



Solomon Ayele Dersso

A political-economy analysis of AU Peace and Security Council decision-making processes: the cases of Boko Haram and Burundi



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Cover picture: African Union Peace and Security Council organizes a meeting to discuss the last situation in African countries, in World Humanitarian Day in Addis Ababa, Ethiopia on 19 August, 2014. Representatives of African countries attend the meeting.

Picture taken by: Minasse Wondimu / Anadolu Agency.

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I. Introduction

This research report presents a political-economy analysis of the Peace and Security Council (PSC) of the African Union (AU). To this end, the report examines in some detail the various actors that shape PSC decision-making processes and why (their philosophical, political, economic and personal motivations) and how these actors influence the PSC's handling of issues on its agenda and the outcome of its deliberations on such issues. This report accordingly analyses and reviews not only the deliberations and decisions taken in PSC sessions and the role of the various actors involved (member states, notably the AU Commission, the Chairperson and AUPSD leadership, such as the Commissioner for Peace and Security and the Director of PSD), but also the process of agenda-setting in the PSC, the drafting of reports on outcomes of PSC sessions and consensusbuilding among actors having an important interest in the particular agenda.

The research report draws on and serves as the basis for part of a research project of the Friedrich-Ebert-Stiftung (FES) on 'New Approaches to Collective Security', which focuses on two research areas – why peace fails and new threats. Based on studies focusing on the overall context, governmental and non-governmental actors as well as their interrelationships, 'New Approaches to Collective Security' explores conflicts, their causes and politico-economic aspects of conflict systems, with special emphasis being assigned to the reasons for their staying power, while seeking to offer insight into the question of how security can best be organised collectively and in a sustainable manner.

The AU PSC Protocol states that the PSC is a standing decision-making authority that serves as 'a collective security and earlywarning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa.' Given this ambition of having the PSC as a continental collective security mechanism, it is fitting that one of the component of the research project on 'New Approaches to Collective Security' is a review of how the PSC functions. In this regard, the questions that this analysis and the case studies explore include whether the PSC is well equipped to operate as an effective collective security system and the factors that limit the emergence of the PSC as a more effective mechanism for mobilising timely and effective collective action for resolving existing and emerging crises.

In developing this political-economy analysis of how the PSC functions, this research report uses the cases of Burundi (as an example of why peace fails) and Boko Haram (a case involving new threats) to assess the PSC. Both constitute recent developments, providing the most recent insight on PSC decision-making dynamics and the factors and forces shaping how it responds to crisis situations. While the Burundi case represents the 'why peace fails' stream in the overall research project, the case of Boko Haram illustrates the emergence of a so-called coalition-of-the-willing approach to situations that are characterised in the overall research as 'new threats'.

The question of 'why peace fails' relates to the relapse of postconflict societies that have implemented peace agreements and undertaken various forms of peace-building intervention to conflict situations. Whether in DRC, Mali or the CAR, South Sudan or the Burundi case study highlighted in this report, it would appear that many of the countries that have backslid into conflicts did so because existing peace agreements unravelled due to poor implementation of key reforms laid down in peace agreements, weak institutions, violent power struggles between political actors, the failure to produce a 'peace dividend' benefiting the bulk of the population and a resurgence of authoritarianism. 'Why peace fails' accordingly stands for the various factors shaping the conflict-related dynamics of post-conflict societies and the collapse of peace agreements or peace-building interventions in these societies as well as the implications of such failures for policies fostering peace and post-conflict reconstruction and development.

The concept of 'new threats' denotes new forms of organisation and conduct of hostilities, violence and armed conflict. While in the post-Cold War era the nature of conflicts has witnessed a shift from interstate to intra-state conflict, involving civil wars and organised, armed rebel groups pursuing political objectives, in more recent times the picture has continued to change, with armed opposition groups perpetrating indiscriminate violence or acts of terrorism as their *raison d'être* and *modus operandi*. Unlike the immediate post-Cold War era with its organised groups of armed opposition, today's groups are only loosely organised. As the experiences of Boko Haram, Al Qaida in the Islamic Maghreb or Al Shabaab show, traditional military and legally accepted methods of fighting have been consciously rejected in favour of asymmetric methods of war involving indiscriminate attacks on civilian targets, suicide bombings, improvised explosive devices, abductions of civilians, hostage taking, etc. Instead of being confined to the territory of one particular state, their membership and operations are more often than not transnational. It is this shift in the nature of conflict that the term 'new threats' seeks to capture, drawing attention to challenges such as the threats pose to collective security, including the AU peace and security order.

