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Somalia's challenges in the last two decades

Understanding Somalia's politics, particularly in relation to what has transpired in the country in the past two and half decades, requires careful analysis of all the dynamics and subtleties informing overall developments. Such an analysis essentially requires momentarily foregoing political alignments, religious orientations in the country, and the role of others. More critical is the need to explicate facts on the ground as they have sequentially transpired and to develop an all-encompassing understanding of the context to the various upheavals Somalia sustained until 2009. Doing thus remains essential in order to draw lessons from past experiences, as some committed to peace and stability in Somalia have toiled unsparingly while others freely scavenged on the spoils of the country's interminable unrest. Lamentably, missed opportunities, some foregone unknowingly while others were intentionally passed up, continue to profoundly cost the Somalis, the region and the international community.

Somalia's troubles have remained an enigma, with far-reaching consequences for peace and stability in the Horn of Africa region. Failures to fully comprehend all those that have unraveled the situation in its entirety in turn have impinged on the effort to comprehensively resolve the crisis in that country.

Failed peace processes

In the immediate aftermath of the demise of Siad Barre's regime in early 1991, it was becoming apparent that Somalia would plunge into an interminable crisis propelled by an assortment of clan and sub-clan militia groups led by various warlords, political opportunists and religiously motivated groups. This reality, one way or the other, has unfolded in Somalia as assortments of opportunists have readily exploited every situation to advance their immediate interests at the expense of the country's interests. This in turn has forced the country not only to deal with internally created warlords, political brokers and extremist groups vying for domination, but also with external actors.

At times, the internal power centers—be they warlords, political brokers or extremists—collided, in the process, precipitating the demise of one another and ushering in new realities in the country with an entirely new power sharing arrangement. A case in point was the ascendancy of Somali warlords, with their clan-based reorientations, in the early 1990s. This effectively frustrated the aspiration to establish an inclusive government for Somalia. So conveniently masquerading as clan-orientated and saddled with the historical baggage of past injustices, and encouraged by all sorts of assistance from external actors, the warlords time and again frustrated almost all of the

initiatives for peace and reconciliation in Somalia.

Somalia's political leaders, in collaboration with external forces competing for dominance of the sub-region, contributed by blocking the efforts to establish a functional government in the 1990s and 2000s. This was particularly critical in relation to the establishment of the Somalia Transitional Federal Government (TFG) in 2004, in which the warlords initially participated and for which they facilitated the political process. But later the warlords rejected the TFG after losing in the subsequent Presidential election in which Col. Abdullahi Yusuf won, and they eventually frustrated the relocation of the TFG to Mogadishu. Their efforts significantly impaired the political process in the country.

External powers equally contributed to this sad state of affairs in Somalia. There were proliferation of initiatives, undermining each other, to the detriment of peace and stability. What was worse was that Somalia's political leaders manipulated the proliferation of external efforts and used them to forum-shop. Somalia's historical relationships and the instrumentalization of those relationships for other ends allowed countries to play a role in undermining the much anticipated Soderre peace process of 1995/6 as well as the creation of the TFG.

Somali warlords also frustrated and blocked the efforts of the Transitional National Government (TNG) of 2000,

because they were denied participation in the Arta peace process that created the TNG. The failure on the part of the leadership of the TNG to reconcile either clans or political leaders of Somalia contributed to its marginalization, as it was physically restricted to one corner of Mogadishu. In spite of the support the TNG acquired from a portion of the Islamic Courts Union (ICU) as the warlords were rallying against the TNG, the transitional government of Abdiqasim Salad Hassan failed to achieve any substantive progress on the ground. With a view to garnering support on the ground the TNG leaders resorted to the customary tactic of whipping up jingoism, primarily directed against Ethiopia. Nonetheless, their efforts at undermining relatively peaceful areas of Puntland and Somaliland as well as antagonizing Ethiopia failed to bring the desired results.

As is repeatedly witnessed, Somali politicians across the fold, from the demise of Siad Barre until 2004, tended to relate their agenda not to local realities but to hostility against immediate neighbors. When confronted with the stark reality of instability, unrest and economic deprivation, Somalia's political leaders found it easy to blame neighboring countries, portraying them as the sources of all the setbacks their country was facing. The very preoccupation of Somalia's politics with clan lines made it literally impossible for the country's political leaders to envision an all-encompassing

political agenda with the objective of pulling the country out of the abyss.

Rather, all resorted to deflecting attention to external interventions and manipulations, imagined or real, and to rallying public support in order to advance their immediate personal agenda. Past experiences attest to the fact that all the prominent groups in Somalia have succeeded only in doing that, the degree of their acceptability locally emanating from their apparent triumph in persuading the ordinary people that their immediate neighbors—particularly Ethiopia and to some extent Kenya—are responsible for all of Somalia's ailments. As a result these factions indulge in the task of undermining the peace and security of those they portray as enemies of Somalia. By way of realizing this objective, some Somali political leaders resort to open collaboration with likeminded states in the region and beyond, others aid and abet opposition groups, and a few have even gone as far as to openly declare Jihad on their neighbors. Of course, all these efforts have been foiled, backfiring on the perpetrators. And fortunately, this zero-sum game approach, changed after 2009, is an indicative of a paradigm shift in Somalia. A realization seems to have dawned in the leadership circles that Somalia really needs to work in close collaboration with the member states in the sub-region, which have long been striving for peace and stability in the country. In spite of these positive signs of progress, however, a lot remains to

be done by way of realizing a comprehensive political transformation in Somalia.

IGASOM and the international community: A bitter lesson

The best hope for Somalia in comparative terms was the establishment of the Somalia TFG in 2004 following a two-year protracted peace effort hosted in Kenya by IGAD. The effort produced a government for Somalia that would replace the Somalia TNG established in 2000. What was critical to note is the fact that all stakeholders: the TNG, all Somali warlords and political leaders as well as regional administrations participated in the process constructively. The warlords changed course only after their aspirations for higher government offices had failed to materialize. Driven by frustration, they resorted to openly and forcefully undermining President Abdullahi Yusuf's government.

In the face of strong opposition from the warlords to the relocation of the TFG, IGAD countries recognized immediately the gap in the security arrangement to ensure smooth operation of the tasks of the TFG. Subsequently, the IGAD Heads of State and Government, in their meeting on 31 January 2005 in Abuja, authorized the deployment of a Peace Support Mission in Somalia with a view to relocating the government to Mogadishu, providing security to the institutions of the TFG on the ground and sustaining the IGAD peace process.

IGAD Heads of State and Government also instructed their Chiefs of Defense Staff and their Council of Ministers to follow through with the deployment. Subsequently, following deliberations by the IGAD Chiefs of Defense Staff, the IGAD Council of Ministers convened in Nairobi and held extensive discussions on developments in Somalia on 18 March 2005.

But IGAD's initiative for its first military deployment in Somalia faced challenges. Prior to the IGAD Council's meeting, for example, the Somalia Transitional Federal Parliament members had a meeting on whether they should support IGAD's effort to deploy a peace support mission or not, wherein scuffles were witnessed and in the process properties were destroyed and damaged.

The Council considered this incident as well during its deliberations. It received the report of the IGAD Ministers of Defense meeting that was convened in Entebbe, Uganda on 14 March 2005. Uganda and Sudan were the two states that were requested and ready to deploy their forces. They were then to be followed in phases by other members of IGAD until an African Union Force was deployed in the country.

