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REPORT OF THE PEACE AND SECURITY COUNCIL
ON ITS ACTIVITIES AND THE STATE OF
PEACE AND SECURITY IN AFRICA
I. INTRODUCTION

1. According to Article 7(q) of the Protocol Relating to the Establishment of the Peace and Security Council (PSC) of the African Union (AU), the PSC shall “submit, through its Chairperson, regular reports to the Assembly on its activities and the state of peace and security in Africa.” The present report, prepared in conformity with the said Article, covers the activities undertaken by the Council from July 2009 to January 2010, and provides an overview of the state of peace and security on the continent during the period.

2. The specific aspects covered include the signature and ratification of the PSC Protocol, membership of the PSC, rotation of the chairmanship of the PSC, activities undertaken by the PSC, and the state of peace and security in Africa.

II. SIGNATURE AND RATIFICATION OF THE PSC PROTOCOL

3. Since its entry into force in December 2003, 51 member States have signed the PSC Protocol, while 44 have both signed and ratified it. Two member States are yet to sign and ratify the Protocol, namely, Cape Verde and Eritrea. The following member States have signed the Protocol, but have not yet ratified it: Central African Republic (CAR), Democratic Republic of Congo (DRC), Guinea Bissau, Guinea, Liberia, Seychelles and Somalia.

III. MEMBERSHIP OF THE PSC

4. As stipulated in Article 5 (1) of the Protocol, the PSC is composed of fifteen (15) members with equal rights and who are elected as follows: 10 members elected for a two (2) year term and five (5) members elected for a three (3) year term. The current list of the Council members in the English alphabetical order is as follows: Algeria, Angola, Benin, Burkina Faso, Burundi, Chad, Ethiopia, Gabon, Mali, Nigeria, Rwanda, Swaziland, Tunisia, Uganda and Zambia.

5. It is noteworthy that the mandate of the ten (10) members elected for two-year term and the mandate of the five (5) members elected for three-year term will both expire on 31 March 2010. Accordingly, during its fourteenth Ordinary Session, the Executive Council shall conduct elections for all the fifteen seats of the Council in line with decision Assembly/AU/Dec.106(VI) by which the Assembly, meeting at its 6th Ordinary Session held in Khartoum from 23 to 24 January 2006, delegated to the Executive Council its power for the election of the members of the Peace and Security Council under Article 5 (2) of the Protocol. The mandate of the newly elected members of the PSC shall commence on 1st April 2010, in line with the Conclusions of the July 2007 Dakar PSC Retreat on the working methods of the Council.
IV. ROTATION OF THE CHAIRMANSHIP OF THE PSC

6. In conformity with Rule 23 of the Rules of Procedure of the PSC, the chairmanship of the Council rotates among its members on a monthly basis following the English alphabetical order of the list of the PSC members. Furthermore, as provided for in the Conclusions of the July 2007 Dakar PSC Retreat, a new list of PSC members was elaborated following the election of ten members of Council for a two-year term by the Executive Council in January 2008, on the basis of which a line up of the rotating chairpersons of the PSC was drawn (see Annex I to this Report) covering the period from February 2008 up to March 2010.

7. During the period under review, the chairmanship of the PSC rotated as follows:

- Ethiopia  
  July 2009
- Gabon  
  August 2009
- Mali  
  September 2009
- Nigeria  
  October 2009
- Rwanda  
  November 2009
- Swaziland  
  December 2009
- Tunisia  
  January 2010

V. ACTIVITIES OF THE PEACE AND SECURITY COUNCIL

8. During the period under review, the PSC held nineteen (19) meetings. Eighteen (18) of these meetings took place at the ambassadorial level at the Headquarters of the Union, in Addis Ababa, and one (1) meeting at Heads of State and Government level in Abuja, on 29 October 2009, to consider various conflict situations and related issues. Among the meetings were briefing sessions to receive updates on various situations and issues. As is the established practice of the PSC, in conformity with the provisions of the PSC Protocol, the countries and other stakeholders concerned with a given issue were invited to some of these meetings and briefing sessions. The PSC also held informal consultations to deliberate on issues within its mandate.

a) Meetings on conflict and crisis situations and related issues

9. Between July 2009 and January 2010, the PSC considered the following conflict crisis situations: Burundi, Central African Republic, Madagascar, Republic of Guinea, Niger, Somalia and Sudan (Darfur and implementation of the Comprehensive Peace Agreement (CPA). It should be noted that the Abuja PSC Summit focused on the Report and Recommendations of the AU High Level Panel on Darfur (AUPD) and the situations in the Republic of Guinea and Niger. The list of meetings held by the PSC during the period and the issues discussed, as well as the outcomes of those meetings, are reflected in Annex II to this Report.
b) **Briefing sessions**

10. Between July and January 2010, the PSC held various briefing sessions with a view to receiving updates on issues falling under its mandate. Press statements were issued, in conformity with Rule 32 of the Rules of Procedures of the PSC, as a record of the discussions and outcomes of the sessions, as shown in Annex II. Among these sessions were briefings by the UN Regional Centre for Peace and Disarmament (UNREC) on the disarmament agenda of the UN, with a focus on the activities of the Centre and the need for closer collaboration between UNREC and the AU; the UN Peace Building Commission on its activities; and the Special Adviser of the UN Secretary General on Prevention of Genocide.

11. Some other briefings covered the evolution of the situations in Somalia, Burundi, Madagascar and the Republic of Guinea, as well as the AMANI Africa Exercise within the context of the development of the African Standby Force (ASF). The various briefing sessions and their respective outcomes are reflected in Annex II.

c) **Other activities falling within the purview of the PSC**

i) **PSC Field Mission to Sudan, 23-25 November 2009**

12. Based on the provisional programme of work of the PSC for November 2009, and the Council’s working methods, the PSC undertook a field mission to Sudan from 23 to 25 November 2009. The delegation visited Khartoum, El Fasher and Juba, where it held various meetings and consultations with the Sudanese stakeholders, representatives from the diplomatic community and those from the United Nations/African Hybrid Operation in Darfur (UNAMID). The objective of the field mission was to show continued solidarity with the people of Sudan, especially those in conflict-affected areas, and to reiterate AU’s support to the implementation of the CPA and the pursuit of the Darfur political process, in particular following the endorsement by the Abuja PSC Summit of the AUPD Report and the Recommendations contained therein. The Mission enabled the PSC to gather first hand information on the peace efforts and challenges at hand in Darfur, relating to the political process and the deployment of UNAMID, and in South Sudan with respect to the implementation of the CPA.

ii) **Briefings by Chairpersons of the PSC to the Permanent Representatives’ Committee (PRC)**

13. In line with the Conclusions of the Dakar Retreat on the Working Methods of the PSC, the Chairperson of the PSC for each month briefs the PRC at the end of his/her chairmanship on the activities undertaken by the PSC during the month. Notably, the successive Chairpersons of the PSC for the period under review, namely, Ethiopia, Gabon, Mali, Nigeria, Rwanda and Swaziland briefed the PRC on the activities undertaken by the PSC during the respective months of the period under review.