II. Context

The Boko Haram insurgency

Among ongoing conflicts that fall in the category of 'new threats', the most prominent one involves Boko Haram. The group has reportedly killed over 26,000 people since 2009 and caused the displacement of over 2.1 million people in Nigeria, with more than 2.6 million being displaced in the Lake Chad Basin region (encompassing Nigeria, Niger, Chad and Cameroon).

Although the group has espoused radical views from the beginning, it only became militant after Nigerian security forces killed its founder, Mohammed Yusuf, in July 2009. As the group expanded its insurgency, conducting increasingly sophisticated bombing attacks against soft targets, including the UN office in Abuja in 2011, it also began undertaking crossborder attacks, transforming the insurgency into a regional crisis. A number of factors have conditioned the emergence of Boko Haram. The rise of radical Islamist movements involving young people is one factor. Others include socioeconomic neglect, the lack of economic opportunities for young people, rampant bad governance in those regions in which Boko Haram has established itself, weakness of the Nigerian state in border areas of its Northern territories, lack of a unified approach to the crisis accompanied by politicisation by regional and national actors and the prevalence of regional and global crises, including the chaos in Libya and the war in Syria, which Boko Haram profited from.

At least two factors account for the evolution of Boko Haram from a radical political activist organisation advocating the establishment of Sharia law in Northern Nigeria into a militant group perpetrating violence as its *modus operandi*. The first was the opportunistic alliance that politicians involved in regional power struggles entered into with Boko Haram's leader, Yusuf, pledging to introduce Sharia (a major religious and political project of Boko Haram) in exchange for the group's support in regional elections. When a northern politician, Mala Kachalla, after winning a 1999 election for governorship, broke his promise to step down after one term of office in favour of Ali Modu Sheriff, a politician and wealthy businessman from a prominent Maiduguri family, Sheriff enlisted the support of Yusuf to win the election against Kachalla in exchange for a vow that he would support introduction of Sharia law and appoint members of the sect to a few senior government positions. This alliance with Sheriff gave Yusuf access to resources including funds from the state government reportedly channelled through Buji Foi, known locally as a Yusuf disciple and whom Sheriff appointed Commissioner for Religious Affairs when he became governor. Yusuf used these resources to start up an informal microcredit scheme, channelling the proceeds into the purchase of weapons, from neighbouring Chad. However, Sheriff failed to keep his side of the bargain by introducing Sharia and appointing Boko Haram supporters to office. When Yusuf and his group set out to take revenge, the cycle of violence this triggered eventually spiralled out of control.

The second factor was the heavy handed, but ineffective actions of Nigerian security forces in cracking down on members of Boko Haram after the latter began carrying out violent attacks against regional targets in Northeast Nigeria. The turning point came in 2009 with the death of Yusuf and many of his followers while in police custody following their arrest in a crackdown by security forces in 2008. Expectations that this would mean the demise of Boko Haram turned out to be illusory, as Yusuf's death paved the way for hardliners in the group to assume leadership. Under the tutelage of Yusuf's

deputy, Abubakar Shekau, Boko Haram metamorphosed into Africa's most brutal terrorist organisation in the years after 2009.

As a group operating in the remote border regions of Northeast Nigeria, where government security forces have no or only shaky control, the surge in the Boko Haram insurgency since 2011 started spilling over into the border territories of the neighbouring states in Lake Chad Basin, namely Niger, Cameroon and Chad. Porous borders and weak state capacities in border regions as well as the presence of nationals of some of the neighbouring countries in the ranks of Boko Haram were major factors nurturing the expansion of Boko Haram into the three neighbouring countries.

Boko Haram used the crisis in the Sahel region, which witnessed the proliferation of terrorist groups as part of the fallout from the collapse of Libya in 2011, to establish links with terrorist groups operating there, including Mali's Ansar Dine, Al Qaeda in the Islamic Maghreb (AQIM), and a splinter group from the latter, the Movement for Oneness and Jihad in West Africa (MUJAO). These three Islamist groups provided Boko Haram access to financial resources, training and weapons. In particular, AQIM opened up its financial resources, military arsenals and training facilities to Boko Haram. These links significantly boosted Boko Haram's striking power, with its strategy shifting to an increasing use of IEDs and indiscriminate attacks.