The IGAD Council had to amend the provisions of the agreement establishing the Organization to allow the deployment of the Peace Support Mission. The Council also threatened to take measures including sanctions against those actors on the ground that

engaged in activities that undermined the outcome of the IGAD peace process.

Moreover, the Council did not shy away from pronouncing that it would stand in unison against those trying to drive a wedge between the people of Somalia and IGAD member states. What was more interesting at that time was that some powerful states, which were capable of making a difference by supporting the peace effort, rather opposed this endeavor and directly circulated papers explicitly opposing the deployment of the IGAD Peace Support Mission.

The efforts of these countries were also encouraged and argued for by some international NGOs, in particular the International Crisis Group (ICG). The ICG not only issued a statement emphasizing the need not to cross the Mogadishu redline, but also wrote extensively on how the relocation of the TFG would worsen the situation inside Somalia.

The IGAD Council issued a statement condemning the ICG and other actors for trying to divide the Somali people and IGAD countries, and reiterated its determination to stand in unison to discharge the responsibility the IGAD Heads of State and Government charged it with.

Subsequent developments following the failure to deploy an IGAD Peace Support Mission

Unfortunately, IGAD's effort to deploy a Peace Support Mission and to relocate

the TFG did not succeed. In the face of strong opposition from the international community, particularly the great powers, whose logistical and financial support were key to the success of the initiative, it was considered pointless to continue with the planned deployment into Somalia.

It was obvious for IGAD countries that the opposition by powerful countries would make the effort futile. Apparently those same countries were working in cahoots with Somalia's warlords to fight the growing threat of extremist groups. Seemingly, a prior arrangement guaranteed that in the event of the warlords losing the fight, they would be evacuated. Should this fail, they were to be used as a sort of bait to draw the elusive extremist groups out of their hideouts, as they were expected to pursue the retreating warlords. However, this unrealistic strategy backfired and in the process undermined the relocation effort of the TFG, which required security support. These are the events that culminated in the emergence of the ICU. This group was immediately lionized as they stood up to major powers, defeating those warlords who were by then considered to be stooges of non-Somalis. By default, in the eyes of many, they became essentially custodians of Somali nationalism. This is a narrative, which has so far been overlooked, giving way to an alternative version popularized by

Bronwyn Bruton,¹ which has no basis in terms of what had in fact transpired.

Since the TFG was created through a legitimate process supported and funded by the international community, providing a helping hand in the relocation of the TFG to Mogadishu was indisputably legitimate. Nonetheless, the international community felt that the President elected at the time had deficiencies, and therefore and they had serious reservations about his presidency. On the other hand, considering the clan rivalry and the challenge of a non-Hawiye taking charge in Mogadishu, the difficulties faced by Abdillahi Yusuf were daunting. In any case, denying the new government security protection was a grave mistake. What the international community did was for reasons that had nothing to do with helping Somalis with the task of establishing a Somalia state. Eventually, the TFG was relocated to Jowhar and IGAD, having no other option, proceeded to help the government from that city, a government, which was much weakened by silly mistakes committed by non-Somalis.

Immediately after the move, the warlord controlling the area made the operation of the government from Jowhar impossible, forcing the TFG to relocate

¹ Bruton has been effectively creating a misguided narrative about Somalia and the entire region, which has been motivated in large part by a political agenda.

to Baidoa. The TFG could not make much progress from Baidoa, largely because the situation in southern parts of Somalia turned to be challenging.

A localized conflict between a businessman and a warlord in an Abgal area of Mogadishu soon engulfed other areas, drawing the ICU into the military confrontation. Ultimately, the group succeeded in decimating the warlords one by one in Mogadishu and the surrounding areas. Emboldened by this initial success, the ICU increased its terrorist acts. These included blowing up TFG institutions in Baidoa as well as an assassination attempt on the late President Abdullahi Yusuf in Baidoa.

Shocked by the dominance of the ICU, the international community immediately tried to engage it like a *de facto* state. Several high-level visits to Mogadishu were organized that further fostered the arrogance of the ICU leadership, especially those who were playing the moderates on the one hand and the extremist groups of Al-Shabaab—led by Aden Hashi Ayiro—on the other. A known Al-Ittihad Al-Islamiya leader, Sheikh Hassan Dahir Aweys, manipulated the moderate and the extremists within the ICU using the clan card. This gave Hassan Dahir Aweys immense power that forced some within the international community to engage him directly, to the detriment of the ICU moderate leaders.

ICU's success in Mogadishu and the surrounding areas, where the ICU militia defeated the warlords one by one, made

the group determined to take over the entire country. The ICU forced even well organized Somaliland leaders to declare the implementation of Sharia law. What was more worrying was the fact that the TFG, Puntland and Somaliland, three institutionally organized entities facing a common threat, failed to coordinate and work together to stop the ICU from expanding the territories that it controlled.

Lack of coordination among members of the international community

Of course, a visible lack of coordination and cooperation on the crisis in Somalia among states in the sub-region as well as within the international community equally contributed to what occurred in the country and the sub-region for such a long period. Instead, each endeavored to address the issue unilaterally, and changing political realities and worsening relations between IGAD member states also played a role in that regard. Competing interests, rivalry to dictate proceedings in the sub-region, shifting alignments between and among states have long dictated the way IGAD member states have handled the problem in Somalia. This combined with divergent approaches to the crisis by the international community, particularly those originating from North Africa (Egypt in particular) and the West, further aggravated the situation, effectively compromising the task of finding a comprehensive solution.

Following the state collapse in Somalia in early 1991, the US had executed the

much applauded humanitarian intervention that saved tens of thousands of Somali lives. However, the subsequent military intervention targeting certain Somali leaders within Somalia had serious consequences for the way the international community dealt with Somalia for a long time afterwards. Most IGAD member states registered their reservations on the viability of the military operation against the Somali leaders as contrary to the objective of consolidating peace. Similar UN efforts to impose peace “through a peace enforcement mandate” equally faltered, forcing the UN to completely withdraw from Somalia. Since then, the international community has resigned from the Somalia issues, allowing competing interests to undermine peace-building efforts in Somalia for a long time. This continued until 2000, when Djibouti took the initiative to reconcile Somalis and established the TNG. As explained above, the TNG’s term ended with the creation of the TFG, which was undermined when IGAD’s effort to send a Peace Support Mission was defeated by lack of support from the international community.

What happened was that the international community was reluctant to grasp the exigency associated with the decision by IGAD to deploy IGASOM into Somalia in 2005. Subsequent developments in Somalia, however, complicated matters on the ground, in the process creating new realities that completely destabilized southern Somalia and other relatively peaceful

areas. These misguided policy decisions by the international community continued until Ethiopia was forced to unilaterally remove the ICU in 2006.

The international community only appreciated the need to reinstate the Nairobi-based TFG of Somalia much later, after the ICU proved itself a menace to Somalia and the region. Such a delay in a way led to the rise of an offshoot extremist group, Al-Shabaab, which all stakeholders have yet to effectively remove from the equation. In retrospect, the whole affair demonstrates the advantage of coordinating efforts, which might have resolved the crisis in Somalia much earlier.

