowed a second term.

In other cases, the process is based on merit. The states that want a seat on the PSC must assert their interests and advocate their case to their peers. East Africa has chosen this less predictable process, which relies on intra-regional dynamics.

In Southern Africa the process borrows from both trends: it follows alphabetical order, but a state can pass its turn. The other states then have to agree on a replacement.

What could happen?

Traditionally the election of the PSC members takes place in January, and new members take up office in April. Based on the above criteria and sources in Addis Ababa, some of the possible scenarios are:

- In North Africa, the next members are likely to be Tunisia and Egypt, although uncertainty remains about the position of Algeria, one of the continent's heavyweights.
- In West Africa, the likely candidates are Nigeria, Niger (for a second term), Sierra Leone and Liberia (both for their first term in the PSC).
- In Central Africa, under the current regulations, the likely candidates are Burundi, Chad and Cameroon. However, it is unsure whether Burundi will be accepted at the regional and continental level due to the situation in the country. Gabon apparently expressed interest in a seat on the PSC.
- In East Africa, Ethiopia, Uganda and Tanzania currently have seats on the PSC. According to several sources, Ethiopia and Uganda are eager to stay on, while Tanzania will leave the council. So far Kenya and Sudan have shown interest in taking up the remaining seat.
- In Southern Africa, if the alphabetical order is followed, Botswana, Malawi and Zimbabwe could be the next members. However, South Africa and Mozambique are also likely candidates.



TRADITIONALLY, NEW PSC MEMBERS ARE ELECTED IN JANUARY, AND TAKE UP OFFICE IN APRIL

Current PSC members (15)

Central Africa	East Africa	North Africa	Southern Africa	West Africa
Burundi (since 2014)	Ethiopia (since 2014)	Algeria (since 2013)	Mozambique (since 2013)	Nigeria (since 2004)
Chad (since 2014)	Tanzania (since 2012)	Libya (since 2010)	Namibia (since 2014)	Niger (since 2014)
Equatorial Guinea (since 2010)	Uganda (since 2013)		South Africa (since 2014)	Guinea (since 2014)
				The Gambia (since 2014)

Elections in 2016

Region	Seats available	States expected to be running for election	Years previously on the PSC
Central Africa	3	Burundi Cameroon Chad Gabon	Burundi (6 years) Cameroon (6 years) Chad (6 years) Gabon (6 years)
East Africa	3	Ethiopia Kenya Tanzania Uganda	Ethiopia (8 years) Kenya (5 years) Tanzania (4 years) Uganda (7 years)
North Africa	2	Egypt Tunisia Algeria	Egypt (4 years) Tunisia (2 years) Algeria (8 years)
Southern Africa	3	Botswana South Africa Mozambique	Botswana (2 years) South Africa (10 years) Mozambique (5 years)
West Africa	4	Nigeria Niger Sierra Leone Liberia	Nigeria (12 years) Niger (2 years) Sierra Leone (none) Liberia (none)

The challenges ahead

The main challenge faced by the PSC will be to maintain a high level of engagement in various crises on the continent.

Another challenge will be streamlining complementarity between the PSC and the regional mechanisms. In 2015, the principle of subsidiarity was challenged by the crises in Burundi and Burkina Faso, with uneven results. The next members of the PSC will have to define a more unified approach with their regional counterparts without compromising the values set by the various legal instruments.

There is also the possibility of change at the very top of the AU later in 2016. Nkosazana Dlamini-Zuma's term as chairperson of the AU Commission expires in July, and it is unclear yet whether she intends to run again. Analysts in South Africa consider her a favourite to succeed Jacob Zuma as president of South Africa when Zuma steps down in 2019, but if she is intent on pursuing this path she will not be able to complete another four-year stint in Addis Ababa.

New AU commissioners will also be elected in 2016, which has an important impact on dynamics within the institution and implementation of the decisions of the PSC.



Situation Analysis

On the radar of the PSC in 2016

The PSC begins every year with a daunting list of urgent priorities, unstable situations and imminent crises. 2016 is no different. As member states contemplate the year ahead, they will know that despite all the progress made on the continent, there is still plenty of hard work that needs doing, and even harder decisions that need taking.

Existing worries in South Sudan and Somalia

The PSC will go into the new year with several unresolved issues from 2015 hanging over its head. At the top of the agenda will be South Sudan, where the civil war continues despite the signing in August of a peace agreement between the government and the rebels. Both sides have been accused of instigated new hostilities, and these are only likely to increase as the country enters its dry season, the traditional fighting season (during the rainy season, much of South Sudan becomes impassable, which serves as a natural limit on military activity).

The question for the PSC is whether there are any measures left for it to take on South Sudan. It has tried patience, it has tried negotiations, and it has supported targeted sanctions and an arms embargo. None of this seems to have made a difference. Does the PSC have another trick up its sleeve, or does South Sudan highlight the limits of its power?

The PSC will, as always, concern itself with the progress being made in the fight against al-Shabaab in Somalia. The African Union Mission in Somalia (AMISOM) is the first major AU-owned military intervention, and as such has become a test case for similar future interventions. If AMISOM is a success, it might give the PSC another option when it comes to other seemingly intractable situations (such as South Sudan, perhaps).

Several revelations about AMISOM's conduct have called its mission into question

The situation in Somalia has reached a kind of impasse, however, with all sides – AMISOM, the federal government, al-Shabaab and the various autonomous regions – seeming to have settled into the status quo. While al-Shabaab is not regaining territory it has lost, it is still in control of much of the country, and reaches parts of Somalia that AMISOM cannot. The government, meanwhile, still relies entirely on AMISOM to maintain its limited authority.

