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1. The Panel of the Wise, established pursuant to Article 11 of the Protocol establishing the Peace and Security Council (PSC) of the African Union (AU), with the mandate to support the efforts of the Chairperson of the Commission and those of the PSC, particularly on conflict prevention, held its 4th meeting in Nairobi, Kenya, on 28 and 29 November 2008. The following members of the Panel participated in the meeting: Dr. Brigalia Bam, Madam Elizabeth Pognon, Mr. Miguel Trovaoda and Dr. Salim Ahmed Salim, who chaired the meeting in the absence of President Ahmed Ben Bella, who, due to unforeseen circumstances, could not attend the meeting.

2. The Panel's agenda revolved around three main issues: (i) consideration of the outcome and recommendations of the Workshop on Election-Related Conflicts, held in Nairobi from 26 to 27 November 2008 on the basis of a report prepared by a team of consultants; (ii) review of the state of peace and security in Africa and consideration of the steps to be taken by the Panel in support of the ongoing efforts to promote peace, security and stability; and (iii) consideration of its work programme for the rest of 2008 and 2009.

3. The AU Commissioner for Peace and Security, Ambassador Ramtane Lamamra, as well as a Senior Official of the United Nations Department of Political Affairs, Margaret Vogt, participated in the meeting.

I. ON THE OUTCOME AND RECOMMENDATIONS OF THE WORKSHOP ON ELECTION-RELATED CONFLICTS

4. The Panel commended the work so far done by the team of consultants, and expressed satisfaction at the successful conduct of the Workshop. It also expressed its gratitude to the Minister of Foreign Affairs and International Cooperation of the Republic of Kenya, Honourable Moses Wetangula, who addressed the participants at the Workshop.

5. The Panel requested the team of consultants to review the draft report it had prepared on the basis of the recommendations of the Workshop and the observations made by the members of the Panel of the Wise. The Panel agreed to convene a consultation with the PSC, as well as with other stakeholders, in February/March 2009, with the view to finalizing its report in April/May 2009. The Panel intends to submit its recommendations to the Assembly of the Union, at its ordinary session to be held in Antananarivo, Madagascar, in June 2009.

6. In the meantime, the Panel stressed that the AU is already adequately equipped with legal and political instruments on democratic governance and elections, and that the real challenge is to ensure their implementation. The Panel urged all Member States and political stakeholders to unreservedly commit themselves to the holding of free, fair and transparent elections, in accordance with the AU’s Declaration on the Principles Governing Democratic Elections in Africa, and to accept the results of elections or challenge them through exclusively legal channels.

7. The Panel called for the early ratification of the AU Charter on Democracy, Elections and Governance and strict adherence to existing AU instruments on democratic governance and elections.
II. REVIEW OF THE STATE OF PEACE AND SECURITY IN AFRICA

8. On the basis of the extensive briefings provided by the Commissioner for Peace and Security and the UN representative, the Panel reviewed the state of peace and security on the Continent. While welcoming the progress made in some parts of the Continent, the Panel expressed deep concern at the ongoing conflicts and violence facing many regions and countries in Africa.

9. The Panel encouraged the PSC and the Chairperson of the Commission to pursue and intensify their efforts in furtherance of peace, security and stability on the Continent, as well as ensure that the AU play a more proactive role for the protection of the affected civilian populations, including mobilizing humanitarian assistance from within the Continent, dispatching fact-finding missions and ensuring that those involved in serious violations of human rights and international humanitarian law are indeed held accountable, in line with the AU expressed commitment to fighting impunity. The Panel expressed full support to the ongoing peace efforts regarding the situation in Darfur, the implementation of the Comprehensive Peace Agreement (CPA) in the Sudan, the relations between Chad and Sudan, the Central African Republic and Northern Uganda.

10. More specifically, the Panel stressed the following:

(a) On Somalia

- The Panel took advantage of its presence in Nairobi to receive extensive briefing on the situation in that country and consult with Somali stakeholders, in particular the Prime Minister of the Transitional Federal Government (TFG), Nur Hussein Adde, and the Chairman of the Central Committee of the Alliance for the Re-liberation of Somalia (ARS), Honourable Sharif Hassan Sheik Aden. The Panel adopted a specific statement on the situation in Somalia.