Ethiopia’s engagement in Somalia

Obviously, Ethiopia’s Foreign and Security Policy emphasizes the need to judiciously safeguard its national security imperatives and upholds the principle of good neighborliness within the region and elsewhere. Experience shows that, with or without the backing of others, Ethiopian authorities have stood firm against those they see as intent on jeopardizing the country’s security, national interests as well as the stability and security of the region which might have impact on its own security.

In this connection, Ethiopia’s engagement with Somalia, with all its complexities, requires special attention. Mutual antipathy towards the military regime in Ethiopia in the 1970s and 80s, for whose demise the people and

governments of the two countries collaborated, practically informed the post-1991 rapprochement between Ethiopia and Somalia. Somalia's assistance during the armed struggle in a certain way impressed a sense of indebtedness on the leaders of Ethiopia in the 1990s, encouraging them to approach the peace-building effort in Somalia with all the sincerity the task requires. It should be emphasized from the outset that an entirely new governance structure has been introduced in Ethiopia, including its Somali Regional State, with a constitutional provision guaranteeing self-administration and the right to self-determination. The level and role of the engagement of Ethiopian Somalis in local politics as well as in influencing the stabilization of the situation in Somalia proper is a clear reflection of the intentions of the Ethiopian leadership.

The leadership in Ethiopia equally understood the challenges in undertaking the task, particularly as a result of all sorts of unresolved historical baggage trickling down from as far back as the early 1960s. Ethiopia's leaders frankly expressed the challenges this would pose in the execution of the mandate bestowed upon them to spearhead the peace process in Somalia during the Humanitarian Summit in 1992. But similar mandates were given to Ethiopia by the OAU in 1993 and later endorsed by IGAD.

Ethiopia's effort in the discharge of these responsibilities was not without challenges. These included, among

others, interventions by the international community in the 1990s, which undermined the 1993 Addis Ababa Agreement, and the UN experiment in peace enforcement that further complicated the problem. Egypt similarly foiled the 1995 initiative Ethiopia put forward to assist the Somalis through establishing the National Salvation Council (NSC) as a launch pad for a bigger national reconciliation to be held in Bossaso, by unilaterally trying to reconcile the NSC leadership with Hussein Aideed's group that initially agreed but later declined to participate in the Sodere process. The Egyptians bribed some of the generals, divided the NSC and dashed the hope of holding a larger national reconciliation in Bossaso.

Following those developments Ethiopia spearheaded an effort to harmonize international efforts in Somalia through the creation of the Standing Committee for Somalia, which convened several meetings and engaged Somalia's stakeholders in earnest until the eruption of the Ethiopia-Eritrea war. This complicated the situation in Somalia, as the regime in Asmara tried unsuccessfully to create another front against Ethiopia. This involvement and Eritrea's destabilization role in the Horn became reasons for the UNSC to impose sanctions on Eritrea.

From then onwards Ethiopia fully supported the endeavor by Djibouti in 2000 and participated in IGAD's peace effort in 2004 that created the Somalia TFG. But the international community's subsequent failure to support the TFG

and assist in its relocation to Mogadishu created a reality in Somalia that forced Ethiopia to intervene.

There were serious attempts to recast Ethiopia's 2006 intervention in Somalia as an invasion, taking the entire affair out of its proper context. Some even labeled Ethiopia a Trojan horse for the United States and linked the creation of Al-Shabaab singularly to Ethiopia's military intervention. Realities on the ground at the time, however, reveal quite a different story. Al-Shabaab was there within the ICU long before Ethiopia was provoked to respond militarily. In light of the security challenges the ICU posed to Ethiopia and the sub-region, Ethiopia had few options but to respond militarily to remove the threat, after several negotiations failed to convince the ICU to opt for a peaceful alternative.

Just recovering from an all-out military confrontation with Eritrea, Ethiopia would have much preferred to avoid yet another war with a group bent on destabilizing Somalia and the region at large. It was this reality that had prompted Ethiopia to engage the ICU bilaterally in eight rounds of discussions conducted in Nairobi, Khartoum, London, Djibouti, Sana'a and Dubai. But the efforts faltered solely because the ICU leadership, sometimes with encouragement from others who wanted to instrumentalize the ICU for their own ends, mistook the gesture as emanating from Ethiopia's vulnerability. The ICU preferred to intensify its offensive, crossing Ethiopia's redlines,

which were distinctly marked at Baidoa and Beledwyne, a town about 12 miles from Ethiopia's border and on the road to the former Ethiopian Somali regional capital of Gode. Apparently, some countries were encouraging Ethiopia not to engage militarily with Al-Shabaab due to fears that Ethiopia would lose the war and thus add to the overall failure of the 'war on terror.'

Ethiopia's intervention in 2006 had the clear objective of reinforcing the Somali Federal Government in Baidoa and tilting the balance of power towards the TFG so that the ICU would engage in a dialogue to resolve the problem peacefully. Ethiopia did not intend to move its troops deep into Somalia beyond Balidogle. This only happened after Hawiye clan elders insisted on uprooting the insurgent group from Somalia entirely and reestablishing a governance structure that would fill the vacuum created by the defeat of the ICU. It should be recognized that Ethiopia singlehandedly broke the back of the terrorists and reorganized the security institutions of the TFG.

On the other hand, Eritrea, which had agreed with the deployment of IGASOM in 2005, immediately saw ICU's takeover of southern Somalia as an opportunity to open another front against Ethiopia and encouraged the ICU leadership to pursue military options. Eritrea also used Ethiopia's engagement in Somalia as a reason to stay out of IGAD.

Eritrea's military advisors and journalists were among the prisoners of war

captured during the military engagement between Ethiopia and the ICU. Even after the ICU was decimated, Eritrea hosted all those propagating anti-Ethiopian sentiments under the name of the Alliance for the Restoration of Somalia (ARS) and continued arming Al-Shabaab. Eritrea's engagement in Somalia and its role in destabilizing the region was one of the reasons for the imposition of sanctions and the establishment of the Somalia-Eritrea Monitoring Team. The Team has produced several reports on the activities of Eritrea in Somalia and the region. Wittingly or unwillingly, anti-peace elements in Somalia facilitated Eritrea's use of Somalia for its proxy wars, which continue today as the Eritrean regime has refused to excuse the people of Somalia to work towards peace and stability.

Leaving this aside, Ethiopia's unilateral intervention and success were ultimately welcomed, triggering endorsement for the deployment of the African Union Mission in Somalia (AMISOM), the force that replaced IGASOM, which had been rejected by the major powers when IGAD unanimously proposed to deploy it in order to relocate the Somalia TFG from Nairobi to Mogadishu in March 2005. When Ethiopia finally withdrew its forces from Somalia in 2009, following the deployment of AMISOM, it was with a full declaration of its intent to intervene in Somalia if Al-Shabaab took large swaths of land and threatened the peacekeeping mission. That is exactly what happened in January 2014.

AMISOM's intervention has reversed realities on the ground and has helped the Somalia Federal Government make serious progress.

But, Ethiopia's military activities were not free of challenges. All its forces in Somalia are not part of AMISOM, and in fact the brunt of defeating Al-Shabaab in its strongholds has been left primarily to the Ethiopian forces. Ethiopia's non-AMISOM forces are deployed on bilateral understandings with the SFG. No one doubts the pressure these constant missions have placed on the meager resources of Ethiopia, which could have been invested in the much needed uphill battle to eradicate the everlasting trademark of poverty.