Several revelations about AMISOM's conduct have called its mission into question, particularly reports about troops targeting civilians. More recently, an investigation by Journalists for Justice into AMISOM's Kenyan contingent concluded that Kenyan troops were responsible for gross human rights violations, and that elements of the Kenyan Defence Force were actively colluding with al-Shabaab in illegal sugar and charcoal smuggling rings. The PSC will need to carefully investigate these allegations, and, if they are true, find a way to reform the mission to ensure that it keeps to its mandate. This is particularly important in 2016, when Somalia is supposed to elect a

new president (although there is no guarantee that this election will go ahead).

A crucial role to play in Burundi

Another worry is Burundi, where violence is intensifying in the wake of President Pierre Nkurunziza's controversial re-election for a third term in office. The PSC took a strong stance against Nkurunziza's actions, including the imposition of targeted sanctions against individuals responsible for the instability, but these have had a minimal effect.

The situation has become so serious that the United Nations (UN) Security Council is now involved and debating responses, including boots on the ground (options include the creation of a new peacekeeping force, or the temporary redeployment of troops from the UN Organization Stabilization Mission in the Democratic Republic of the Congo). The PSC still has a crucial role to play, as it needs to be ready to advise the UN Security Council on the most effective response.

Last but not least, the PSC will be keeping a close eye on the ongoing situations in Burkina Faso, the Central African Republic (CAR), Libya, Mali and Nigeria. The council played a less direct role in these conflicts in 2015 as regional or international bodies took a greater interest, but they are nonetheless major threats to peace and security in Africa and remain firmly on the PSC's agenda.

The PSC will be hoping that Burkina Faso stays off its agenda following presidential elections in November. Can a new government deliver on the promises of the uprising that ousted former dictator Blaise Compaoré? More urgently, can it resolve the tensions within the armed forces that temporarily derailed the interim government in 2015?

In the CAR, a new government should be in place early in the year, with presidential and parliamentary elections scheduled for 27 December (first round) and 31 January 2016 (presidential run-off, if required). The incoming president will inherit all the problems that have plagued the interim administration – near-empty coffers, an unreliable military and a dysfunctional civil service – and will need considerable international support to stand any chance of resolving the conflict.

Instability in Libya and terrorism in Mali, Nigeria

Libya was in the headlines in 2015 largely because of its role as a key staging post for African and Syrian refugees heading to Europe – a major foreign policy concern for the European Union, the AU's largest funding partner. However, a solution to this problem can only be found within the context of a solution to Libya's larger political crisis.

Mali's continued instability was highlighted in November 2015 by the attack on the Radisson Blu hotel in Bamako, which left at least 21 people dead. The incident underscored Mali's role as a hub for violent Islamist movements in the Sahel. Despite progress in stabilising southern Mali, much of the north remains difficult to reach for both the government and the UN peacekeeping mission.

Nigeria, meanwhile, continues to battle the Boko Haram insurgency, which has drawn in other countries in the region. The PSC played a major role in 2015 in persuading affected countries to work together under the banner of the Multinational Joint Task Force, which is now headquartered in N'Djamena. The challenge in 2016 will be to make sure this force becomes fully operational.

Situations to watch: the two Congos, Egypt and Guinea-Bissau

No one can predict the future, but we can identify the issues most likely to develop into something more serious over the next year, and therefore attract further attention from the PSC.

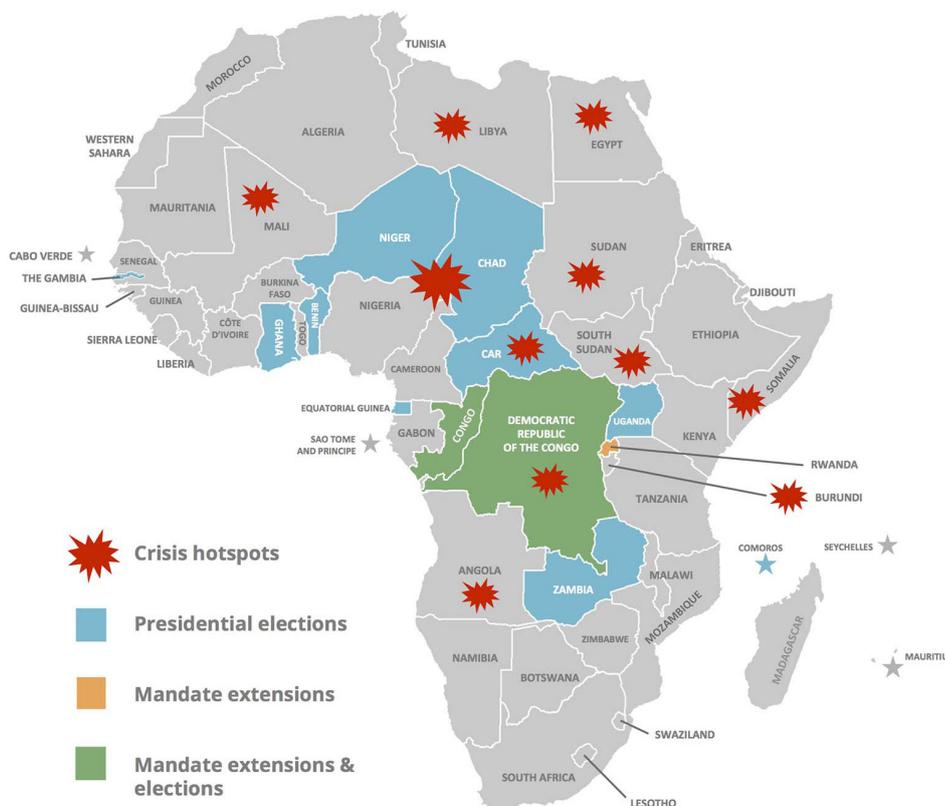
A major worry is the future of President Joseph Kabila, and particularly his presumed intention to run for a third term in office. This has already sparked huge protests across the Democratic Republic of the Congo (DRC), and is likely to lead to further civil unrest. How will Kabila respond? Will the opposition turn violent? The answers to these questions will determine the future of one of Africa's largest countries, which has enjoyed a period of relatively stability over the last few years. Similar dynamics are at play in the neighbouring Republic of Congo, where President Denis Sassou Nguessou also won a referendum allowing him to compete for another term. Both Congos are due a presidential election in 2016, which will concentrate tensions.