Apart from Boko Haram's strategy of asymmetrical warfare, which is very difficult to defeat by conventional means, informal social and cultural norms and the effectiveness and legitimacy of formal norms and processes have the greatest impact on the balance of power. In terms of informal social and cultural norms, the region has witnessed a major shift from Sufi Islam to a strict interpretation of the Koran and a loss of influence by religious and traditional leaders. Without a doubt, the Boko Haram insurgency cannot merely be reduced to the strength of the group and its tactics. It is also attributable in significant measure to the weaknesses of the institutions, norms and systems of governance of the Nigerian state, particularly in its Northeast territories. Indeed, with higher levels of marginalisation and alienation prevailing in North Nigeria, the already fragile authority of the state has seen its legitimacy erode further. All in all, religious institutions including mosques and madrasas, traditional and religious leaders, the effectiveness of regional governments, the quality of intervention by national security forces and coordination between Nigeria and neighbouring countries are the major institutional factors affecting the balance of power in efforts to bring an end to the Boko Haram insurgency.

The Burundi crisis of 2015

The context for the crisis in Burundi differs fundamentally from that of the Boko Haram insurgency. This crisis involves Burundi's postconflict peace beginning to unravel.

Burundi's fragile peace began to unravel as a result of both political and socioeconomic issues that emerged in the country over the years after peace was fully restored in 2005. While the Arusha Accord of 2000 and subsequent peace efforts established a power sharing scheme ensuring representation of rival communities in government structures and policy making processes while guaranteeing political pluralism produced stability and peace in Burundi, the authoritarian drift of the government in the context of the 2010 elections and in its aftermath (involving violent crackdowns on the opposition), a curtailment of political freedoms and unsatisfactory performance by the economy, including an ailing service sector coupled with youth unemployment and corruption fuelled increasing polarisation and violence. Unlike the improvement in living standards that solid economic growth produced in neighbouring Rwanda, Burundi has not experienced any similar economic success on a scale improving the condition of the population as a whole as a «dividend» from the post-conflict settlement. Compounding the situation was the perpetuation of a culture of impunity, made possible due in part to the failure of the post 2005 government to implement the accountability mechanisms laid down in the Arusha Accord.

The immediate cause of the crisis in Burundi was the bid by the incumbent President Pierre Nkurunziza for another term in office and the disquiet amongst opposition groups and civil society actors over an erosion of the terms of the Arusha Accord. Despite the fact that the Arusha Accord of 2000 clearly stipulated that no one may serve more than two presidential terms, disagreements flamed up over the legitimacy of the 2005 election of the president by the national assembly. When the ruling party – the National Council for the Defence of Democracy – Forces for the Defence of Democracy (CNDD-FDD) supported President Nkurunziza standing for election in 2015, this was challenged by opposition parties and civil society organisations in Bujumbura. The constitutional amendments that the ruling CNDD-FDD initiated in 2013 to scrape Article 302, stipulating that the first post transition president was to be elected by the national assembly, was seen as an attempt to provide constitutional legitimacy to the President's bid for a third term. The move was defeated in Parliament by one vote with opposition members of Union for National Progress – Union pour le progrès national (UPRONA) and the Front for Democracy in Burundi – Front pour la démocratie au Burundi (FRODEBU) successfully joining together to mobilise enough votes to shoot down the amendment bill.

The defeat of the bill in parliament did not, however, put an end to the dispute over President Nkurunziza's bid for a third term. On 25 April 2015, the CNDD-FDD announced its decision to put up President Nkurunziza as its presidential candidate, triggering public protests in various parts of Bujumbura. Civil society organisations united in a campaign 'Stop the Third Mandate' and political parties opposed to the third term launched demonstrations in Bujumbura. In the meantime, the Constitutional Court, which was petitioned to hand down decision on the constitutionality of the president's bid for another term, held on 5 May 2015 that the election

of the president by the Assembly in 2005 did not count with regard to the two term limit laid down in Article 96 of the Constitution. While the crisis initially involved street clashes between protestors and security forces, it escalated when elements of the security forces orchestrated an attempted coup on 13 May 2015, leading to two days of fighting and violence. In the months following the failed coup in May 2015, the crisis degenerated into major violence characterised by sporadic fighting, assassinations, arbitrary killings and grenade attacks. Given the history of cyclical communal violence pitting the minority Tutsi against the majority Hutu, this worsening of the crisis heightened fears of both a total unravelling of Burundi's post Arusha peace and deterioration of the situation into mass communal violence along ethnic lines.