Recently, Ethiopia redeployed its non-AMISOM contingents in Somalia from Halgaan, Tiye glow, Mookori, and another eight areas. Emphasis has to be placed on the very fact that the forces being redeployed are those unilaterally assigned to fight Al-Shabaab, and that the Ethiopian contingents assigned to AMISOM are actively guarding their respective sectors in Somalia. Some have entertained the idea that the current redeployment of Ethiopian forces is in bad faith, for it has occurred at a time when the SFG is preparing for elections, thereby temporarily giving Al-Shabaab a respite to regain lost territories. But it is well known that Ethiopia has unilaterally sustained the brunt of the burden of defeating Al-Shabaab and denying it a space to maneuver on the ground. The international community is obviously

taking Ethiopia's genuine efforts for granted. It should therefore reconsider how to share Ethiopia's burdens and seriously participate in peacemaking in Somalia.

In light of the foregoing, all that has transpired in Somalia in the last two decades collectively attests to the failures of Somali leaders, lack of full coordination within the region as well as within the international community, and lack of resolve to address the growing threat of terrorism in the Horn. Specifically, developments in 2005 and the way the international community reacted to them should be a lesson for all involved in Somalia's peacemaking process. Opportunities do not often appear, and all stakeholders should have made use of them in a concerted manner when they did.

Recently, ample progress is made in Somalia in relation to the upcoming elections. The task of organizing the federal states is finalized, and speakers of the Upper and Lower Houses elected. All that remains is electing the President of the Republic. The Parliament is henceforth advised to make a concerted effort to select a Somali leader with the capacity to realize sustainable and lasting peace and stability in the whole country.

The Somali society is homogenous culturally and religiously and intertwined through close-knit family ties. This reality provides it with a better chance of unity than multi-national states. Somalia's problems have been

intractable because Somalia's leaders have failed to put their national interests before their personal interests. They have continued to hide behind the façade of clan and sub-clan politics, leading Somalia towards a catastrophic failed state situation in the 21st century. Once a state fails, there is no experience worldwide in stitching the broken pieces of the social fabric together.

Yet Somalis have just achieved the improbable, developing a federal arrangement and the building blocks of a strong Somalia. Somalis have recognized the need to change the situation. The Somali people should say 'enough is enough' and encourage their leaders to allow their country's interest to precede any other interest and to move forward.

In this connection, the international community should recognize that no one would be able to recreate Somalia in the mirror image of others. Somalis are the ones who can make or break their country. The international community should only support what Somalis do, as their interlocutors.

Experience shows that when Somalis do things in collaboration and when that is supported by the actions of the international community, a great deal of progress is achieved. The establishment of the TFG in 2004 and the recent progress in weakening Al-Shabaab are cases in point. Making progress in Somalia does not require a lot of wisdom. It is only those with hidden

agendas who will continue to misrepresent what the people of Somalia hope to accomplish. What is needed in this connection is to learn from the past's missed opportunities and to make the process work this time, for the greater good of rebuilding Somalia into a peaceful and prosperous nation.

Impacts of the changing regional alliances on peace and stability in the Sudan, South Sudan and the region at large

Shifting alliances and rivalries have long informed inter-state relations in the Horn of Africa. Often factors such as border claims and disputes, irredentist policies, trans-boundary resource claims, interference in the internal affairs of states and lack of adherence to rules governing inter state relations, proxy wars, religion, ideology, external influence have engendered region-wide tension and antagonism, with far-reaching consequences for peace and stability. The unraveling inter-state alignments and associations at times have also contributed to state failure and disintegration. This situation has impacted many of the countries in the region, with the possibility of additional transformations in the offing.

Sudan, the first sub-Saharan African nation to attain independence in 1956, has languished under the affliction of a protracted conflict, which resulted in the independence of South Sudan in 2011, with offshoot flashpoints in Darfur, South Kordofan and Blue Nile states still affecting the country's stability.

Khartoum's relationship with South Sudan spiraled downward from the outset. Recent developments in the relations between Sudan and South Sudan likewise indicate new alignments in the sub-region suggest the possibility of more challenging times ahead.

Peace and war in changing regional dynamics

Generally speaking, an all-encompassing peace has long eluded the Sudan, forcing the country to suffer in one way or another form of internal crisis. These protracted civil wars in turn entailed complicated relationships with its immediate neighbors. Following President Al-Bashir's ascendancy to power in 1989, for example, Sudan's rapprochements with its neighbors, particularly with Ethiopia after the downfall of the military regime in 1991, improved tremendously. If intermittent hiccups have occurred, these have been associated with the policy orientations of a hardline group within the National Islamic Front (NIF) in the new administration. Most states in the sub-region, including Sudan, have appraised the necessity of coordinating their efforts and resources and determined that peace and stability have to prevail in the region to realize the daunting task of economic transformation.

But states in the region have also been drawn into the vortex of the conflicts, with varying degrees of involvement and with their alignments rapidly shifting as exigencies dictate along the way. Sudan, as a result, has experienced

difficult relationships with its neighbors, developing complicated entanglements in the process, which in turn have prompted Khartoum to extend its tentacles into the affairs of its neighbors, near and far—and, of course, vice versa.

Curiously enough, the early 1990s, particularly following the demise of the military government in Ethiopia and the subsequent independence of Eritrea, brought new strategic partnerships in the sub-region, apparently creating an opportunity for the Sudan to resolve its internal problem with SPLM/A. In a landmark Summit of the leaders of the Horn of Africa in April 1992, initiated by the Transitional Government of Ethiopia, for example, leaders of the entire sub-region agreed to pursue a policy of non-interference in the internal affairs of others and concluded that all existing conflicts in the sub-region ought to be resolved through peaceful means and that the region's states should refrain from harboring armed groups intent on destabilizing other countries. They also agreed to establish two committees, a standing committee on Somalia and a sub-regional committee on the Sudan, with a view to resolving the crises in both countries. Subsequently, SPLM/A and other rebel groups were expelled from their bases in Sudan's neighboring states, and the principle of a negotiated settlement of the problem was enthusiastically endorsed by almost all of the countries. Khartoum, and of course the entire region, could not have

asked for a better arrangement at that time.

On the basis of the decisions of the Summit, the Committee on Sudan, Chaired by Kenya, brought the Government of the Republic of the Sudan and the various factions of the SPLM/A and other rebel movements to negotiate for a peaceful resolution of the crisis between 1993 and 1994. IGAD then went through a tedious struggle to convince the warring parties to resolve the crisis through peaceful means, which then led to the formulation of the Declaration of Principles (DoP). The DOP's basic pillars are the principle of preserving the unity and territorial integrity of the Sudan, but also with a possibility for self-determination and emphasis on maintaining the tenets of secularism.

In due course, Khartoum's relations with its neighbors deteriorated, mainly as a result of NIF's policies. Sudan's first confrontation was with Eritrea, when the latter accused Khartoum of supporting the Islamic Jihad in Eritrea. Rather than resolving the crisis through IGAD mechanisms, Eritrea intervened in the Sudan and provoked direct confrontation through supporting the Beja Congress in 1995. In addition, Eritrea also deployed its forces directly and captured Eastern Sudan. Furthermore, Eritrea closed Sudan's embassy in Asmara and allowed the National Democratic Alliance (NDA), a group that opposed President Al-Bashir's government, to control and use the embassy instead. Eritrea expanded the

support it was providing to the SPLM/A as well as to those forces that opposed Khartoum from Darfur, including sending its armed forces in support of the latter group.