In the CAR, a new government should be in place early in the year

Another worry is the simmering insurgency in Egypt's Sinai Peninsula, which has worsened dramatically during the presidency of Abdel Fatah El-Sisi. The bomb that downed a Russian airliner in October is only the highest-profile example of the violent resistance in the area, which has attracted radical groups such as the Islamic State. The regime's heavy-handed response is only making matters worse, and increasing the likelihood of the violence extending from the Sinai into other parts of Egypt.

Also looking unstable at the moment is Guinea-Bissau. Since 1974 no president has completed a full five-year term in office, which illustrates just how unstable the political situation is.

Africa in 2016



Crisis hotspots

Angola	Growing political instability
Burundi	Instability due to political violence
Cameroon, Chad, Nigeria & Niger	Islamist insurgency
CAR	First elections after civil war & transition period
DRC	Potential term-limit extension & contentious election
Egypt	Developing insurgency
Libya	Civil war
Mali	Islamist insurgency
Niger	Attempted coup
Somalia	Ongoing civil war
South Sudan	Civil war
Sudan	War in Darfur

This year, President José Mário Vaz narrowly survived another constitutional crisis (which he precipitated by firing his prime minister), but his future is far from assured.

As always, the PSC will also be closely monitoring the various elections planned around the continent. In addition to the aforementioned elections in the CAR, Somalia, the DRC and the Republic of Congo, the poll in Uganda may be contentious. Citizens of Benin, Comoros, Chad, Equatorial Guinea, Gabon, The Gambia, Niger, São Tomé and Príncipe, Sierra Leone and Zambia will also choose new leaders.

The future of Africa's rapid response force

The PSC also needs to thrash out, once and for all, the future of Africa's rapid response force. Although the Amani II Africa exercise in South Africa was hailed as a success, it did little to clarify the confusion around the African Capacity for Immediate Response to Crises (ACIRC) and the rapid response unit of the African Standby Force (ASF).

There is still no clarity on how ready either is to be deployed, and how a deployment is ordered. Although, in theory, ACIRC should have been incorporated into the ASF, the two forces have very different operating and financial structures, as well as

different requirements for deployment, and the PSC needs to clearly explain how it is going to work in practice.

Overall, the PSC has another busy year ahead, and will need to hit the ground running in 2016.

Addis Insight

It's Shakespeare vs Molière at the African Union



It is never admitted publically, but the divide between anglophones and francophones still at times besets the corridors of the AU in Addis Ababa. As 2016 is the year of AU elections – for members of the PSC and for commissioners – the question can be asked if this issue will again rear its head. Or will it be a trump card in the hands of compromise candidates from the minority language groups within the AU?

Anglophone and francophone countries make up two-thirds of the member states of the AU. The other official languages of the AU are Portuguese and Arabic. Often key decisions within the organisation are influenced by the dynamics between these two groups of states. The tough competition for the position of chairperson of the AU Commission (AUC) in 2012 revived this divide, which many hoped would be obsolete by now. The victory of South Africa's Nkosazana Dlamini-Zuma over the incumbent Jean Ping was seen by some as a victory for anglophone Africa over francophone Africa. The fact that the two main positions in the organisation – chairperson and deputy chairperson – are held by South African and Kenyan nationals reinforces this impression. Yet one may question the relevance of this division in contemporary Africa.

The tough competition for the position of chairperson of the AU Commission revived this divide

As the AU's ancestor, the Organization of African Unity (OAU), was created in particular to fight the last bastions of colonialism, it seems paradoxical that the divide between its members results from the scramble for the continent by its colonisers. Moreover, the intrinsic reality of these linguistic blocks should be challenged. Are they homogeneous blocks? What if the divide among African countries lay elsewhere?

Legacy of two different colonial approaches

One of the issues that divide anglophone and francophone countries within the AU is their approach to the West and to their former colonial states, with francophones often accused of being too close to France.

This divide, according to experts, lies in the differing natures of the French and British colonial regimes, which saw direct (French) and indirect (British) rule. This in turn had an impact on the profile of African elites at independence. British historian Michael Crowder noted: 'The French did some encouragement to the formation of a native elite, which was absorbed into the territorial and federal administrative services, albeit not on a very large scale. The British on the other hand in the twenties and thirties actively discourages the formation of a class of Europeanized Africans, particularly at the level of the central colonial administration.'

Under the indirect rule of the British Empire, the colonised populations were regarded as 'indigenous'. However, under the French regime of assimilation, colonised subjects

were often considered to be French, provided they spoke the language and adhered to French cultural values. This allowed several future heads of state in francophone Africa to start their political careers in the French parliament before independence. Former Ivorian president Felix Houphouët-Boigny, for example, was a French parliamentarian before becoming the leader of an independent Côte d'Ivoire.

These crucial differences in colonial rule also had an impact on the relationship between the post-colonial elites and the international community, and were visible inside the OAU.

Except for Guinea, which refused to accept the conditions of independence dictated to it by France, most francophone states were 'granted' independence by their former colonial masters. Political elites in francophone countries maintained close relationships with France and Belgium through a range of agreements, such as continued military cooperation and the presence of French officials in government structures. Thus their relationship with the West was less hostile. These newly independent states were mostly non-aligned, with a strong inclination towards the West.

Most francophone states were 'granted' independence

In contrast, most anglophone states created their national identity in a struggle against their colonisers, led by national liberation movements. As a consequence, their political behaviour on the international scene – in the OAU and then the AU – is still shaped by this experience.