iii) **Meeting of the Panel of the Wise**

14. The Panel of the Wise, established in conformity with the provisions of Article 11 of the Protocol Relating to the Establishment of the Peace and Security Council of
the African Union to provide support to the efforts of the PSC and the Chairperson of the Commission in the promotion of peace, security and stability in Africa, held its 7th meeting in Addis Ababa, from 9 to 10 November 2009. The meeting was held under the chairmanship of Mr. Ahmed Ben Bella, Chairperson of the Panel, and focussed on various issues, including the report on Non-impunity, Justice and Reconciliation and its Recommendations; the Panel’s Action Plan for the implementation of its Report on Election-related Conflicts; and efforts towards peace, security and stability in Africa. The Panel commended the Report and Recommendations of the AU High Level Panel on Darfur as providing a clear roadmap towards the realisation of peace in Sudan as a whole. The Panel agreed to focus on women and children in conflict situations as its main theme of reflection in 2010.

d) **Retreat of the Peace and Security Council, Ezulwini, Swaziland, 17-19 December 2009**

15. As part of its evolving practice, and pursuant to the relevant provisions of the PSC Protocol and the decision adopted by the PSC at its 178th meeting held on 13 March 2009, to establish a Committee on Sanctions within the perspective of the overall efforts of the AU to combat and prevent unconstitutional changes of Government in Africa, a Retreat of the PSC was held in Ezulwini, Kingdom of Swaziland, from 17 to 19 December 2009. Also, the Retreat was held within the broad context provided by decisions of the AU Assembly, namely Assembly/AU/Dec.220(XII) and Assembly/AU/Dec.253(XIII) adopted in February 2009 and July 2009, respectively, on unconstitutional changes of Government and the need for consultations with relevant AU organs and institutions, on the ways and means of strengthening the capacity of the AU to deal with this scourge.

16. Following extensive deliberations, including on the various AU instruments on the matter and the need for taking measures to strengthen these instruments, and on the nature and functioning of the PSC Committee on Sanctions, the Retreat established the Ezulwini Framework for the Enhancement of the Implementation of African Union Sanctions in Situations of Unconstitutional Changes of Government in Africa, as reflected in Annex III attached to this Report.

e) **Joint Meeting of the AU Peace and Security Council (AUPSC) and the European Union Political and Security Committee (EUCOPS), Addis Ababa, 12 October 2009**

17. In line with the outcomes of the first joint meeting of the AU PSC and the EU PSC, held in Brussels on 30 September 2008, the two organs held their second joint meeting in Addis Ababa on 12 October 2009. The meeting had an exchange of views on issues relating to unconstitutional changes of Government; strengthening of capacities for the management and resolution of crises; prevention, management and resolution of disputes and tensions arising from elections in Africa; conflict situations (Somalia and Sudan: Darfur and CPA implementation); experiences and lessons learnt from conflicts in Europe and coordination on peace efforts within the framework of the United Nations. The next joint meeting of the two organs will be held in Brussels in 2010.
VI. STATE OF PEACE AND SECURITY IN AFRICA

18. The period under consideration was marked by sustained efforts aimed at accelerating the resolution of the crises and conflicts the Continent was undergoing while affirming Africa’s leadership in this respect, particularly through the AU. Two major events need to be mentioned. These were, on the one hand, the Special Session of the Assembly of the Union on Consideration and Resolution of Conflicts in Africa, which took place in Tripoli, Libya, on 31 August 2009. That meeting culminated in the adoption of the Tripoli Declaration (so-called) on the Elimination of Conflicts and Sustainable Promotion of Peace in Africa (SP/Assembly/PS/Decl.(I)) and a Plan of Action (SP/Assembly/PS/Plan(I)). The Special Session was clearly a success in as much as it enabled African leaders to agree on measures that need to be taken to deal with the challenges that have continued to face Africa in the area of peace and security.

19. The other event of significance was the Peace and Security Council (PSC) meeting at the level of Heads of State and Government, held in Abuja, Nigeria, on 29 October 2009, to consider the report of the AU High-Level Panel on Darfur, established pursuant to PSC Decision of 21 July 2008, and chaired by the former President of South Africa, Thabo Mbeki. This Panel submitted a comprehensive and quality report articulating a global and coherent approach to the crisis in Darfur which it rightly defined as a manifestation of a more global crisis affecting the whole of Sudan, resulting from the inequality which has continued to characterise relations between the centre and the Sudanese peripheries. It emerges that the Darfur crisis cannot see a lasting solution except within the framework of the resolution of the Sudanese crisis on the basis of sustained democratic transformation of the country as articulated in the Comprehensive Peace Agreement (CPA) of January 2005.

20. The following paragraphs present an account of the development in the various situations on the ground and the efforts deployed by the African Union to help resolve the situations or consolidate peace where it has been restored.

a) Madagascar

21. The efforts aimed at restoring constitutional order are still deadlocked, in spite of the sustained efforts deployed by the AU, in close collaboration with the other members of the International Contact Group on Madagascar (ICG-M). Following the second consultative meeting of the ICG-M in Addis Ababa, on 22 July 2009, the Chefs de File of the Malagasy political camps met in Maputo, from 5 to 9 August 2009, under the leadership of former President Joaquim Chissano, head of the SADC Mediation Team, assisted by the Special Envoys of the AU, the OIF and the UN. The meeting concluded with the adoption of the Charter of the Transition and the Maputo Agreements. In particular, they agreed on a neutral, inclusive, peaceful and consensual transition, which should not exceed fifteen months, starting from the date of the signing of the Maputo Agreements.

22. On 8 September 2009, and in a context marked by difficulties in the implementation of the Maputo Agreements, the de facto authorities unilaterally decided to form a National Union Government, without the participation of the three other political movements. In its 202th Meeting held on 10 September 2009, the PSC expressed its deep concern and emphasized that the Charter of the Transition and
the Maputo Agreements remained the consensual framework for a peaceful resolution of the crisis. Following the 3rd ICG-M meeting held in Antananarivo on 6 October 2009, which enabled progress to be made in regard to the appointment of a consensus Prime Minister, the Chefs de file of the political movements met in Addis Ababa from 3 to 7 November 2009. On that occasion, they adopted the Additional Act of Addis Ababa and undertook to establish, under the auspices of AU, a monitoring mechanism comprising, among others, SADC, OIF and the United Nations.

23. From 4 to 9 December 2009, and in light of the deadlock in the distribution of ministerial portfolios between the Malagasy political movements, President Guebuza Armando Emilio, in his capacity as Chairman of the SADC organ for policy, defense and security cooperation, and the former President Joachim Chissano, invited the Chefs de file of the political movements in Madagascar for a fresh meeting in Maputo. The de facto authorities declined the invitation. The resolutions adopted by the Maputo meeting were rejected by the Rajoelina camp. The de facto authorities therefore took a series of unilateral measures, including the abrogation of the edict ratifying the Charter of the Transition and the dismissal of the consensus Prime Minister. It is in this context that the 4th meeting of the Contact Group was held in Addis Ababa on 6 January 2010. The meeting in particular reaffirmed the validity of the inter-Malagasy agreements and lent its support to the initiative of the Chairperson of the Commission to present to the Malagasy parties “compromise solutions” on the pending issues. As at the time of finalization of this report, the Chairperson of the Commission was preparing to travel to Antananarivo to submit the said compromise proposals.

b) Comoros

24. In the past six months, the Commission continued with its efforts at consolidating the progress made in promoting stability and reconciliation in the Comoros. The focus was essentially on encouraging the Comorian parties to adopt a consensual approach in the implementation of the institutional reforms introduced by the new Constitution, adopted by referendum on 17 May 2009, and to support the organization of elections to the National Assembly and to the Council of the three Autonomous Islands. Measures were taken to ease the tension which characterized relations between the Government of the Union and the Executives of the Autonomous Islands. The claims of the Island authorities, particularly of Ngazidja and Mohéli, concerned maintaining their status of President, and compliance with the rotation of the Presidency of the Union, which should be the turn of the Island of Mohéli in 2010. On 23 October 2009, in Moroni, the Comorian Government and the opposition parties met in the presence of representatives of the international community, including the AU, to discuss the organization of legislative elections, and decided to postpone the elections by one week, the first round of which was scheduled for 6 December and the second round for 20 December 2009.