(b) On the Democratic Republic of Congo (DRC)

- The Panel reiterated its deep concern at the situation in Eastern DRC and the resulting humanitarian crisis. The Panel noted the efforts undertaken by the countries of the region, including the Summit held in Nairobi on 11 November 2008, the AU, the European Union and the United Nations, including through the Special Envoy of the UN Secretary-General for the Great Lakes Region. It urged all concerned to redouble their efforts to bring about a lasting solution to the crisis in Eastern DRC and address the threats to peace and stability in the region as a whole, on the basis of the Goma Actes d'Engagement of 23 January 2008, and the Nairobi Joint Communiqué of 9 November 2007, as well as the respect of legality in the DRC.

- The Panel expressed support for the proposal to convene a ministerial meeting of the PSC devoted to the situation in the DRC, in order to facilitate coordination of efforts and speed up the search for a solution to the crisis.
(c) On Zimbabwe

- The Panel expressed deep concern at the prevailing humanitarian and socio-economic situation in Zimbabwe and the ever escalating suffering of the civilian population. The Panel expressed disappointment at the fact that nearly six months after the decision adopted by the Assembly of the Union in Sharm El Sheikh, Egypt, and two and a half months after the Agreement on Resolving the Challenges Facing Zimbabwe reached by the Zimbabwean parties, the establishment of a Government of National Unity that would enable Zimbabwe to tackle the numerous challenges facing it is yet to occur.

- Against this background, the Panel called on SADC and the AU to instil a new sense of urgency in their efforts to overcome the current obstacles in the implementation of the power sharing agreement and to take all actions required to this end. In particular, the Panel encouraged the Chairperson of the Commission, in close cooperation with the regional stakeholders, to explore all possibilities of assisting in overcoming the current impasse.

III. WORK PROGRAMME OF THE PANEL FOR THE REMAINDER OF 2008 AND 2009

11. The Panel reviewed its work Programme for the rest of the year and for 2009. It agreed on the missions that its members will undertake starting from December 2008 in various parts of the Continent, to further efforts at peace, security and stability. The Panel will consider the outcome of these missions in the first quarter of 2009.

12. The Panel also agreed to focus its thematic reflection for 2009 on an issue relevant to conflict prevention in Africa on the problematic of fighting impunity and its relationship with reconciliation and healing. This choice was informed by the renewed debate on this topic as illustrated, among others, by the situations in Northern Uganda (controversy over discussions with Joseph Kony, the leader of the Lord’s Resistance Army – LRA, in view of his indictment by the ICC) and Darfur (with the application by the ICC Prosecutor for an arrest warrant to be issued against the President of the Republic of the Sudan). The Panel also had in mind the problems posed by the application of the principle of universal jurisdiction and relevant AU decisions on the matter.

13. As has been the case for the ongoing reflection on election-related conflicts, the Panel will commission a report as well as organise a workshop. In this exercise, the Panel shall endeavour to complement and broaden other related AU efforts, including those of the High-Level Panel on Darfur established by the PSC at its 142nd meeting held in Addis Ababa on 21 July 2008.

IV. INTERACTIVE SESSION WITH HONOURABLE KALONZO MUSYOKA, VICE PRESIDENT OF THE REPUBLIC OF KENYA

14. Finally, in the course of its deliberations, the Panel had an interactive session with Honorable Kalonzo Musyoka, Vice President of the Republic of Kenya, on issues pertaining to its mandate and current activities. In particular, the session focussed on the lessons learnt on the crisis that followed the Kenyan general elections of December 2007.
and the steps taken in pursuance of the National Reconciliation Accord of 28 February 2008, as well as the situation in Somalia. The Panel thanked the Vice President for interacting with its members.

V. THANKS

15. The Panel expressed good wishes to President Ahmed Ben Bella, its substantive Chair, and thanked President Abdelaziz Bouteflika of Algeria for all the facilities provided by the Algerian Government towards the successful holding of its 3rd meeting in Algiers, from 12 to 14 October 2008.

16. The Panel also expressed sincere appreciation to President Mwai Kibaki of Kenya, Prime Minister Raila Odinga and the Government of Kenya as a whole, for their hospitality and support throughout the convening of the Workshop on Election-Related Conflicts and the 4th meeting of the Panel, in Nairobi.

VI. NEXT MEETING OF THE PANEL

17. The Panel decided to hold its next meeting in March 2009, in Addis Ababa, to consider the status of implementation of its Programme for 2009, particularly the finalization of its recommendations on election-related conflicts and assessment of the outcomes of the missions that will be undertaken by its members within the framework of the conflict prevention efforts of the AU.

Nairobi, 29 November 2008