In addition, many anglophone states in Southern Africa obtained independence much later than francophone Africa, which also shapes a different experience vis-à-vis the West.

No clear-cut ideological divide

During the Cold War, however, the linguistic cleavage inside the OAU took a back seat and the split was mostly between 'moderates', with allegiance to the West, and 'progressives'. This divide was not clearly drawn along linguistic lines.

Most francophone states were 'moderate' while the 'progressives' were dominated by anglophone states such as Nigeria and Kenya. However, francophone Guinea and Mali, which turned towards the Soviet Union during the Cold War, were also labelled 'progressive'.

Meanwhile, the debate on the modalities of African unity also transcended the linguistic divide. The Casablanca Group, which gathered states favouring a total overhaul of the divisions left over from the colonial era, was heterogeneous. It included many francophone countries (Mali and Guinea), as well as

Morocco, Egypt, Libya and Algeria. Meanwhile, the Monrovia Group, which favoured stronger cooperation among the newly independent states, included Cameroon, Congo-Brazzaville, Côte d'Ivoire, Dahomey (Benin), Gabon, Haute-Volta (Burkina Faso), Madagascar, Mauritania, Niger, the Central African Republic, Senegal, Chad, Ethiopia, Liberia, Nigeria, Sierra Leone, Somalia, Togo, Tunisia and Congo (the Democratic Republic of the Congo, or DRC).

Contest for the OAU/AU chair

The anglophone–francophone divide often comes up when the organisation's members prepare to choose a new leader for the AUC in Addis Ababa. Here, as well, the picture is nuanced. For example, Diallo Telli, the second OAU secretary general from Guinea, was nominated by Kenya. In 1978, the contest between William Eteki Mboumoua and Edem Kodjo – from francophone Togo and Cameroon respectively – was based on their supposed ideological orientations. The first was considered progressive while the latter was accused of being too close to Paris. Kodjo won the race and served as secretary general from 1978 to 1983.

The feud of 2012

To this day, the perception remains among anglophone states that francophone states are 'not really independent', due to their strong institutional links with France. Nigerian President Muhammadu Buhari recently voiced this opinion in public when he said in a French television interview in September 2015 that 'France was still in charge in its former colonies'.

There was also a prevalent view in South Africa during the 2012 campaign for the AUC chair that Ping – French educated and a Gabonese national – would be unable to oppose France's intervention in places such as Côte d'Ivoire and Libya. Ping's defeat was celebrated as a proxy victory *a posteriori* against France.

Ping's defeat was celebrated as a proxy victory against France

Many of the reports about the bid for the AUC chairpersonship in 2012 stressed that Ping was 'largely backed by francophone countries' while Dlamini-Zuma was supported by anglophone countries, yet the reality was much more nuanced. Several anglophone countries 'defected' from supporting Dlamini-Zuma. Then-Institute for Security Studies researcher Mehari Maru noted in 2012: 'Some regional players such as Nigeria, Ghana, Egypt, Kenya and Ethiopia had actually promoted Dr Ping with the aim of preventing actively Dr Dlamini-Zuma's success.' One of the reasons for this opposition was the fact that South Africa's bid broke the unwritten rule that

candidates for the position of chairperson should come from smaller states.

Similarly, many francophone countries did not support the Gabonese candidate. Countries such as Benin, Burundi and Chad apparently voted for Dlamini-Zuma despite alleged French pressure to vote otherwise.

Clearly, more often than not, contemporary African states define their foreign policy based on their own interests, rather than the linguistic community they belong to. Often the adherence is to regional blocks rather than language. While Dlamini-Zuma was unconditionally supported by the Southern African Development Community (SADC), Ping failed to gather the same cohesive support in the Economic Community of Central African States (ECCAS) and the Economic Community of West African States (ECOWAS), eventually costing him the election.

Not English, French, Portuguese or even Arabic could be considered a uniquely African language

Some have pointed out that not English, French, Portuguese or even Arabic could be considered a uniquely African language. Dlamini-Zuma has been known to insert paragraphs of Swahili into her speeches. Perhaps another solution to Africa's language divide?

English dominates the current commission

The current AUC is characterised by a predominance of English-speaking personalities, with two English-speaking nationals holding the positions of AUC chairperson and AUC deputy chairperson.

Of the eight commissioners, four are from anglophone countries while two are from francophone countries. The split is more equitable among the eight directorates, where three are English speaking and two French speaking. Of the remaining three, one is headed by an Arabic speaker, one by an Ethiopian (Amharic speaker), and one is vacant. There is a striking imbalance in the organs reporting directly to the office of the chairperson: eight of the 11 bodies are headed by nationals from anglophone Africa, while the remaining two are held by French-speaking and Arabic-speaking nationals respectively. The cabinet of the chairperson is composed mostly of nationals from SADC countries, except for two nationals from Cameroon and the DRC.

Once again, the importance of the linguistic factor should be nuanced. One could also argue that the three prominent positions (AUC chairperson, deputy chairperson and

commissioner of peace and security) are held by nationals from countries ruled by former national liberation movements (South Africa, Kenya and Algeria). As was stated earlier, such a trend historically disadvantages francophone states in West and Central Africa, which have had a different history.

French on the decline

The decline of France as a major power on the international scene arguably has an impact on the influence that francophone states have on world affairs. Many francophone states, with the exception of countries such as Côte d'Ivoire, are relatively small, economically weak and characterised by deadlocked political systems. While some argue that this leads to less active diplomacy at the AU level, countries such as Senegal have traditionally punched above their weight in this regard. Senegal's President Macky Sall is chairing the New Partnership for Africa's Development steering committee and is seen as an important figure continentally.