25. The elections took place on the new date agreed upon, with the parties of the presidential camp emerging as the winners. In conformity with the constitutional reform of 17 May 2009, the legislative organs of the Union and the Islands meeting in a Congress in January-February 2010, decided on the harmonization of the elections of the Chief Executives of the Union and the Islands. It is noteworthy that the term of office of the current President will end in May 2010, while those of the Governors of
the Autonomous Islands will expire in 2012, for Ngazidja and Mohéli, and in 2013, for Anjouan.

c) **Somalia**

26. Since the last Ordinary Session of the Assembly of the Union, the Transitional Federal Government (TFG) of Somalia has continued to pursue dialogue and reconciliation among the Somali people. President Sharif Ahmed has publicly pronounced his Government’s readiness to engage in dialogue with elements of the armed opposition, and remains open to talks with hard-line elements of the insurgency who commit themselves to renouncing and ending violence. Despite these peace overtures, Al Shabaab and Hisbul Islam have remained intransigent and have continued to perpetrate violence against the Government and people of Somalia, as well as against AMISOM. Among others, mention should be made of the attack perpetrated, on 17 September 2009, against AMISOM Force Headquarters, killing twenty people and injuring forty others, and the suicide bomber who targeted a medical school graduation ceremony, in Mogadishu, on 3 December 2009, killing twenty-five people and wounding several others. As a consequence of the precarious security situation, the humanitarian situation in the country has deteriorated. Furthermore, the TFG and the expanded Transitional Federal Parliament (TFP) have taken some positive steps to rebuild state institutions. On its part, AMISOM is working closely with the TFG to re-establish the Somali National Security Forces by conducting training and facilitating logistical and other support to the trained forces, as well as capacity building for the Government in the public service.

27. In August 2009, AMISOM was boosted by the deployment of an additional battalion of 850 Burundian troops, bringing the current troop strength to 5,268, comprised of three battalions each from Uganda and Burundi. This, however, is still short of the authorized troop strength of 8,000. In October 2009, the Government of Djibouti reaffirmed its commitment to deploy a contingent to AMISOM, in addition to providing personnel for interpretation and translation services. Furthermore, Burundi and Uganda are each envisaging contributing one additional battalion. Efforts have also been made regarding the deployment of the AMISOM police component. Police officers from Ghana, Nigeria, Sierra Leone and Uganda have been selected and are ready for deployment in the Mission area.

28. On 23 December 2009, the Security Council adopted resolution 1907 (2009), imposing sanctions on Eritrea for, among others, providing political, financial and logistical support to armed groups engaged in undermining peace and reconciliation in Somalia and the region. The sanctions include an arms embargo, as well as travel restrictions and asset freeze against, but not limited to, the Eritrean political and military leadership. The list of the concerned individuals and entities is to be designated by the Somalia Sanctions Committee. The adoption of this resolution followed the call made by the PSC, in May 2009, for the Security Council to take immediate measures against all those, both within and outside the region, especially Eritrea, providing support to the armed groups engaged in destabilization activities in Somalia. At its Sirte Session, the Assembly endorsed this call.

29. On 8 January 2010, the PSC renewed the mandate of AMISOM for a further period of 12 months. At the same time, it expressed its support to the Commission’s intention, in the coming weeks, to initiate an in-depth reflection on the situation in
Somalia, to take stock of the efforts undertaken to date and assess the level of support received from the international community, with the view of identifying appropriate additional measures needed to further the peace and reconciliation process in Somalia. This reflection is also necessary to bring all interested international actors and stakeholders to a broader and deeper awareness of the far-reaching stakes and the magnitude of the risks inherent in the evolving situation in Somalia.

d)  **Peace process between Eritrea and Ethiopia**

30. The peace process between Ethiopia and Eritrea remains stalemated. The only new development during the period under review relates to the Final Awards on each Party’s Claims, rendered on 17 August 2009 by the Ethio-Eritrea Claims Commission.

e)  **Relations between Djibouti and Eritrea**

31. In Sirte, the Assembly expressed its grave concern at the total absence of progress regarding the implementation by Eritrea of its relevant decisions, as well as of UN Security Council resolution 1862 (2009) of 14 January 2009, and urged Eritrea to urgently and fully comply with the demands contained therein. It should be recalled that resolution 1862 (2009) urged Eritrea and Djibouti to resolve their border dispute peacefully and demanded, *inter alia*, that Eritrea withdraw its forces and all their equipment to the positions of the *status quo ante* and engage actively in dialogue and diplomatic efforts to reach a solution.

32. During the period under review, the IGAD Council of Ministers, at its meetings held in Addis Ababa and Djibouti, on 10 July and from 7 to 8 December 2009, respectively, deliberated on the issue, notably calling upon the Security Council to urgently adopt sanctions against Eritrea. On 23 December 2009, the Security Council adopted resolution 1907(2009), in which it, *inter alia*, reiterated its serious concern at the refusal of Eritrea so far to engage in dialogue with Djibouti, or to accept bilateral contacts, mediation and facilitation efforts by sub-regional or regional organizations or to respond positively to the efforts of the UN Secretary-General. On this ground, and in view of the findings that Eritrea has provided support to armed groups in Somalia, the Security Council decided to impose an arms embargo on that country, in addition to travel restrictions and a freeze on the assets of its political and military leaders.

f)  **Burundi**

33. In Burundi, the process of implementation of the Peace Agreements between the Government and the last rebel movement, the PALIPEHUUTU-FNL, was successfully completed with the disarmament and demobilization of all the fighters, the integration of several of them into the country’s defense and security corps, the integration of senior civilian officials into the administration and the release of 203 political prisoners. To consolidate these gains, a Partnership for Peace comprising the representatives of the region and other members of the international community, including the AU, was established to support and accompany the rest of the process during the period prescribed for the preparation of the 2010 elections. Its mandate expired on 31 December 2009. With specific reference to the elections, Burundi
succeeded in setting up a consensual National Independent Electoral Commission and adopting on 11 September 2009 an Electoral Code accepted by all the political parties.

34. At its 199th meeting held on 17 August, the PSC noted with satisfaction the progress made in Burundi and encouraged the Burundian parties to persevere in their efforts. For his part, the South African Facilitator, the Honourable Minister Charles Nqakula proceeded to Arusha to submit his end of mandate report to the Regional Initiative on the sidelines of the East African Community Summit held on 20 November. He was received by President Jakaya Kikwete mandated to do so by the other Heads of State. On this occasion, the South African Facilitator recalled the remarkable progress made in Burundi. At the same time, he pointed out that there were still some issues for which appropriate solution needed to be found. President Kikwete took note of all these remarks and promised to make a report thereon to his peers. The issues in question were under consideration between the Government and the FNL within a bilateral framework. For its part, the AU is intent on pursuing its accompaniment of the efforts at peace consolidation and post-conflict reconstruction. A multidisciplinary evaluation mission is about to be dispatched to Burundi to identify the areas in which the AU could provide assistance.

g) Democratic Republic of Congo (DRC)

35. The security situation improved significantly in the eastern part of the country where the main national armed groups, signatories to the Goma Agreement of 23 March 2009, were getting increasingly involved in its implementation. In his traditional message to the nation on 31 December 2009, President Joseph Kabila referred to this situation as signalling “the end of uncertainties surrounding the prospect of peace in the eastern part of the country, following in particular the military operations mounted against foreign armed groups...”.