While Ethiopia was trying to address problems between the Sudan and Eritrea, without the knowledge of the very top leadership of the country particularly President Al-Bashir, extremist ideologues of NIF and leaders of the National Intelligence Services of the Sudan (NISS) committed a tragic mistake by aiding and abetting Al-Gama'a Al-Islamiya in instigating an assassination attempt on President Hosni Mubarak of Egypt in Addis Ababa on Monday June 26, 1995.

Offended by this act, Ethiopia took the matter to the UN Security Council, with the belief that Sudan's actions warranted concrete sanctions against the government in Khartoum. A considerable effort was also exerted, with some success, to involve the US and Egypt in imposing necessary punitive measures on Khartoum so that the latter would feel the consequences of its actions.

However, despite the fact that Egypt's President was the primary target, Cairo held back on the move. So too did big powers, whose multinational companies were engaged trying to win oil extraction concessions in Sudan. What transpired in the sub-region in the late 1990s also characterized inter-state relations and influenced how the situation in the Sudan was addressed.

Ethiopia and Eritrea were at war from 1998 to 2000, each vying for regional allies, including of course Khartoum; Libya and Egypt co-sponsored a new peace initiative to resolve the problem in the Sudan, albeit favoring SPLM/A and encouraged by the US; and the hardliners in the NIF and its Islamist associates in Somalia and elsewhere were propagating the notion of jihad in the sub region, particularly targeting Ethiopia.

Amidst souring relations, though, Ethiopia and the Sudan courageously opted for direct engagement in order to resolve existing differences. In a frank and transparent engagement, Ethiopia and the Sudan resolved the most significant outstanding grievances, which then created a framework for better bilateral cooperation and understanding the countries continue to enjoy until today. But the US unilaterally continued to impose sanctions on the Sudan in the years that followed, and these sanctions have accumulated over time, affecting Sudan locally and in its relations with other countries.

In the meantime, the SPLM/A was revitalized in the immediate aftermath of the 1995 episode, and the group intensified the military offensive, as widely known with the support from neighboring countries. Eventually, the Sudan accepted the DoP as a maximum concession in April 1997 after consecutive and sustained pressure from partners, which subsequently continued until the Parties signed the

Comprehensive Peace Agreement (CPA) in 2005.

Negotiations following the DoP

Despite the acceptance of the principles enshrined in the DoP, negotiations between the Government of Sudan (GoS) and the SPLM/A were not as trouble-free as one would have expected. Coordinated pressures from a combined mediation team from all IGAD members and the Troika had to work hard to convince the warring parties to resolve their differences peacefully. Although there was an apparent willingness for peaceful resolution of the conflict, trust and perhaps confidence in the mediation may have been lacking.

Hence, the process following the DoP required a protracted negotiation until the CPA was signed in 2005. The CPA features six protocols, providing for power sharing, wealth sharing, security arrangements, Abyei, and the Two Areas (South Kordofan and Blue Nile). The CPA immediately led to the establishment of an interim Government of National Unity, with the incumbent President and the SPLM Chairman as the First Vice President. The interim period was for six years, to allow unity to be a strong option, whereas the right to self-determination would be addressed with a popular referendum, and to ensure the full implementation of the CPA.

It must be admitted that the midwife of the CPA were the Troika (the US, UK and Norway) that have the necessary leverage, incentives and instruments of

pressure to coerce the Parties into a speedy conclusion of the CPA. This in turn impacted the way in which the conflict in the two areas, South Kordofan and Blue Nile were to be resolved.

There is no doubt, during the process, the underdog, the SPLM/A, secured the sympathy of the international community. Yet it is the implementation of the CPA protocols that has proven the most challenging, for each side was intent on securing their respective gains. Their disagreements on the 20% of the common border and on the implementation of the referendum act on Abyei are cases in point. The latter issue revolves around the question of who represents the permanent residents of Abyei, the fate of those seasonally travelling for grazing (the Misseriya pastoralists), and the composition of the administration. These questions remain unresolved in spite of a Joint Oversight Committee that has been established to oversee the affairs in Abyei. South Sudan and Sudan also held differing views regarding the implementation of the CPA on South Kordofan and Blue Nile states. Earlier attempts at a negotiated settlement have repeatedly faltered, in the process compromising peace in the Two Areas.

Equally detrimental to the overall dynamics in the Sudan-South Sudan relationship is the absence of a mechanism to address the Post Referendum Arrangement, which apparently was not properly put together in the CPA. There were no

mechanisms to address challenges in the event of the secession of the South. All the designs of unity the CPA contained never materialized, as both Parties failed to make unity attractive, most particularly Khartoum.

Furthermore, international commitments were made in order to encourage the Parties to sign the CPA and implement the agreement in earnest. These included: to remove the Sudan from the list of state sponsors of terrorism, to provide proper debt relief, and to lift the sanctions imposed on the country. But these commitments are yet to be fulfilled. This made Sudan betrayed and letdown.

A visible lack of cohesion and coordination among the various SPLM/A representatives has also compromised the implementation of the CPA. Dr. John Garang's untimely death and the subsequent political paralysis within SPLM/A divided and weakened the leadership. This in turn affected the cohesion and implementation of the peace process, and ultimately led to the independence of South Sudan.

In the immediate aftermath of the referendum, however, the two parties resumed their engagements and negotiations for Post Referendum Arrangements, the result being the signing of a Memorandum of Understanding in Mekelle, Ethiopia in 2010 and eight cooperation agreements on 27 September 2012. Nonetheless, partly due to the ensuing political crisis in South Sudan those agreements have

yet to be implemented most particularly that related to Abyei.

Following the decision by the Permanent Court of Arbitration, the international community, particularly the African Union High Level Implementation Panel (AUHLIP), has made several attempts to put forward a solution to the problem of Abyei. The issue now remains in the hands of the Presidencies of Sudan and South Sudan. With regards to the Two Areas the CPA stipulated popular consultations, but the implementation faltered and negotiations between the GoS and the SPLM/A continue.

The border demarcation is another issue that Khartoum and Juba have yet to settle. The AUHIP is using the good offices of the African Union Commission and had established the African Union Technical Experts (AUTE) to determine the status of five such areas. But the AUTE has not been able to fulfill its mandate and was recently dissolved.

In the meantime, in 2014 the GoS initiated a National Dialogue in order to address the challenges posed by all armed conflicts and resolve differences with the opposition groups in the country. Accordingly, despite many attempts to bring the armed groups and the civilian opposition into the National Dialogue, the GoS announced the conclusion of the National Dialogue on 10 October 2016. In addition the government, declared that its doors are open to all willing to join the process.

The way forward

Long after their separation, the Sudan and South Sudan still remain very much intertwined, still closely associated in the prospects for peace and conflict in the sub-region. Hence any effort to resolve the problem in one should take into consideration the interests and concerns of the other. It now remains an uncontested fact that the two represent distinct sovereign interests despite the fact that sets of concrete cultural, historical and economic ties bind them together. In fact, the ties that bind them abound, further strengthening the notion that they should either sink or swim together. Hence, although there is significant improvement in the relations between the two countries, both are advised to maintain the progress made and to refrain from undermining each other, as both used to accuse each other of harboring forces opposing the other. Both countries desperately need their oil-producing infrastructure to function properly and to utilize this much-needed resource for their developmental purposes.