One key feature of the crisis in Burundi has been the hardline, uncompromising position adopted by contending political forces, resulting in a zero-sum violent conflict. While those opposing the third term bid of the president refused to confer any recognition upon the government established based on the elections in July 2015, the CNDD-FDD and supporters of the President not only supported his bid for a third term – they also accused the opposition of trying to achieve through protests what they failed to achieve through elections. This has not only shaped the course of the crisis, but has also turned into one of the major factors impeding successful mediation of its resolution

The AU Peace and Security Council

The PSC is the standing decision-making body of the AU in charge of matters involving peace and security in Africa. Established under the Protocol on the establishment of the Peace and Security Council (PSC Protocol), the PSC is constituted as a body in which 15 member states represent the five African regions. As a body with no permanent members (although Nigeria has emerged to be a de facto permanent member) and veto powers, the members of the PSC are responsible for addressing issues involving peace and security in Africa. Over the years, the PSC has deployed more than a dozen peacekeeping operations, sponsored numerous mediation and peacemaking processes and imposed sanctions on more than a dozen member states of the AU for unconstitutional changes in government.

Unlike the UN Security Council, where member states are the penholders and hence responsible for initiating draft resolutions, in the PSC the AU Commission's Peace and Security Department is the de facto penholder for the PSC and responsible for submitting draft decisions of the PSC. As Regional Economic Communities or Mechanisms (RECs) have come to play an ever-increasing role (ECOWAS in Mali and Guinea Bissau, SADC in Madagascar, ECCAS in CAR and IGAD in South Sudan) over the years, the relationship between the AU and RECs, as the case study of Burundi in this research report shows, has become one of the major factors shaping the actions of the PSC and the nature of its response to crises. Within the framework of the African Peace and Security Architecture (APSA), the RECs serve as the

building blocks of the APSA. The formula that is often cited for mediating the relationship between the AU and RECs in the areas of peace and security is the principle of subsidiarity, which assigns RECs the task of first response to crisis in their regions, with the AU then intervening whenever they are unable to manage the situation.

Apart from RECs and the influence of the UN, the EU as well as major global powers, decisionmaking dynamics in the PSC further depend on the personal dynamism and conviction of the respective PSC-members representative and the country's position on the issue at hand. Furthermore, AU member states are guided by considerations of solidarity with the country/ regime involved and assessments of selfinterest revolving around sovereignty, the attainment of political legitimacy and material and financial benefits. Media attention and the high level of mobilisation by civil society can also at times play a role in shaping how the PSC places crises on its agenda and responds to them.

III. Mapping of the major actors in Boko Haram's terrorist operations of and the crisis in Burundi

Major actors shaping Boko Haram's terrorist insurgency and the PSC's responses

The role of the Nigerian government has been a major factor both in terms of the evolution of Boko Haram as a terrorist group in the country as well as the nature of responses to counter it, initially at the national level and eventually at regional and continental levels. The escalation of the insurgency after 2009 took the government by surprise. It initially believed the violence would lose steam and as such the government did not consider it to be a serious security issue warranting a different approach. The attitude of the government began to change in 2012, with the defence budget skyrocketing from 100 billion naira (625\$ million) in 2010 to 927 billion naira (6\$ billion) in 2011 and 1 trillion (6.25\$ billion) naira in 2013, 2012 and 2014. Antiterrorism laws were strengthened and the capabilities of security forces were bolstered. With attacks by the insurgents intensifying continuously, the government subsequently declared a state of emergency in 2013 and in terms of its security response departed from a defensive posture to launch a military offensive against Boko Haram in 2014.

Despite the losses the government inflicted on Boko Haram (mainly through its military crackdown), it was not able to prevent the group from continuing to orchestrate and intensify its attacks. Various factors limited the effectiveness of the government's responses and undermined the emergence of a coherent narrative and strategy in the fight against Boko Haram. Much of the government response was based on a security approach, with little in the way of a socioeconomic, political or religio-cultural response. Excesses by security forces further alienated the local population, not

helping matters. Compounding the situation was also a lack of coordination between the various security forces.