36. The Kimia II military operation launched against the FDLR in North Kivu by the Armed Forces of DRC (FARDC) with the support of MONUC, advanced to South Kivu on 12 July 2009. The FDLR retaliated by launching several deadly raids against FARDC bases, with violent attacks on the civilian population. The Congolese Authorities reported that the operation was a huge success. The arrest, on 17 November, in Germany, of Ignace Murwanashyaka and Straton Musoni, two key leaders of the FDLR, was hailed as a major blow against the FDLR. In December 2009, Kimia II Operation was renamed Amani Leo (“peace now” in Kiswahili), to demonstrate the will of its promoters to expeditiously achieve total peace. The period under review was also marked by the strengthening of relations between the DRC and Rwanda, actualized on 6 August, by a working visit of President Paul Kagame to Goma and by the holding in Kinshasa, from 17 to 19 December, of the 4th meeting of the DRC–Rwanda Joint Commission. Lastly, on 23 December 2009, the United Nations Security Council adopted resolution 1906 (2007) by which it extended the mandate of MONUC up to 31 May 2010.

37. As a follow up on the implementation of the relevant decisions of the PSC, the Commission plans to organize in Addis Ababa, from 23 to 24 March 2010, a meeting of the countries concerned by the issue of the Bororo nomadic shepherds, with a view to promoting a concerted and regional approach. In addition, and in pursuance
of the decision of the 163<sup>rd</sup> Meeting of the PSC and the Plan of Action adopted by the Special Session of the Assembly held in Tripoli, the Commission was gearing up, as at the time of finalising this report, to send a multidisciplinary mission to the DRC to evaluate the situation and come up with recommendations on how best the AU and its Member States could provide support towards post-conflict reconstruction in the DRC.

h) **Sudan**

i) **Southern Sudan/Comprehensive Peace Agreement (CPA)**

38. In January 2010, the implementation process of the CPA reached its fifth year. Over the past five years, there has been significant progress in the implementation of the CPA. At the same time, a number of challenges remain, which require the urgent attention and firm commitment of the Sudanese parties - the National Congress Party (NCP) and the Sudan People’s Liberation Movement (SPLM).

39. Sudan is scheduled to hold its national democratic elections in April 2010. This will be followed by the referendum for both Southern Sudan and the Abyei region to be conducted in January 2011, marking the end of the six-year Interim period of the CPA. The voter registration was successfully conducted from 1<sup>st</sup> November to 7 December 2009. In December 2009, the parties were able to agree and pass key bills relating to the referendum for Southern Sudan and that for the Abyei area, as well as laws regarding popular consultations for South Kordofan and Blue Nile. However, they could not agree on some articles of the national security bill, which was passed by the National Parliament on 20 December 2009, the SPLM voting against and other political parties boycotting the session. It is hoped that the remaining challenges, especially the delineation and demarcation of the North-South border, as well as the demarcation process of Abyei, in accordance with the ruling made in July 2009 by the Permanent Court of Arbitration (PAC), will be resolved soon. On its part, the AU is taking steps to support the electoral process. In this regard, two pre-election assessment missions were dispatched to Sudan in October and December 2009, respectively.

ii) **Darfur**

40. The major political event during the reporting period relates to the presentation of the report of the AU High Level Panel on Darfur to the PSC meeting at the level of Heads of State and Government, held in Abuja, on 29 October 2009. It should be recalled that the Panel was established pursuant to the PSC communiqué of 21 July 2008, with the mandate to make recommendations on how best to address the three interlocking issues of peace, justice and reconciliation in Darfur. The decision was subsequently endorsed by the 12<sup>th</sup> Ordinary Session of the Assembly, held in Addis Ababa from 1 to 3 February 2009. The AUPD was inaugurated on 19 March 2009 and, in pursuit of its mandate, consulted extensively with the people of Darfur, spending more than forty days in Sudan. The main message which the Panel heard and transmitted can be encapsulated in the definition of the crisis as “Sudan's crisis in Darfur”. Indeed, while many other factors are at play, it is fundamentally the historical legacy of Sudan's inequitable governance that led to armed uprisings in various parts of the country and the resulting cycle of conflicts. The Panel sees the Darfur crisis as a symptom of the wider crisis of the Sudanese nation, and it is its
strong view that the Darfur crisis can only be settled as part of an overall resolution of the Sudanese national crisis.

41. The Panel made a number of recommendations. As a starting point, it stressed that the problem of Darfur requires a political settlement and a process of negotiations that addresses all the issues of peace, justice and reconciliation, and that the Darfur negotiations should be inclusive, with the participation of the armed belligerents, but also all other stakeholders. One key component of the AUPD Recommendations relates to measures to ensure that justice is done. In that regard, the Panel recommended the establishment of a Hybrid Court to try those who assume the greatest responsibility for the crimes in Darfur. The Panel also made a number of recommendations on reconciliation, proposing, among others, the establishment of a Truth, Justice and Reconciliation Commission, to promote truth telling and appropriate acts of reconciliation, as well as to grant pardons as considered suitable. The Panel is of the view that many of its Recommendations can be implemented by the Sudan Government on a unilateral basis: these are both confidence-building measures and steps to facilitate the holding of the elections and the acceleration of the peace process.

42. At its meeting in Abuja, the PSC endorsed the Report and the Recommendations contained therein, and underlined that the latter provide a clear roadmap for achieving peace, reconciliation, justice and healing in Darfur, thus contributing to sustainable peace and stability in the Sudan as a whole. It requested the Chairperson of the Commission to establish an AU High Level Implementation Panel (AUHIP), comprising of former Presidents Thabo Mbeki, Pierre Buyoya and Abdulsalami Abubakar, to assist in the implementation of all aspects of the AUPD Recommendations, as well as in the implementation of the CPA and other related processes.

43. The AUHIP held its inaugural meeting in Addis Ababa, from 2 to 3 December 2009, to develop its program of work. Subsequently, the Panel travelled to Sudan, where it undertook extensive consultations with the Sudan Government and a range of other stakeholders. Furthermore, on 21 December 2009, the Chairperson of the Commission led a delegation comprising the Commissioner for Peace and Security and two of the AUHIP members, namely President Mbeki and Pierre Buyoya, to brief the UN Security Council. In the press statement issued at the end of the meeting, the members of the Security Council welcomed the report, underlined their appreciation for the balanced and comprehensive nature of the recommendations to promote peace, justice and reconciliation in Darfur and Sudan as a whole, and called for the Government of Sudan and other parties in Sudan and the region to work with President Thabo Mbeki and his colleagues, in coordination with the international community as appropriate. At the time of finalizing this report, steps were underway for the implementation of a set of activities in line with the Recommendations of the AUPD.