At this juncture, it needs no emphasis that Sudan must also play a positive role in resolving the crisis in the country, as well as assist in addressing the challenges South Sudan faces. There is a need for a paradigm shift in both countries.

In this connection, the international community as well might need to realize that treating Sudan in the way it did

over the last two decades will not bring stability either to the country or the region. Given the interdependency of Sudan and South Sudan, a change in the way Sudan is treated will force South Sudan to engage with Khartoum constructively. In this vein, the international community similarly needs to continue to improve its relations with Sudan. It is therefore quite an appropriate action that the Obama administration took in lifting partly the sanctions during the twilight days of its tenure—an action, which was long overdue. No doubt more needs to be done, including removing the Sudan from the list of state sponsors of terrorism and relieving Sudan of its debts.

With regards to other aspects of Sudan's relations with partners in general, the first move should, of course, come from the region, particularly IGAD. In this regard, Ethiopia, as the Chairperson of the organization, should play a crucial role by way of engaging both Sudan and South Sudan. Obviously, peace between Sudan and South Sudan is critical, not only to the two parties but also the wider sub-region. Given the fact that Ethiopia shares a long boundary with both countries, whatever happens in Sudan or South Sudan has the potential to significantly impact Ethiopia, particularly along the common border. Ethiopia's role, in this regard, should be viewed not only from the perspective of assisting the two countries in resolving their problems, but also from the vantage point of peace and security in

the region at large. Ethiopia is also best positioned to undertake the task of bridging the gap between Sudan and South Sudan, given the cordial and principled relationship it has established with the two countries.

External forces are also encouraged to treat both Sudan and South Sudan as inseparable partners. Given the domestic challenges Sudan faces, the international community needs to create mechanisms to address the complex challenges both Sudan and South Sudan face. Promises made to Sudan within the context of the implementation of the CPA have not been carried out, and it is only fair that they should be.

In general there is no doubt that there has been progress both in Darfur and in the two areas. The remaining challenges in the remaining places can hardly be difficult to resolve if there is the necessary goodwill. In fact, it appears that more flexibility is required in both Darfur and the two areas, not from the government but from the opposition, some of which particularly in Darfur don't even have a military presence on the ground.

Moreover, there is a changing reality since the US has lifted the economic embargo on condition that the GoS take certain measures and engage with the belligerents. This new development is expected to lead towards a cessation of hostilities, and the delivery of humanitarian assistance, as well as to finding ways to ensure a political solution as per the Road Map of March

2016 that the Parties signed in accordance with the new realities. After all, it is a homegrown solution that would ultimately address the challenges Sudan faces. But this should be supported through a coordinated international effort.

In this connection, it must be underlined that the role the International Criminal Court (ICC) played in the Sudan neither promoted peace and security nor justice in the country and the region.

In general, for the first time in decades Sudan appears to be in the process of addressing those crises that have bedeviled the country. Moreover, the bilateral relations between the two countries appear to be improving. No doubt, perhaps, more could have been done in this regard if the crisis that erupted in South Sudan could have been avoided. The recent positive steps taken by the previous US administration might have been motivated by the recognition that in fact the situation in the Sudan has improved. But it is no time for complacency. The two countries should do more to avoid misunderstanding and address the challenges they might face to address their bilateral relations taking into account the common interests they have and the historical relationships between the two peoples.

The African Union Summit

The 28th Ordinary Session of the Assembly of Heads of State and Government of the African Union was held in Addis Ababa this week, under the theme, 'Harnessing the Demographic Dividend through Investment in the Youth.' The Summit covered issues with significant impact for continental development, governance, peace and security as well as Africa's relations with the rest of the world. The election of the new leadership for the Commission; reaching a decision on the request by the Kingdom of Morocco for admission into the African Union; discussion on the report of President Paul Kagame on the reform of the AU; and finalizing the modalities for the implementation of the decision on the financing of the Union as well as the International Criminal Court were the main focus areas. The Assembly elected President Alpha Conde of Guinea, representing the West African region, as the next Chairperson of the Union, replacing President Idris Deby Itno of Chad.

Election for the leadership of the AU Commission

As previously covered by CDRC Digest Vol. 1, No. 3 and 4, the election for the membership of the AU Commission was conducted at this Summit, as the election was not held in Rwanda in July 2016. The last Summit decided to postpone the election because the three candidates for the Chairpersonship of the Commission, Dr. Pelonomi Venson-

Moitoi (Foreign Minister of Botswana), Mr. Agapito Mba Mokuy (Foreign Minister of Equatorial Guinea) and Dr. Specioza Naigaga Wandira Kazibwe (Former Vice-President of Uganda), failed to garner the two-thirds majority required. Since then, while Uganda withdrew its candidate, three new candidates joined the pack: the Chadian Foreign Minister Moussa Faki Mahamat; Kenyan Cabinet Secretary Amina Mohamed, and the veteran politician and UN senior official from Senegal, Prof. Abdoulaye Bathily.

Many factors impacted the election, including regional alliances, getting reciprocal votes for candidates, the position taken by the candidates and their countries on various issues, as well as the experience and track record of candidates. One positive development in this election was the declining influence of the traditional divide along Anglophone and Francophone lines. Interestingly, of all the major issues that the continent is currently facing, support or opposition for the admission of Morocco and the modalities of its entry to the Union emerged as the single most decisive factor.

Article 6 of the Statutes of the Commission stipulates that the region from which the Chairperson and Deputy Chairperson are appointed is entitled to one commissioner each, while all other regions are entitled to two commissioners. According to the regulations, at least one commissioner from each region should be a woman. To ensure strict regional and gender

balance, the Assembly elected the Chairperson followed by Deputy Chairperson, while the Executive Council meeting immediately elects the Commissioners. During its election the Executive follows the list of Commissioners as enshrined in its Rules of Procedure [(1) Peace and Security; (2) Political Affairs; (3) Trade and Industry; (4) Infrastructure and Energy; (5) Social Affairs; (6) Rural Economy and Agriculture; (7) Human Resources, Science and Technology; and (8) Economic Affairs.]

In last rounds of the vote, The Chadian Foreign Minister Moussa Faki Mahamat and the Kenyan Foreign Minister Amina Mohamed competed to assume the Chairpersonship of the Commission. Moussa Faki finally won after 6 rounds. It is observed that while influential countries such as Algeria and South Africa favored Mr. Mahamat, Ms. Amina had the support of significant number of the Eastern African countries and countries such as Nigeria that have a candidate for the position of Peace and Security against the incumbent, who is Algerian. As in the previous elections, the mechanics of ensuring regional and gender balance were expected to complicate the process, but commentators who observed the process indicated that the process was pretty easy and clear. The procedure required all candidates for positions farther down in the list to be automatically withdrawn if a candidate from their region and of the same gender wins a post. For example, after

the election of Foreign Minister Moussa Faki Mahamat for the position of Chairperson, all male candidates from Central Africa region were cancelled from the ballot. Many expressed serious concern that through this process of elimination by gender and region, the Union may end up with the least competent candidates.