Another factor was politicisation of the crisis, with Nigerian elites trading accusations along religious and regional lines. Despite official pronouncements that Boko Haram had nothing to do with Islam, there were those who felt that the response of Muslim elites to the group had been ambiguous, with some elements being suspected of sympathising with, if not supporting, the group. On the other hand, Muslim elites have accused Christian leaders of allowing the Boko Haram crisis to fester and using it as instrument to divide and weaken northern elites. The astronomical increase in the defence budget has not initially translated into an effective strategy, full political support or a committed leadership or enhanced capabilities and effectiveness on the part of the security forces. The government has professed a willingness to negotiate with Boko Haram, but this has produced little results due to the government's lack of a coherent strategy and fraud as well as mistrust by Boko Haram and internal divisions among the insurgents.

Apart from local and national security forces, including the Nigerian army, the crisis in Northeast Nigeria has led to the emergence of the Civilian Joint Task Force (CJTF), a popular selfdefence and vigilante group fighting Boko Haram. According to local accounts, in early 2013 several residents decided that citizens of Maiduguri needed to organise their own defence. Although it started as a response by residents of the region to attacks by Boko Haram, the CJTF not only received institutional support of various kinds from the regional states and the Nigerian army it was also involved in several army operations, acting as an auxiliary police force, arresting and interrogating suspects. It has also helped man checkpoints to control the movement of Boko Haram members and disrupt the staging of attacks by the group.

The other major actor is Boko Haram itself. After the group entered the militant phase, Abu Qaqa, the group's bestknown spokesman, stated: "Our objective is to put Nigeria in a difficult position and even destabilise it and replace it with Sharia". In seeking to establish an Islamic state, Boko Haram's position became irreconcilable with that of the Nigerian government, thereby rendering political negotiation impossible.

Although Boko Haram is a local insurgency with regional dimensions, the group has also drawn inspiration from global terrorist groups, including Al Qaida and the Islamic State (IS). Inspired by and copying the approach of the IS, Boko Haram set about seizing and controlling territories which it declared to be the Islamic caliphate in Nigeria. To expand its jihadist credentials to the global level, Boko Haram's leadership also declared its allegiance to the IS.

The position of Nigeria has had a major impact on the course and nature of the regional mechanisms' response to Boko Haram, including that of the PSC. Despite Boko Haram's stepping up its attacks, Nigeria did not consider the insurgency to be a matter requiring regional and continental action. Notwithstanding the absence of a consensus and

proactive strategy on the part of Nigerian government in the first few years of the insurgency, the prevailing view was that the issue was a Nigerian matter that Nigeria should deal with in much the same way as Nigeria has been handling the crisis in its Niger Delta region. Additionally, given Nigeria's image as the powerhouse in the West African region, some in government were reluctant to have the issue of Boko Haram placed on an agenda for regional and continental peace and security mechanisms. Even when Boko Haram operations expanded to the regional level, Nigeria's response remained largely limited to enhancing bilateral border security with the neighbouring countries of Niger, Chad and Cameroon. At the regional level as well initially, these three neighbouring countries directed their efforts at containing Boko Haram individually or through ad hoc bilateral collaboration, treating it mainly as a Nigerian issue.

Until 2014, the view had been that Boko Haram was principally a Nigerian issue that Nigeria could address through enhanced bilateral security cooperation with neighbouring countries and international partners. Nigeria's reluctance to have the AU get involved and the established regional approach began to change during the course of 2015/2014, however.

One of the major factors conditioning this change was the election of Muhammadu Buhari as Nigerian President. Buhari made the fight against Boko Haram a priority in his administration. In a departure from the previous administration, President Buhari actively pursued regional action against Boko Haram and to this end soon undertook official visits to Niger on 3 June, to Chad on 4 June, to Cameroon on 29 July, and to Benin on 1 August. By contributing 100\$ million and assuming a leadership role, Buhari's administration also lent new impetus to the process for operationalization of the MNJTF. This shift in attitude towards a multilateral approach to the threat of Boko Haram was, among others, due to changes in the neighbouring countries' perception of the Boko Haram's threat and their desire to adopt a multilateral approach, heightened international interest and expectations of the countries involved for increased international political, logistical and financial support.