44. During the period under review, the Commission continued to monitor and support the efforts of the AU/UN Joint Mediation led by Mr. Djibril Bassolé. It is to be recalled that, since the beginning of the peace talks in Abuja, the Mediation has been focusing on meetings between the armed parties. A new chapter was opened with the launching of the civil society consultations in Doha in November 2009. On that occasion, the Chairperson of the Commission proceeded to Doha to lend his support
to this initiative. Subsequently, the Commissioner for Peace and Security jointly with the Assistant Secretary General of the League of Arab States also proceeded to Doha in January as part of the efforts aimed at launching the negotiations between the Sudanese Parties. As at the time of finalization of this Report, the Mediation was pursuing its consultations with the Parties with a view to preparing the negotiations. On the humanitarian front, efforts continue to be made to address the need of the affected populations. It should also be noted that some IDPs have returned to their places of origin. The security situation in Darfur remains relatively calm.

45. At its 198th meeting held in Addis Ababa on 21 July 2009, the PSC decided to extend, for a further period of 12 months, the mandate of UNAMID, and requested the UN Security Council to do the same. By resolution 1881(2009) dated 30 July 2009, the Security Council also decided to extend the mandate of UNAMID for another period of 12 months. It is worth mentioning that, during the period under review, the UNAMID’s leadership went through wide changes, in particular with the appointment of Mr. Ibrahim Gambari as the new Special Representative. Progress has continued to be made in the deployment of the Mission, with over 77% of the troops and 73% of the police personnel deployed. Unfortunately, shortfalls in key military multipliers and enablers continue to affect negatively the effectiveness of the Force. Finally, the 6th and the 7th Tripartite Coordination Mechanism meetings took place on 12 July and on 16 November 2009, in Khartoum. This Mechanism, involving the Government of Sudan, the AU and the UN, has continued to be instrumental in addressing issues related to the deployment of UNAMID.

i) Relations between Chad and the Sudan

46. During the period under review, relations between Chad and the Sudan, tense since the rebel attack in May 2009, improved significantly with the visit of a high-level Sudanese delegation to Chad from 10 to 11 October 2009, led by Ghazi Salahadine, Special Adviser to President Omar El Bashir. The delegation was received in audience by President Idriss Déby Itno. At the end of the visit, the two delegations expressed their satisfaction at the sincerity and understanding that prevailed during their discussions, and committed to take no action that could hamper relations between the two States.

47. As a follow-up to that visit, the Minister of Foreign Affairs of Chad, Moussa Faki, visited Khartoum from 24 to 25 December 2009, where he held talks with the highest authorities of the Sudan including President Omar El Bashir. In addition to reaffirmation of their will to normalize relations, the two countries agreed to work towards developing confidence-building measures; take concrete and reciprocal measures to put an end to the presence of rebellion in the two countries; organise a military and security experts’ meeting to reactivate the military and security Protocol; deploy joint monitoring forces and set up observation posts. The meeting of military experts was held in N’Djamena from 7 to 15 January 2010, culminating in the signing, on 15 January 2010, of an Agreement for normalization of relations between the Sudan and Chad, and of an Additional Protocol on border security. In accordance with the terms of these instruments, the two countries agreed to pursue implementation of the measures aimed at putting an end to the presence of, support to and any action by, the hostile armed groups operating in both countries as well as the measures for securing their common border, and to maintain regular contacts so as to facilitate attainment of their objectives.
48. It should be recalled here that, in the Tripoli Plan of Action, the Heads of State and Government agreed on a number of measures to facilitate the normalization of relations between Chad and the Sudan. These recommendations regarding normalization remain pertinent, particularly when Chad and the Sudan will engage in their respective electoral process. In fact, in Chad, following a consensual decision of the political class on 4 December 2009, legislative elections will be held this year pursuant to the Agreement of 13 August 2007. In the Sudan, preparations are underway for general elections to be held in April 2010. The success of these elections will also depend on the peaceful and security climate that the two countries are able to create along their common border.

j) Central African Republic (CAR)

49. The period under review was characterized by the preparation of the 2010 presidential and legislative elections and the implementation of the disarmament, demobilization and reintegration (DDR) programme. Following the promulgation of the electoral code on 2 October 2009, an Independent Electoral Commission (IEC) was established on 8 October 2009. The IEC adopted its calendar of activities according to which the first round of the presidential elections and the run-off were slated for 18 April and 23 May 2010, respectively. As regards the DDR, there were some delays in its implementation in relation to the calendar initially adopted. However, the imminent deployment of the military observers of the Mission for the Consolidation of Peace in CAR (MICOPAX) on the operations sites should help speed up the process. Concurrently, the Government has continued to implement its security sector reform programme, with the support of several external partners. In this regard, a sectoral Round Table was organized in Bangui on 29 October 2009.

50. For its part, the Commission carried out several activities in pursuance of the decision of the 195th Meeting of the PSC held on 17 June 2009. To this end, it participated in the activities of the All-inclusive Political Dialogue Recommendations' Follow-up Committee (CSRDPI) and in the Steering Committee of the DDR programme. It provided additional financial contribution in support of the activities of the CSRDPI. Furthermore, the Special Envoy of the Chairperson of the Commission was in Bangui from 17 to 20 November 2009 to ascertain, with the country’s authorities, the developments in the situation. Moreover, as part of the periodic evaluation of MICOPAX activities, an EU/AU/ECCAS tripartite meeting was held in Libreville from 9 to 11 November 2009. That gathering culminated in the adoption of the MICOPAX budget and an agreement for 14.7 million Euros financial input towards the African Peace Facility. Lastly, the AU opened a Liaison Office in CAR, in accordance with the relevant decisions of the PSC.

k) Cote d'Ivoire

51. The date, 29 November 2009, initially set aside for the presidential election could not be respected essentially because of the delays in drawing up the provisional voters register. Finally posted on 22 November 2009, the register comprised 5,300,586 persons whose Ivorian nationality had been ascertained, and a further 1,033,985 persons for whom additional investigations were needed to ascertain their nationality. The Permanent Consultative Framework (PCF) meeting in Ouagadougou on 3 December 2009 endorsed the proposal of the Chairperson of the
Independent Electoral Commission (IEC) in respect of holding the first round of the presidential election in the period “end February-beginning March 2010”. However, owing to several constraints, the treatment of complaints could not be concluded within the 38 days stipulated by the IEC, and this impacted negatively on the electoral calendar.

52. Concerning military issues, it is noteworthy that the President of the Republic signed seven decrees for harmonization of the grades and status of the soldiers of the Armed Forces of the New Forces who had been deployed in the Integrated Command Centre or had volunteered to join the new army. However, there has been little progress in the demobilization of ex-combatants, the dismantling of the militias and the deployment of ICC elements to secure the electoral process. Further, the United Nations Security Council on 29 October adopted Resolution 1893 (2009). This resolution, among others things, renewed until 31 October 2010, the sanctions imposed on Côte d’Ivoire in terms of arms embargo, measures against individuals concerning financial assets and travel restrictions, as well as the prohibition of the importation of rough diamonds from Côte d’Ivoire.

I) **Niger**

53. The situation in Niger features on the agenda of the competent authorities of ECOWAS and the AU. In a context that was marked by the approach of the end of the second and last five-year term of office of President Mamadou Tandja, the authorities of Niger organized on 4 August 2009 a referendum to adopt a new Constitution which recognizes the transition to the 6th Republic. This referendum was boycotted by the opposition and the new Constitution was approved with a “yes” vote. The new Constitution introduced a presidential system of government, extended the term of office of President Tandja which expired on 22 December 2009 for an additional period of three (3) years and abolished the limitation on the number of terms of office a President can serve. President Tandja justified these reforms by the need to pursue the work he had started and to endow Niger with institutions that are more suited to its realities. A number of political parties and civil society organizations objected to these reforms which they see as a serious setback for the democratic process in Niger. It should also be noted that both the National Assembly, before it was dissolved in May, and the Constitutional Court which was equally dissolved in June, just before President Tandja began exercising exceptional powers, contested the legality of the initiatives taken by the authorities of Niger. The adoption of the new Constitution was followed by the holding of parliamentary elections in December 2009.