Furthermore, the domination of English as an international language, to the detriment of French, also adds to the salience of the divide. In the daily life of the AU, the translation of documents and deliberations is a major issue. French-speaking officials often complain that, while they are eager to learn the language of Shakespeare, the reverse is rare. Thus, the language difference sometimes leads to a lack of understanding and political mistrust.

Is the divide between 'anglophones' and 'francophones' as relevant today as in the past? Clearly, despite many nuances, language differences still have an impact on attitudes that shape politics inside the AU. The next AUC should address this split by ensuring a more equitable distribution of positions inside the organisation.

Countries such as Senegal have traditionally punched above their weight

Documents

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Addis Insight

Mixed results for the PSC's decision-making in 2015

The PSC has had a huge number of crises on its plate this past year. Conflicts continue in South Sudan, the Central African Republic (CAR) and Libya, while Burundi has descended into a state of political turmoil and insecurity. Burkina Faso suffered a coup d'état in September and terror groups still wreck havoc in Nigeria and Somalia.

To try to tackle these issues the PSC met over 70 times after the PSC summit on 30 January 2015 and undertook two field trips to Mali and Sudan. Important decisions have been made, but with varying degrees of success.

Some of the PSC's more notable achievements in 2015 include getting buy-in from the West African region to set up the Multinational Joint Task Force (MNJTF) against Boko Haram. However, as the year draws to a close, the force is still not operational and needs international funding.

The PSC met over 70 times after the PSC summit on 30 January 2015 and undertook two field trips

In Burundi the PSC was pro-active but not always heeded, being constrained to hand over leadership to the East African Community (EAC). In Burkina Faso it achieved notable successes and contributed greatly to the fall of the military junta in September. However, the situation in South Sudan slipped out of its grasp despite endless meetings and summits to try to stop the devastating civil war. The PSC was also criticised by human rights groups for waiting almost eight months before releasing details of the Obasanjo report on the human rights abuses in South Sudan.

Supporting EAC efforts in Burundi

Burundi's situation arguably evolved the most in the past year. The country witnessed public protests in April 2015 following the announcement by President Pierre Nkurunziza that he would run for a third term. The political instability was followed by violent clashes and killings in the central African country. The PSC has discussed Burundi eight times since March 2015.

Although the AU is the guarantor of the Arusha Agreement, the initial involvement of the PSC mainly consisted of supporting the efforts of the EAC. Tanzania, the EAC chair, and Uganda, the EAC-designated mediator, are also members of the PSC, which provided a direct link between the two organisations. This is reflected in the PSC's communiqués of 14 May and 9 July, where the AU reiterated the EAC's calls to postpone elections and form a government of national unity. It also called upon Burundi to stick to the Arusha Agreement. The Bujumbura government, however, did not heed the PSC's call.

At the PSC meeting in Johannesburg on 13 June, the heads of state and government decided to deploy human rights observers and the military, which took place on 22 July.

17 October
2015

THE PSC ADOPTED SANCTIONS
AGAINST INDIVIDUALS IN BURUNDI

Clearly, the PSC's position on the situation in Burundi was ambiguous. While it called for the postponement of the presidential and legislative elections and the upholding of the Arusha Agreement, the body never explicitly excluded a third-term bid by the incumbent, which was the main cause of the tensions in the country. The AU seemed to focus on calming tensions rather than dealing with the heart of the matter. It is likely that Nkurunziza's legalist interpretation of the constitution was shared by some heads of state and government. From this perspective, it looks as though the PSC's call for the formation of a government of national unity was made in the expectation that elections would be held, while it was obvious the opposition would boycott the polls.

In its 531th meeting, held after the contested polls, the PSC only 'took note of the presidential and legislative elections' that were held despite its previous calls for a postponement. Some believed that sanctioning Burundi at this juncture, based on the African Charter for Democracy, Elections and Governance, could have prevented the crisis from escalating.

PSC steps up to the plate

The PSC meeting on 17 October marked a radical shift in the AU's approach. The body adopted sanctions against those responsible for the violence in Burundi; increased the number of human rights observers and military experts in the country; and asked not only for a monthly report on the situation of human rights but also that the African Commission on Human and Peoples' Rights investigate such violations. Furthermore, the PSC requested advance planning for the deployment of a military force 'should the situation deteriorate'.

These most recent decisions by the PSC attest to its intention to prevent the situation from deteriorating. Nevertheless, the state of affairs in Burundi has not improved despite the mobilisation of various tools (dispatching a high-level delegation in May, deploying human rights observers and military experts, and adopting sanctions). The relative ineffectiveness of the PSC mechanisms raises the question whether the body had chosen the right approach by focusing more on the consequences of the crisis than on its main cause.

PSC dragged its feet on South Sudan report

The civil war in South Sudan has been another frustrating issue for the PSC. The regional Intergovernmental Authority on Development (IGAD) has taken the lead in the peace process and the PSC's role has largely been limited to endorsing IGAD's decisions and recommendations. On various occasions the council expressed its disappointment at the failure of the South Sudanese warring parties to agree on outstanding matters and reach a political settlement. It also repeatedly

condemned the continued violence and catastrophic humanitarian situation.

However, the threatened sanctions did not materialise. The most notable decision by the PSC on South Sudan came from its meeting on 26 September at the level of heads of state and government. The meeting decided to release the highly anticipated report of the AU Commission of Inquiry on South Sudan (AUCISS) and terminated the mandate of the AUCISS. Aiming to advance the justice, reconciliation and healing process in South Sudan, the meeting endorsed the recommendations of the report, including the establishment of an independent hybrid judicial court, the Hybrid Court of South Sudan. The release of the report revealed the horrors of the war.