On the other hand, the only change with regards to the list of candidates for the position of Deputy Chairperson was the withdrawal of Mr. Claude Joachim Tiker of the Democratic Republic of the Congo from the race. Similarly, it seemed that Djibouti, which presented its Interior and Decentralization Minister, Mr. Yacin Elmi Bouh, had shifted its focus to campaign for its candidate for the position of Political Affairs. On 22 January, the Daily Nation reported that Kenya pledged to support Djibouti's candidature for the AU Commissioner for Political Affairs in exchange for Djibouti's support for Amina Mohamed. This left Mr. Thomas Kwesi Quartey of Ghana, a former Deputy Minister for Foreign Affairs and Regional Integration, and Mr. Abdul-hakim Rajab Elwaer (Hakim) of Libya, previously Director for Administration and of Human Resources, Science and Technology at the AUC, to be the only two viable candidates. In light of Ghana's high stature and Mr. Quartey's well-regarded experience as former ambassador to the AU, he won the post of the Deputy Chairperson without much difficulty.

While there were five candidates for the very important post, the incumbent

Commissioner of Peace and Security, Smaïl Chergui of Algeria, though faced the strongest competition from the candidate of Nigeria, was elected to continue to lead the Commission of Peace and Security. The process was further complicated by the unusual difficulty encountered during the voting process, which forced the Council to restart the process afresh after a several rounds of vote.

Many agreed that Algeria has secured considerable support from all parts of the continent and to maintain Commissioner Chergui's post. However, the fact that Algerians have been heading the peace and security portfolio for over 17 years, the Moroccan factor, and voter swaps for other positions was thought to affect his election.

The strong campaign by Nigeria was very visible before and during the Summit. Prior to the Summit, Nigeria's Foreign Minister intensively traveled across the continent to mobilize support for its candidate, Ms. Fatima Kyari Mohammed, who is ECOWAS's Special Advisor for Peace and Security. The Nigerian media had reported that President Buhari established five campaign teams led by the Minister of Foreign Affairs, Mr. Geoffrey Onyeama; the Minister of Environment, Amina Mohammed; and the Minister of Solid Minerals Development, Dr. Kayode Fayemi. According to these reports, others involved in the lobbying include former Ministers of Foreign Affairs, Amb. Baba Kingibe, Prof. Ibrahim Gambari, Ambassador Ayo Oke, Enuma Okoro,

Ambassador Jacden and others. This situation made the election for the post of commissioner more competitive.

For the other important position of Political Affairs, the candidates were Tete Antonio from Angola, currently AU Permanent Observer to the UN; Minata Samaté Cessouma, Burkina Faso's former Permanent Representative to the AU and previously head of the joint mechanism of the UN-Africa Mission in Darfur (UNAMID); Hawa Ahmed Youssouf from Djibouti, currently the AUC Chairperson's Special Representative to Madagascar; Rahamtalla Mohamed Osman, Sudan's former Permanent Representative to the UN; Hespina Rukato from Zimbabwe, Executive Director of the Centre for African Development Solutions; and Churchill Ewumbue Monono from Cameroon, who is a Presidential Advisor. Most of the candidates for this position have the required experience and respectable credential. Finally the candidate from Burkina Faso was elected the Commissioner for Political Affairs.

Similarly the Assembly endorsed the election of Mrs. Abou-Zeid, Amani of Egypt for Infrastructure and Energy; Mrs. Elfadil, Amira Elfadil Mohammed of Sudan for Social Affairs; Mr. Muchanga, Albert of Zambia for Trade and Industry; Mrs. Sacko, Josefa of Angola for Rural Economy and Agriculture. The Commissioners for Human Resources and Science and Technology were not elected due to insufficient number of candidates from the required regions

with the right gender. In this regard, the Assembly decided to postpone the election for the two portfolios. To fill these posts, male candidates from the East African region and female candidates from the Central Region will be presented for the next Session of the Executive Council. In accordance with the Rules of Procedure of the Executive Council, until the election, the Chairperson of the Commission, in consultations with the Chairperson of the Executive Council, will appoint one/two of the Commissioners to act on the vacant portfolios.

Morocco's membership to the AU

The issue of Morocco and Sahrawi Arab Democratic Republic has been an agenda item that has divided the continent on many occasions since SADR was admitted as a member of the Organization of African Unity in 1984. While Morocco considers what happened in 1984 as a gesture of total disrespect for its sovereignty and utter disregard of the Rules of the Organization by the then-Secretary-General of the OAU, many are of the view that the move was the continuation of the struggle against colonialism and adherence to the principle of self-determination. Over the years Morocco has remained outside the OAU and later the Union, but not outside the political and economic life of the continent. Unlike many of the major economies of the continent, Morocco has taken a conscious decision to promote Moroccan investment in Africa, making the country the second largest

African investor in the continent, next to South Africa (mainly MTN telecom). According to Rabat, 85% of Morocco's foreign direct investment goes to sub-Saharan Africa, with Senegal, Côte d'Ivoire and Gabon the top three destinations. However, some continue to suspect that Morocco harbors territorial ambitions even beyond SADR. Very recently a comment by the secretary-general of the Independence Party, Hamid Chabat, triggered a diplomatic row between Mauritania and Morocco after the official said, "Mauritania is Moroccan land and that the borders of Morocco extend from Sebta in the north to the river Senegal in the south."

Despite this challenge, the friendship and influence it developed through its commercial engagements, especially in Francophone Central and Western Africa, have enabled Morocco to ensure that its interests are protected within the AU. However, since the election of Chairperson Zuma, the African Union has begun to take more forceful actions towards the Sahrawi issue. Increasingly, the 'supporters of Morocco' have been unable to stop the Union from taking strong positions, such as AU's decision to prohibit member states from taking part in the Crans Montana Forum, which was held in the city of Dakhla (Western Sahara) on 12-14 March 2015. Similarly, those African members of the UN Security Council who align with Morocco were named and shamed when they failed to abide by the common African position regarding the Sahrawi issue.

Many are of the opinion that this evolving situation has made it absolutely clear that Morocco cannot promote its interests through 'friends' and has to join the AU—as the saying goes, 'if you are not at the table, you are on the menu'.

Morocco made public its intention to join the Union in July 2016 and the Kingdom formally submitted its request in September 2016. Over the last six months, Morocco's King Mohammed VI has visited a number of countries in the continent and lobbied for Moroccan admission. The Moroccan parliament has also ratified the Constitutive Act of the African Union, meeting the last requirement for Morocco's admission. This campaign delivered and—now Morocco has secured the required number of votes and joined the AU.

But the biggest question is what will happen to the membership of the Sahrawi Democratic Republic—and this is an issue that requires a political decision. Sources indicate that the AU Legal Council has presented a legal opinion that the Union should demand that Morocco explicitly recognize existing borders, indicating that Morocco's current position does not comply with the provisions of the Constitutive Act. This made the admission process, which is supposed to be smooth sailing as it was in the case of South Sudan, much more complicated, protracted and acrimonious. Uganda, Botswana, Lesotho, Zimbabwe, Algeria and a number of countries warned the Summit

on the basis of the legal counsel's opinion.

Once admitted into the Union, Morocco and its allies might attempt for amending the Constitutive Act to expel any member of the Union, since the AU does not have any rules to do so for the time being. This is a matter that concerns many, including those who support Morocco's admission. Some also indicate that the way Morocco requested its admission might undermine the fundamental principle of the Constitutive Act. Others are suggesting that the acceptance of Morocco to join the AU with SADR still remaining as a member might create a mechanism for dialogue between the two. In any eventuality, the Union has to seize this opportunity and engage both Morocco and SADR to find an African solution to the problem.