54. ECOWAS took up the issue very quickly particularly by dispatching missions to Niger to find a solution to the situation. In doing so, ECOWAS acted on the basis of the Additional Protocol on Democracy and Good Governance. This instrument proscribes any substantial reform of the electoral law within the six months preceding an election without the consent of a large majority of the political actors; it also stipulates that elections must be organized within the prescribed timeframe. At its Extraordinary Summit held in Abuja on 17 October 2009, ECOWAS was of the opinion that the holding of the referendum on 4 August and the circumstances surrounding its organization were against the spirit and the letter of the Constitution of the country and was in flagrant violation of the Additional Protocol of ECOWAS on Democracy and Good Governance. The Summit decided to impose sanctions against
Niger as provided for in Article 45 of the Protocol and to dispatch a high-level mission comprising President Ellen Johnson-Sirleaf and General Abdulsalami A. Abubakar to meet President Tandja and deliver the message from the Summit. General Abubakar was also designated as the mediator for ECOWAS. At its 207th meeting held in Abuja on 29 October 2009, the PSC endorsed the decisions taken by ECOWAS and requested the Chairperson of the Commission to redouble efforts and continue to work closely with ECOWAS to promote an expeditious resolution of the crisis and the democratic functioning of the institutions of Niger with the participation and support of all its political forces. It should be noted that AU had dispatched an emissary to Niamey in June to inquire about developments in the situation. The Commission subsequently participated in a tripartite mission comprising AU-ECOWAS-UN which met in Niger in July 2009.

55. The political dialogue among the people of Niger began in Niamey on 21 December 2009 with General Abdulsalami Abubakar as Facilitator. The objective was to arrive at a political consensus in order to achieve a return to constitutional order. The AU participated in the various rounds of discussions that were held in December 2009 and in January 2010. No progress was recorded since the parties failed to agree on the ways and means of breaking the present deadlock. On 22 December 2009, ECOWAS issued a communiqué in which it took note of the fact that the date of 22 December 2009 marked the end of the term of office of President Mamadou Tandja as required by law. At the same time ECOWAS made an urgent appeal to the people of Niger in general and to the stakeholders to engage in dialogue in order to thwart any act that could threaten the peace of the country or disturb public order.

m) Liberia

56. In Liberia, the overall security situation remains stable and steady progress continues to be made regarding peace-building. On 21 July 2009, the National Commission on Disarmament, Demobilization, Rehabilitation and Reintegration (NCDDRR) program was officially closed by President Ellen Johnson-Sirleaf. The United Nations Mission in Liberia (UNMIL), whose mandate was renewed in September 2009, continues to maintain a credible presence in the country. On 17 December 2009, the UN Security Council adopted resolution 1903 (2009), lifting the arms embargo which was imposed on Liberia during the reign of former President Charles Taylor, while, at the same time, extending, for 12 months, its travel ban on individuals deemed to be a threat to the peace efforts. Finally, on 8 December 2009, the Truth and Reconciliation Commission (TRC) formally released the edited version of its final report. President Ellen Johnson-Sirleaf welcomed the report and stated that a process was underway to formulate the right strategy for implementing it.

n) Guinea

57. The period following the Sirte session was marked by crucial developments: first was that the de facto authorities backpedalled on all the commitments they had made at ECOWAS Summit of January 2009, on the basis of which the AU and ECOWAS had decided to accompany the process of restoring constitutional order. The second development was the deliberate massacre of unarmed civilians by elements of the Guinean security forces, during a peaceful demonstration organised by the democratic opposition in Conakry on 28 September 2009.
58. As a result, at its 207th Meeting held on 29 October 2009, the PSC requested the Commission to take all necessary measures to implement the targeted sanctions against the President and CNDD members, as well as members of the Government and other individuals, whose activities are aimed at maintaining the unconstitutional status quo in Guinea. At the same time, Council expressed its full support for setting up an International Commission of Inquiry into the events of 28 September 2009, and reaffirmed its full backing for the mediation entrusted to President Blaise Compaoré of Burkina Faso by ECOWAS in September 2009. Subsequently, and in close collaboration with ECOWAS, the Commission drew up a list of the individuals targeted by the sanctions which was transmitted to Member States and to AU partners. In the same vein, the United Nations Secretary General appointed the three members of the International Commission of Inquiry, the report of which was forward to the United Nations Secretary General, the Security Council, and to AU Commission and ECOWAS Commission. At the same time, President Compaoré pursued his mediation efforts.

59. On 3 December 2009, the President of CNDD was victim of assassination attempt perpetrated by his aide de camp in a context relating to the investigation on the killings of 28 September 2009. As at the time of finalization of this report, the situation had evolved in a positive direction with the conclusion in Ouagadougou of an agreement providing, among other things, for the establishment of a Government of National Unity headed by the Prime Minister, Chairperson of the Council of Ministers, emanating from the Forum of Active Forces; the holding of elections within six months; and non-presentation as candidates in the upcoming elections by members of the CNDD and of the Government; and for General Sékouba Konaté, then Vice-President of CNDD and Minister of Defense, to assume the duties of Head of State in acting capacity.

o) Guinea Bissau

60. The situation has evolved in a positive direction with the holding of early presidential election, the second round of which took place on 26 July 2009. The exercise was deemed to have been fair, transparent and credible by all the international observers, including those of the AU. It is noteworthy that, ahead of the second round and given the climate of tension prevailing at the time, the Special Envoy of the Chairperson of the Commission, João Bernardo de Miranda, proceeded to Guinea Bissau. On that occasion, he got the two candidates – Malam Bacai Sanha of the African Party for the Independence of Guinea and Cape Verde (PAIGC), and Kumba Yala of the Party for Social Renewal (PSR) – to sign a “Memorandum of Understanding”. It was on that basis that Kumba Yala conceded defeat and congratulated his opponent who was elected with 63.31% of the votes.

61. As regards the inquiry into the political assassinations that occurred in 2009, the Government set up a national commission and requested assistance for establishment of an International Commission of Inquiry. In the same vein, the determination of the political authorities to combat drug trafficking resulted in the significant reduction of this phenomenon. Furthermore, the Peoples’ National Assembly put up a bill on national reconciliation perceived as a prerequisite for the reconstitution of the national fabric and social cohesion. Lastly, as part of implementation of the Praia Plan of Action, the Government solicited technical
assistance from AU and ECOWAS towards finalization and costing of the projects to be submitted to the Donors’ Conference scheduled to be held in Abuja early this year.