One notable and effective decision by the PSC was its rejection of the coup d'état against the transitional government in Burkina Faso

Strong action in Burkina Faso

One notable and effective decision by the PSC was its rejection of the coup d'état against the transitional government in Burkina Faso on 16 September this year. Building on its zero-tolerance policy towards unconstitutional changes of government, and on previous decisions in similar circumstances, the PSC meeting of 18 September suspended the country from the AU's activities and imposed a travel ban and asset freeze on all members of the 'National Committee for Democracy', which led the coup. Despite the softer approach chosen by the regional Economic Community of West African States, the AU sanctions proved effective and President Michel Kafando was reinstated. The PSC lifted the suspension of Burkina Faso from the AU's activities at its meeting on 26 September.

Hands-off approach towards Libya

The PSC still finds itself dealing with the consequences of United Nations (UN) Resolution 1973, which authorised a no-fly zone over Libya, and its failure to properly and timely deal with the Libyan civil war in 2011. Not surprisingly, the PSC has taken the backseat in the Libyan peace process led by the UN. Its role in the conflict situation in Libya is limited and usually stops at calling for an end to the violence and endorsing the efforts and decisions of the UN. The AU is part of the International Contact Group for Libya, which met several times during the year without having any real impact on the situation on the ground.

AU lives lost in Somalia

This has been a critical year for Somalia. The country's Vision 2016 and the state of the AU Mission in Somalia (AMISOM) have been the focus of the PSC's engagement. The PSC discussed the political progress and military gains made so far as a foundation for the proper implementation of the vision, which outlines drafting a new constitution, holding democratic elections and building administrative structures in Somalia. Following the devastating attack by al-Shabaab on AMISOM in June 2015, in which more than 50 members were killed, the AU endorsed an unprecedented offensive, launching a joint military operation by the Somali National Army and AMISOM. The reprisal, named 'Operation Juba Corridor', succeeded in pushing al-Shabaab out of substantial areas it had controlled in the past.

The attacks and kidnappings by Boko Haram reached their peak in 2014

A new force against Boko Haram

The attacks and kidnappings by Boko Haram reached their peak in 2014. The capacity and reach of the terror group now affect the entire Western African region. In its meeting on 29 January the PSC authorised the deployment of the MNJTF, a Lake Chad Basin Commission operation, with AU authorisation for an initial 12-month period with a force strength of 7 500 military and other personnel. The force has been established with the mandate to create a safe and secure environment, and to fully restore state authority in affected areas.

Support for the transition in the CAR

The PSC discussed the situation in the CAR several times in the past year. Most of the PSC's efforts were, however, limited to a follow-up and monitoring role. The council spent the year calling for the proper implementation of the road map to strengthen and institutionalise the transitional process in the CAR. The PSC endorsed the 'Republican Pact for Peace, National Reconciliation and Reconstruction' and the signing of the comprehensive agreement on disarmament, demobilisation, reintegration and repatriation, which details the steps needed to create inclusive and legitimate national security institutions in the war-torn country.

UNAMID's mandate extended

On 22 June the PSC discussed the situation in Darfur and examined the activities and future of the AU–UN Hybrid Operation in Darfur (UNAMID). The PSC reiterated its support for the 2010 Doha Document for Peace in Darfur, aimed at bringing a lasting political solution to the crisis, and

condemned attacks targeting the mission, which hamper its movement and activities. The council debated the future of the mission and decided to extend the mandate of UNAMID for another year.

UN–AU relations on a new footing

The issues of subsidiarity and cooperation between the UN and the AU have been a topic for discussion and debate between Addis Ababa and New York for years. In 2014 the UN formed the High-Level Independent Panel on UN Peace Operations to further study the issue and come up with a way forward. The panel presented its report – 'Uniting our strengths for peace, politics, partnership and people' – to the PSC on 10 August 2015. The new report was welcomed by the PSC as it revisited the recommendations of the Report of the AU–UN Panel on Modalities for Support to AU Peacekeeping Operations (commonly known as the Prodi Report).

The AU's reputation as a first respondent, and the changing views of the permanent members of the UN Security Council on the PSC, helped facilitate a paradigm shift. One of the PSC's most important decisions – overlooked by many – came out of its meeting on 26 September in New York, which discussed the partnership between the AU and the UN, particularly with regard to the funding of AU-led peace support operations undertaken with the consent of the UN Security Council. The decision by the PSC, which commits AU member states to fund up to 25% of peacekeeping operations while welcoming support through UN-assessed contributions, is strategic in defining the AU's role in peacekeeping operations and influencing UN–AU relations on the matter in favour of the AU.