No doubt Morocco's joining of the African family helps to reenergize regional integration and address one of the organization's historically divisive issues. As Chairperson Zuma said last week in the opening session of the Executive Council, "First and foremost, it requires that we revive and strengthen the spirit of Pan-Africanism, unity and solidarity. It means we have to guard our unity, and not allow ourselves to be divided and diverted from our agenda."

Reform of the African Union

The Summit in July assigned President Kagame "to lead the ongoing institutional reform of the AU Commission and its Organs, to ensure

that the AU structures and modus operandi are aligned with the demands of integration and implementation of Agenda 2063, and to enable more effective and efficient use of resources and business-oriented delivery.” As a follow-up to this mandate, Kagame established an African Union Reform Steering Committee, selecting a team of five men and four women with diverse expertise in both the private and public sectors. Looking at the composition, some note that the panel has not included members with experience in the peace and security area, nor is any North African included as a member. However, in view of President Kagame’s solid credentials in the areas of development and peace, many expect substantive proposals from the panel.

Reports have indicated that the Committee held meetings to discuss ‘the changes necessary to make the AU and its organs more functional and fit-for-purpose, in order to better serve the continent’s needs in a rapidly changing economic, social, and political context within Africa and globally. This is very encouraging. The panel is not yet expected to present its final report. President Kagame presented a progress report and some of the proposed institutional reforms for discussion at the retreat of Heads of State and Government.

The Assembly decided to endorse, among others, the following proposals with few amendments:

- a) The African Union should focus on a fewer number of priority areas, which are by nature continental in scope, such as political affairs, peace and security, economic integration (including the Continental Free Trade Area), and Africa’s global representation and voice and AU should build clear division of labor and effective collaboration RECs and Member States;
- b) The Commission should initiate, a professional audit of bureaucratic bottlenecks and inefficiencies that impede service delivery, its structures should be re-evaluated to ensure that they have the right size and capabilities to deliver on the agreed priorities, and the Commission’s senior leadership team should be lean and performance-oriented, NEPAD and APRM should be recalibrated and focused, the roles and functions of the African Union judicial organs and the Pan-African Parliament should be reviewed , the PSC should be reformed ;
- c) The Commission should establish women and youth quotas across its institutions and enhance private sector’s participation, establish an African Youth Corps, as well as develop programs to facilitate cultural and sports exchange, Member States should engage their Parliaments and citizens, including civil society, on the African Union reform process.
- d) The African Union Assembly shall handle an agenda of no more than three (3) strategic items at each Summit, and hold one Ordinary Summit per year, in

place of the June/July Summit, the Bureau of the African Union Assembly should hold a coordination meeting with Regional Economic Communities, with the participation of the Chairpersons of the Regional Economic Communities, the AU Commission and Regional Mechanisms;

e) External parties shall only be invited to Summits on an exceptional basis and for a specific purpose determined in the interests of the African Union, partnership Summits convened by external parties should be reviewed with a view to providing an effective framework for African Union Africa should be represented by its Troika, the Chairperson of the AU Commission, and the Chairpersons of the Regional Economic Communities;

f) The election of the Chairperson of the AU Commission should be enhanced by a robust, merit-based, and transparent selection process, the Deputy Chairperson and Commissioners should be competitively recruited in line with best practice and appointed by the Chairperson of the Commission, to whom they should be directly accountable, taking into account gender and regional diversity, amongst other relevant considerations, fundamental review of the structure and staffing needs of the organization, as well as conditions of service, should be undertaken to ensure alignment with agreed priority areas.

Finally, the Summit mandated President Paul Kagame, in his capacity as the lead

on the institutional reform of the Union, in collaboration with President of Chad, in his capacity as the outgoing Chairperson, and President of the Republic of Guinea, in his capacity as the current Chairperson, to supervise the implementation process; the new leadership of the Commission to put in place a Reform Implementation Unit at the AU Commission, within the Bureau of the Chairperson, responsible for the day-to-day coordination and implementation of this decision and make recommendations on a mechanism to ensure that legally binding decisions and commitments are implemented by Member States; and President Paul Kagame to report at each Ordinary Session of the Assembly on progress made with the implementation of this decision. The operational aspects on sequencing of the reform as well as the structure and size of the Commission are expected to be elaborated in the coming months.

Financing of the Union

Financing its programs, projects and plans have continued to be the AU's Achilles heel. One of the most important decisions taken by the Kigali Summit concerned the financing of the Union. In this regard, the Summit directed all AU Member States to implement a 0.2% levy on eligible imports to finance the African Union. The decision is expected to enter into operation for each Member State from January 2017. The levy would, starting in 2017, finance the AU's programs and peace-building operations. The AU expects to raise US

\$325 million in 2017 and US \$400 million by 2020.

Currently donors are expected to provide 73% of the approved total budget of US \$782 million for 2017, while member states would contribute only 27%. If the decision is strictly implemented, reports indicate that member states' share of the budget will grow from the current 27% to 67%, while donor funding will drop from 73% to 33%. This financial independence, if managed scrupulously, judiciously and with the necessary control system, will give the Union meaningful policy space and the flexibility to implement projects that contribute to the promotion of regional peace, development and integration, as has long been the aspiration.

The Assembly gave the Committee of Ten Finance Ministers the responsibility for oversight of the African Union budget and Reserve Fund and develop a set of rules for clear financial management and accountability principles and the current scale of contributions should be revised based on the principles of ability to pay, solidarity, and equitable burden-sharing, to avoid risk concentration.

The AU's engagement with the International Criminal Court

The issue of engagement with the ICC has been a major agenda item of the AU Summit for more than five years. Three years ago the Assembly established a Ministerial Committee to follow up on

the matter. During the Kigali Summit, the Assembly directed the Executive Council to present a withdrawal strategy at its January 2017 Summit. As in previous meetings, during the Executive Council meeting the Ministerial Committee presented its recommendations, including a proposal for adoption of an ICC withdrawal strategy by the AU Assembly. The proposal obtained strong support from many speakers, but some suggested that reforming the ICC from inside rather than group withdrawal is a better option; and hence, the withdrawal strategy should not be presented to the Summit. After a lengthy discussion, the Executive decided to present the Withdrawal Strategy to the Assembly in line with the Summit's Kigali instruction with reservations from 11 countries out of 54.

Finally, the Assembly adopted the ICC Withdrawal Strategy and called on member states to consider implementing its recommendations and requested the Group of African State Parties in New York, in collaboration with AU Commission, to actively participate in the deliberations of the Working Group on Amendments to ensure that African proposals are adequately considered and addressed.

In view of the fact that the ICC has so far prosecuted only Africans, some have started to call it ICCA (International Criminal Court for Africa). Many agree that Africa should address any abuse of power, and there should not be any excuse for those who commit crimes

against their own people. However, the same observers also criticize those who pressure the African members to remain members of the ICC, stating that they are hypocrites. According to *The Economist* (29 November 2016), "In 2014 the Arab world accounted for 45% of the world's terrorism, 68% of its battle-related deaths, 47% of its internally displaced and 58% of its refugees." None of those who point to Africa dare to suggest an ICC action.

Other issues

Terrorism and other peace and security issues were also discussed at the Summit. The Gambian experience informed the discussion on African leadership in the resolution of its challenges. Meetings on South Sudan, the Lord's Resistance Army and the DRC were also held on the margins of the Summit.