62. It is to be recalled that the Tripoli Special Session decided to work resiliently towards the expeditious deployment of an AU-ECOWAS joint stabilization mission to, \textit{inter alia}, consolidate peace and stability and provide the support needed for reform of the security sector, post-conflict reconstruction and development and for combating drug trafficking. Pursuant to that decision, an AU-ECOWAS joint mission was fielded to Guinea Bissau from 30 October to 10 November 2009. Consideration of the recommendations of this mission is under way.

p) **Mauritania**

63. In pursuance of the relevant AU decisions and to mark the end of its mission, the International Contact Group on Mauritania met in Nouakchott on 10 September 2009. On that occasion, the Group reviewed the developments in the situation since the signing in Nouakchott on 4 June 2009, of the Dakar Framework Agreement, and expressed satisfaction at the restoration of constitutional legality with the conduct of presidential election on 18 July 2009. At separate consultations, the three Mauritanian political movements signatories to the Framework Agreement reaffirmed their adherence to Article 4 (vii) of this Agreement regarding inclusive national political dialogue. The Group recommended that implementation of this provision of the Article be done expeditiously and in a consensual manner. It also underscored the need for adequate financial and economic assistance to consolidate the progress achieved.

q) **Western Sahara**

64. No progress has been made in overcoming the stalemate over the question of Western Sahara. It will be recalled that four rounds of direct talks between the two parties were convened in Manhasset, New York, pursuant to UN Security Council resolutions 1754 and 1783 (2007) and 1813 (2008), which had called for "direct negotiations without preconditions and in good faith..., with a view to achieving a just, lasting and mutually acceptable political solution which will provide for the self-determination of the people of Western Sahara...". In resolution 1871(2009) adopted in April 2009, the UN Security Council further renewed its call to the parties to cooperate with the Secretary-General towards the implementation of its previous resolutions on the holding of direct negotiations.

65. As the Security Council had also endorsed the proposal to hold "small, informal talks", in preparation for a fifth round of negotiations, such a meeting was held last August in Durnstien, Austria. While no breakthrough was achieved at the meeting, the Kingdom of Morocco and the Polisaro Front were reported to have held discussions in an atmosphere of mutual respect. The two parties reiterated their commitment to continue with the negotiations as soon as arrangements are finalized through further consultations. The Personal Envoy of the UN Secretary-General has since continued with his consultations with the parties, as well as with Algeria and Mauritania, as neighboring countries, but has not, as yet, been in a position to announce the date and venue for the next meeting.
66. In the meantime, there has been some escalation of tension in the Territory between the Moroccan authorities and the Sahrawi human rights and pro-self-determination activists. The situation of Ms Aminatou Haidar, who went on a thirty-two day protest hunger strike in Lanzarote, the Canary Islands, to where she had been deported, provoking sympathetic worldwide concerns on her plight, is a vivid case in point.

XII. CONCLUSION

67. The past six months have been characterised by intensified efforts at promoting peace, security and stability. Several crucial initiatives were taken to monitor and follow up on the situation, thus ensuring that the decisions adopted are effectively translated into concrete actions. In this regard, the Year of Peace and Security proclaimed by the Tripoli Special Session offers a unique opportunity to infuse fresh impetus into the endeavours aimed at extricating the Continent from the scourge of war, violence and instability. The year 2010 will also be of special significance as it will see the start of implementation of two fundamental instruments of the African Union which entered into force in 2009, namely: the Pelindaba Treaty on the African Nuclear-Weapon-Free Zone and the African Union Non-Aggression and Common Defence Pact. It is hoped that 2010 will also usher in the entry into force of the African Charter on Democracy, Elections and Governance, adherence to which will in no small measure contribute to structural prevention of conflicts in the Continent.

68. One crucial element of the peace initiatives relates to partnership with the rest of the international community. Experience these past years has shown that, to attain the goal of a Continent at peace not only with itself, but also with the rest of the world, it is of critical importance that Africa continues to consolidate its relations with its key partners. I take this opportunity to once again express AU’s gratitude to our bilateral and multilateral partners for their assistance. At the same time, as was rightly underscored by the Special Session of the Assembly of the Union on the Consideration and Resolution of Conflicts in Africa, “we reiterate our determination to ensure that these partnerships are fully based on Africa’s leadership, because without such leadership, there will be no ownership and sustainability; because we understand the problems far better than those who come from far away; because we know which solutions will work, and how we can get there; and because, fundamentally, these problems are ours, and we will live with their consequences”.

### ROTATING CHAIRMANSHIP OF THE PEACE AND SECURITY COUNCIL
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<td>Zambia</td>
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EZULWINI FRAMEWORK FOR THE ENHANCEMENT OF THE IMPLEMENTATION OF AFRICAN UNION SANCTIONS IN SITUATIONS OF UNCONSTITUTIONAL CHANGES OF GOVERNMENT IN AFRICA (PSC/PR/2(CCXIII))

I. INTRODUCTION

1. In pursuance of the Decision of the Peace and Security Council (PSC) of the African Union (AU) at its 178th meeting, held on 13 March 2009, to establish a Committee on Sanctions within the perspective of the overall efforts of the AU to combat and prevent unconstitutional changes of Government in Africa, a Retreat of the Peace and Security Council was held in Ezulwini, Kingdom of Swaziland, from 17 to 19 December 2009. The process was sequel to the Decisions of the Assembly, [Assembly/AU/Dec.220(XII) and Assembly/AU/Dec.253(XIII)] adopted in February and July 2009, respectively, within the framework of the implementation of preventive measures against unconstitutional changes of Government and the need for consultations with the Regional Economic Communities (RECs), the Pan-African Parliament (PAP), the organs and institutions of the AU, on the ways and means of strengthening the capacity of the AU to deal with the scourge of unconstitutional changes of Government in Africa.

2. In this regard, following extensive deliberations, the Retreat adopted the conclusions outlined below.

II. CONCLUSIONS OF THE RETREAT

A. Enhancing the effectiveness of the legal framework in the implementation of AU Instruments against unconstitutional changes of Government in Africa

3. By the Lomé Declaration, and reinforced by provisions in the AU Constitutive Act and the PSC Protocol, Africa provides leadership in elaborating an institutional framework to address the phenomenon of unconstitutional changes of Government. Nonetheless, with the new trends and manifestations of undemocratic changes of Government in Africa, it has become imperative to put in place further practical strategies and measures with a view to strengthening the existing institutional arrangements for preventing and combating unconstitutional changes of Government in Africa.

4. The Peace and Security Council reaffirmed the centrality of the African Charter on Democracy, Elections and Governance to addressing the menace of unconstitutional changes of Government and noted that, pending the entry into force of the Charter, the promotion of zero-tolerance of unconstitutional changes of Government in Africa is a challenge that requires urgent action. Based on a renewed determination and a stronger cooperation of member States, the following principles should guide the new momentum against the scourge of unconstitutional changes of Government:
i. coups d’état are illegal and totally unacceptable;

ii. perpetrators of coups d’état shall be liable for prosecution before the African Court of Justice and Human Rights;

iii. perpetrators of coups d’état shall not stand for elections conducted for return to constitutional order;

iv. perpetrators of coups d’état shall not constitute obstacles by negatively influencing the conduct of a transition towards the return to constitutional order;

v. constitutions shall not be manipulated in order to hold on to power against the will of the people;

vi. constitution-making or constitutional review processes shall not be driven by personal interests and efforts aimed at undermining popular aspirations;

vii. military/security forces shall not interfere in the transition towards the return to constitutional order;

viii. fostering of conditions conducive for a return to constitutional order;

ix. sanctions shall apply in a graduated manner from the moment that an unconstitutional change of government takes place.