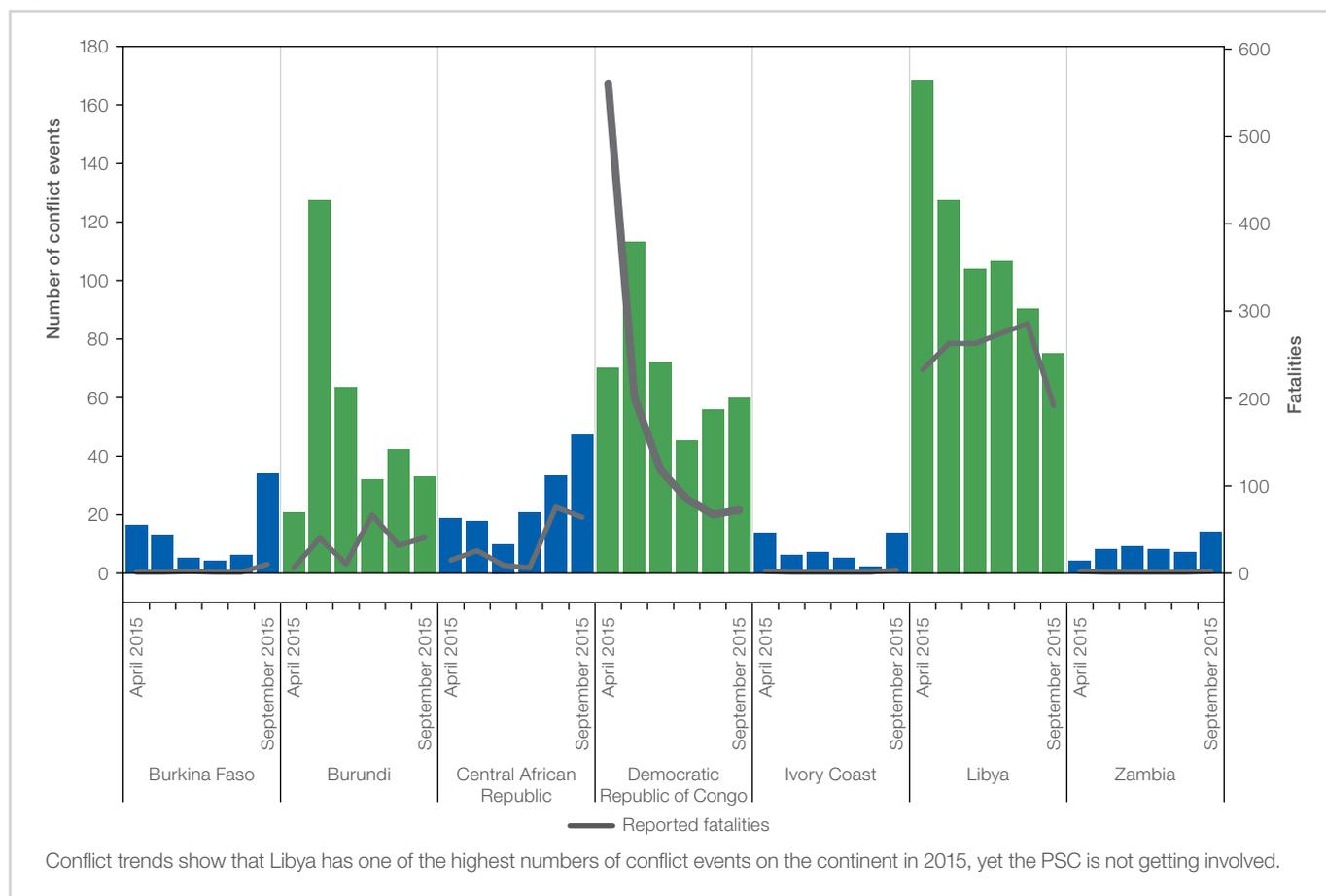
A close eye on elections

Following the open session on 14 January 2015, the PSC noted in its press statement that no fewer than 18 elections were scheduled to take place in African countries in 2015 and warned that some of these faced the risk of violence. The statement affirmed the need to closely monitor developments in these countries, make proper use of early warning systems and deploy preventive diplomacy initiatives. The 8 April meeting of the PSC was dedicated to these elections. It singled out the successful election in Nigeria, the most populous country on the continent, and urged other members of the AU to emulate its example in conducting peaceful and democratic elections.

New mechanisms to fight epidemics

In 2014, the PSC identified epidemics as an imminent security threat to the continent. The council also discussed the Ebola outbreak in West Africa at several of its meetings in 2015, and twice decided to extend the mandate of the AU

Figure 1: Political violence in 2015



Source: Armed Conflict Location and Event Data Project: Conflict Trends Report No.42 October 2015

Support to Ebola Outbreak in West Africa (ASEOWA) mission. The Ebola outbreak and post-Ebola recovery efforts in Guinea, Liberia and Sierra Leone were also on the agenda of the PSC on 21 October. The council called for a comprehensive approach to the post-Ebola recovery to properly respond to the social, economic and political consequences of the outbreak. The PSC also decided to establish the African Volunteer Health Corps as a mechanism to be deployed during outbreaks of epidemics, and which would report to the PSC on progress made.

Controversy over universal jurisdiction

The issue of the International Criminal Court and international jurisdiction dominated the AU's corridors and meetings in mid-2015. In June the controversy surrounding Sudanese President Omar Al-Bashir's attendance of the AU summit in South Africa, despite an ICC arrest warrant against him, was the focus of much debate. This had not been on the PSC's agenda. Another incident, the arrest of the intelligence chief of Rwanda, Lieutenant-General Karenzi Karake, in London on 22 June 2015 while on an official visit, did make it onto the agenda of the council.

The PSC meeting on 26 June discussed the situation and released a strongly worded statement calling for the fair and transparent implementation of the principle of universal jurisdiction. It said the move was 'politically motivated' and an attack not only on 'a Rwandan national, but on Africa as a whole', and called for the 'immediate and unconditional release' of the Rwandan intelligence chief. Karake was released on 11 August after a British court ruled in his favour.



PSC Interview

The AU should not try to duplicate the UN, says UK ambassador

Greg Dorey, outgoing British Ambassador to Ethiopia, Djibouti, the AU and the UN Economic Commission for Africa, speaks to the *PSC Report* about relations between the European Union (EU) and Africa, the increasing role of the PSC and the financing of African peace operations.

How important was the latest joint retreat between the EU Political and Security Committee and the PSC?

They discussed a lot of issues. The retreat was important as part of the process that also includes the EU–Africa summit, which took place in Brussels and went very well. These retreats help the two PSCs get into the detail of a very wide range of both cross-cutting issues and country situations. Every year the meetings [between the two bodies] are becoming more consensual and businesslike. On the majority of country situations the views seem to be much closer and there was high-level agreement. There were a few differences on the financing of peacekeeping, migration and Burundi in a relatively minor ways.

Do you see improving relations and better understanding between the AU PSC and the UN Security Council (UNSC) on peacekeeping?