5. With the determination to strengthen Africa’s capacity to prevent and combat unconstitutional changes of Government, there is need to:

i. shorten the period of up to six months (180 days) of suspension period, as provided for in the Lomé Declaration to perpetrators of unconstitutional change to restore constitutional order to a period of three months (ninety (90) days);

ii. review the reference in the Lomé Declaration to a regime that “stubbornly” refuses to restore constitutional order, in order to make every unconstitutional regime/de facto authority, without any qualification, fully accountable within the framework of AU instruments for combating and preventing unconstitutional changes of government;

iii. create conditions for imposition and full implementation of targeted sanctions without any dilution or erosion, whenever they are applied to deal with an unconstitutional change of Government;

iv. conduct political engagements of the transition towards the return to constitutional order in a constructive and non-competitive manner or in such a manner as not to compromise the machinery of targeted sanctions;
v. enhance coordination and cooperation between AU Organs, Regional Economic Communities and other Regional Mechanisms, in the implementation of targeted sanctions;

vi. seek the support and cooperation of national Parliaments, through the Pan-African Parliament in the process of implementing sanctions, in particular through the adoption of enabling national legislations;

vii. develop close cooperation between the PSC and the Committee of Intelligence and Security Services in Africa (CISSA);

viii. accelerate the ratification by Member States of the African Charter on Democracy, Elections and Good Governance, as an instrument that further buttresses Africa’s relentless efforts against coups;

ix. based on AU early warning indicators, steps should be taken to prepare guidelines for preventive deployment of AU presence before the breakdown of law and order.

B. Towards enhancing effectiveness in the implementation of sanctions regime

6. The following measures are necessary to enhance the effectiveness of the implementation of sanctions:

i. timely gathering of accurate and relevant information and analysis of facts on the ground for informing the decision-making process, in collaboration with CISSA, the Intelligence and Security Committee (ISC) within the Commission and other relevant bodies and stakeholders;

ii. prompt and widest dissemination to Member States and international community of the decision imposing sanctions;

iii. elaboration of a detailed list of individuals and entities to be targeted by the measures using all the relevant information available to that effect;

iv. secure the cooperation of non-state entities, including commercial interests, transnational corporations and civil society organizations;

v. secure the cooperation between the AU, the RECs and other Regional Mechanisms, the United Nations, the European Union, the League of Arab States, l’Organisation internationale de la Francophonie and other international organizations, as well as with all those other entities whose activities lend support to the sanctions implementation process;

vi. provision of expertise relating to different categories of measures as to be stipulated in a Manual of Sanctions;

vii. periodic requests to Member States and other concerned stakeholders to provide information on the respective actions taken in implementation of sanctions;
viii. undertaking of fact finding missions in the field by or on behalf of the PSC;

ix. inclusion of safeguards to reduce, as much as possible, the negative impacts on the civilian population of measures taken under a sanctions regime.

7. At the expiration of a given period, and if no progress is made towards return to constitutional order, further steps should be taken, including the possibility of deployment of a peace enforcement mission. In this respect, and once operationalized, the African Standby Force will be able to provide some dissuasion and put pressure on coup perpetrators.

C. Legal basis for the establishment and operationalization of the PSC Committee on Sanctions

8. The decision of the PSC adopted at its 178th meeting held on 13 March 2009 to establish a Committee on Sanctions is in conformity with:

   • Article 8 (5) of the Protocol: Council may establish subsidiary bodies and sub-Committees as it deems necessary for the performance of its functions;

   • Article 7(g) of the PSC Protocol: Council shall institute sanctions whenever an unconstitutional change of Government takes places in a Member State, as provided for in the Lomé Declaration, the Constitutive Act and the PSC Protocol.

9. Accordingly, the establishment of a Committee on Sanctions within the PSC represents a contribution of the PSC to the implementation of decision Assembly/AU/Dec. 220 (XII) of the 12th Ordinary Session of the AU Assembly, held from 1 to 3 February 2009, on the resurgence of the scourge of coups d’état in Africa. In the decision, the Assembly, *inter-alia*, called on Member States to react firmly and unequivocally to put an end to the scourge of unconstitutional changes of government.

D. Establishment of the Committee on Sanctions

a) Nature

10. The Committee on Sanctions is a subsidiary standing body of the Peace and Security Council established pursuant to Articles 7 (g) and 8 (5) of the PSC Protocol and within the broad framework of relevant AU instruments.

b) Composition

11. The Committee shall consist of five members of the PSC, appointed on the basis of regional representation.
c) **Tenure**

12. The tenure of members of the Committee on Sanctions shall be two years.

d) **Mandate**

13. The mandate of the Committee shall be to monitor and make recommendations on the implementation of sanctions regimes imposed by the PSC in situations of unconstitutional changes of government.

e) **Chairmanship**

14. The Chairperson and Vice-Chairperson of the Committee shall be appointed for a one-year term by the Peace and Security Council, on the basis of the principle of geographical rotation.

f) **Rules of Procedure**

15. The Committee shall prepare a draft of its own rules of procedure and submit it to the PSC for approval.

g) **Functions of the Committee**

16. The Committee shall perform the following functions:

   i. monitor the implementation of sanctions measures imposed by the PSC;

   ii. seek from all Member States, relevant information regarding the actions taken by them to implement effectively the sanctions measures imposed by the PSC and whatever additional information it may consider useful in this regard;

   iii. examine information regarding alleged violations of sanctions measures imposed by the PSC and recommend appropriate action if necessary;

   iv. identify individuals and entities to be included in the list for the imposition of targeted sanctions pursuant to the provisions of a PSC communiqué imposing sanctions;

   v. consider and recommend, upon request, exemptions from sanctions measures as set out in a PSC communiqué.

   vi. review regularly the list of individuals and entities designated by the PSC, with a view to keeping the list as updated and accurate as possible and to confirm that listing remains appropriate, and to encourage Member States to provide any additional information whenever such information becomes available;
vii. report at least once a month to the PSC on its activities and on the implementation of the communiqué, including on ways to strengthen the effectiveness of the sanctions measures imposed by the PSC;

viii. identify cases of non-compliance with the sanctions measures pursuant to a PSC communiqué and to recommend the appropriate course of action on each case, for the attention of the PSC;

ix. report on any other matter in relation to Article 7 (g) of the PSC Protocol, as directed by the PSC.

h) Collaboration with Specialized Institutions and other entities of the AU

17. The Committee shall seek expertise as it may require for the performance of its functions from specialized institutions and entities of the AU.

i) Secretariat of the Committee on Sanctions

18. The Secretariat of the Committee shall be the Secretariat of the PSC, assisted by the Committee on Intelligence and Security Services of Africa, within its area of competence and expertise.

j) Manual on Sanctions Measures

19. In order to facilitate speedy response to unconstitutional changes of Government with measures intended to minimize adverse impact on civilian populations, a manual on sanctions providing for the categories of measures that could be applied in such cases, as well as guidelines for the granting of exemptions from the sanctions measures, shall be elaborated, taking into account the existing relevant AU instruments, such as the Lomé Declaration, the Constitutive Act and the Peace and Security Council Protocol. The manual shall provide, inter-alia, for a gradual process in the application of the different categories of sanctions set out in the existing legal instruments relating to unconstitutional changes of Government, as well as other measures that may be deemed necessary by the PSC. The manual shall also provide guidelines for the granting by the PSC of exemptions from the sanctions measures.

k) Enhancing Implementation and Monitoring

20. In order to ensure that the sanctions measures contained in a PSC communiqué are effectively and fully applied, the PSC shall seek the close cooperation and support of AU member States, the RECs, other Regional Mechanisms, international community, international organizations and other entities involved in the implementation of sanctions measures so imposed by the PSC in any situation of unconstitutional changes of Government.

21. The Committee recommends measures to the PSC to be applied to member States that fail to comply with the sanctions regime imposed by the PSC.