Yes, generally I do. If you go back few years to 2011 in Libya, that was a low point in the relationship, but since then it has been improving all the time and the frequency of contact increased. In particular, the two councils had a very detailed and dense conversation on peacekeeping. It is a good thing that the AU isn't trying to duplicate the UN on everything. It is putting an emphasis on comparative advantage, burden sharing and common understanding; the three foundations of the African common position on peacekeeping.

Moving away from the ad hoc arrangement of the past, what we are witnessing now is a more sustainable way of funding peacekeeping. That needs African commitment, as expressed at the Johannesburg AU summit, but now we need to find out in more detail what it is the AU collectively and member states can do, and what the time lines look like for that. A common position among the African members of the UNSC in New York is important, while we and others work very closely with the PSC and the AU so that there are no misunderstandings. There is an increasing recognition in New York of the AU's peacekeeping efforts.

How do you view the funding of the African Peace and Security Architecture (APSA)? Is EU funding for the AU Mission in Somalia (AMISOM) going to continue at the current level?

Some APSA elements like the PSC are delivering more obviously than others. The key partners remain committed in this area, but obviously it needs a joint approach.

Sustainable funding of peace operations is needed. There are continuous discussions on the use that can be made of the African Peace Facility.

There is certainly a perception that Africa needs to produce some of the financing. That can include bringing in some non-traditional donors. Recent efforts by the AU Peace and Security Commissioner include visiting the Gulf States. China's announcement of US\$100 million [for African peacekeeping] is also an encouraging development in this regard.

As far as AMISOM is concerned, we don't want it to grind to a halt. It is doing very important work at the moment. It is winning the battle against al-Shabaab, at least on the battlefield, and it is providing the important space that will be needed in 2016 to build up the political structures and institutions in Somalia. The group of donors [for AMISOM] is actually small at the moment. We certainly need to increase it.

Do you think the AU has the right normative framework and the political will to respond to the recently escalating migration crisis?

Migration is very high on the political agenda in Europe. I think it is a bit early to talk about a normative framework at the AU because it is an evolving and a relatively new area. There was an African Common Position on Migration in 2006, but what we are talking about now is much more detailed and interactive.

The 1.8 billion euros announced at Valetta isn't the final size of the pot; it is the initial target focusing on a lot of upstream developmental projects dealing with the root causes of migration, border security and criminality aspects. My understanding is that following the Valetta meeting the AU is working on a follow-up, and there is a meeting coming up in Nairobi to take this work forward.

How do you examine the accessibility of the PSC for partners?

It is pretty accessible these days. It is not just the big open meetings but also semi-open meetings where, depending on the subject matter, certain partners would be invited along. As a member of the five permanent members of the UNSC, we are one of those who are frequently invited to attend. It gives us a chance to sit and listen to things first-hand rather than purely through a communiqué.

Our access to the PSD [Peace and Security Department] and the PSC Commissioner is also good.

Do you think the AU PSC's relevance and effectiveness is growing?

The PSC's effectiveness and relevance is growing all the time. They have got fairly robust powers within the AU and

there is a political willingness to use those powers. I think their effectiveness is helped by the way in which they look to the regional economic communities to stick to chartered principles. They provide oversight to avoid inconsistency and ensure common standards. That is a very important function the PSC provides. The link to the extremely important African Governance Architecture alongside APSA is also important. Its growing engagement with the EU PSC and the UNSC is helpful in terms of developing the AU PSC's knowledge and ability to interact with these organisations. I am very impressed with what I have seen in the past four years.

The next AU summit is on the theme of human rights. Has the AU made any progress in this regard?

Clearly, human rights are much more evidently on the agenda these days. Human rights issues frequently appear on the agenda of the PSC, guiding the decisions and actions taken by the council. It is very important that the Addis Charter on Democracy, Governance and Elections of 2007 has entered into force. We would like to see more African governments signing and ratifying it. Over time we are seeing some really good professional work being done by teams that are monitoring the elections. Sometimes it can be slightly undermined by political statements that are made by African leaders in conjunction with elections, but the technical work is pretty impressive. The interventions made by the AU African countries are very much informed by human rights concerns. I am glad it is a theme for the coming AU summit.

What can be done to resolve the crisis in Burundi?

We were pretty clear that seeking a third term was not a positive development in the case of Burundi. The constitutional court indeed said that it was acceptable. But the constitutional court was acting in circumstances that were not conducive to a proper legal opinion on the subject. The violence and human rights abuses that we have seen would appear to be a consequence of ignoring a very widespread, not unanimous, African and international community that President [Pierre] Nkurunziza should not have sought a third term. There does seem to be, within the AU, a growing view that third terms should be avoided and countries should not change their constitutions specifically to allow an individual to run for a third term when constitutions do not originally envisage that. Constant engagement with the parties, and making clear that what is happening at the moment is unacceptable and encouraging national dialogue is important.



About the ISS

The Institute for Security Studies is an African organisation that aims to enhance human security on the continent. It does independent and authoritative research, provides expert policy analysis and advice, and delivers practical training and technical assistance.

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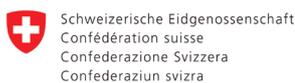
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Ministry of Foreign Affairs



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About us

The *Peace and Security Council (PSC) Report* is an initiative of the Institute for Security Studies (ISS) through its office in Addis Ababa, Ethiopia. It was established in 2009 with the principal aim of supporting and complementing the work of the African Union (AU) and its Peace and Security Council through the provision of regular, independent and research-based information on and analysis of the PSC and its activities. The *PSC Report* offers the wider constituency of the AU, as well as African civil society organisations, the media and the international diplomatic community a reliable means of following and tracking the work of the PSC.

The *PSC Report* accomplishes these objectives through the publication of regular reports on issues that are either on the PSC's agenda or that deserve its attention. Through its webpage dedicated exclusively to the ISS' work on the PSC, the *PSC Report* also offers regular updates on current and emerging agenda items of the PSC.

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