As Nigeria has intensified its pressure on Boko Haram, its operations in neighbouring countries have also expanded. Although it has been present in Cameroon and Niger at least as far back as 2012-2011, Boko Haram intensified its incursions into Cameroon, Chad and Niger in the years after 2013, attacking villages and military bases, killing and abducting people. These countries have increasingly realised that Boko Haram is more than a purely Nigerian problem. Accordingly, these three countries together with Benin have pushed for an organised and regional multilateral response to the crisis under the leadership of France, a common former colonial power wielding influence and power over these countries. During 2015-2014, Nigeria's neighbours commenced coordinated operations against Boko Haram. Military action on a crossborder scale got under way in January 2015. Chad, whose capital city N'Djamena is located on the border with Cameroon, close to the area where Boko Haram operates, has obtained explicit authorisation

from Cameroon's Government to operate in its territory and deploy military forces along the Nigerian border.

As far as the PSC's response is concerned, apart from Nigeria (both as a country with a vital interest and member of the PSC) and Chad when it was PSC member, there are various actors and factors that have shaped the evolution the PSC's responds to Boko Haram. One such factor has been a change in other PSC member states' perception of the Boko Haram threat. This was attributable not only to the increased regionalisation of the Boko Haram insurgency, but also the rise of the group to become the most deadly and brutal terrorist group on the continent. Also within the AU in general and the Peace and Security Department in particular, there has been an increasing recognition that the crisis warrants the PSC's involvement, focusing on Boko Haram above and beyond the issue of terrorism and adoption of statements by the AU condemning Boko Haram attacks.

The international #Bringbackourgirls campaign in connection with the kidnapping of the Chibok schoolgirls in April 2014 brought unprecedented media coverage and international attention to the crises triggered by the Boko Haram insurgency. In this context and with the heightened involvement of international actors, notably the UN Security Council, it became untenable to only treat Boko Haram as a Nigerian issue, while at the same time Nigeria also perceived increased opportunities to mobilise international support in the fight against Boko Haram. In the light of the fact that the Boko Haram insurgency traverses the borders of the ECOWAS and ECCAS regions, the PSC was the best forum for mandating regional action and facilitating the mobilisation of international support, although Nigeria and countries in the region preferred direct support rather than through the intermediary of the AU.

At the regional level, three organisations have come to play significant role. The first is the Lake Chad Basin Commission (LCBC). Established as an intergovernmental body of eight member states (Nigeria, Chad, Cameroon, Niger, Central African Republic, Libya, Algeria and Sudan) to deal with water and related natural resource usage in the basin, the LCBC became the platform for countries struggling against Boko Haram to take multilateral action against the group. While countries facing Boko Haram in the LCBC activated the Multinational Joint Task Force (MNJTF), established in 1998 to deal with organised crime, setting out the new task of combatting Boko Haram at the 14th ordinary summit of the LCBC in April 2012, the MNJTF was expanded into a multinational security and stabilisation operation against Boko Haram in October 2014.

Because Boko Haram is a crossborder issue that affects both the ECOWAS and ECCAS regions, neither ECOWAS nor ECCAS are able to assume a leadership role in mobilising a regional response against Boko Haram. In the absence of any established horizontal coordination and joint decision-making framework between RECs, the lead role in mobilising a regional multilateral response fell to the LCBC. This has resulted in ECOWAS and ECCAS, the other two regional

organisations, assuming a largely supportive role.

Following its emergency summit held on 30 May 2014, the ECOWAS Authority of Heads of State and Government encouraged President Jonathan to be steadfast in mobilising all the forces in the country to put an end to these acts of terrorism and pursue a policy of national dialogue and reconciliation. While urging member states to strengthen their cooperation particularly through sharing information and to coordinate the efforts of intelligence services and lawenforcement agencies, the Authority extended its support to LCBC, urging its member states to step up their action plan and cooperation in the fight against terrorism. In January 2015, ECOWAS requested the threat posed by Boko Haram to be placed on the agenda of the AU summit meetings and it was made one of the items of the agenda at the AU PSC summit meeting held on 29 January 2015.

Like ECOWAS, ECCAS has extended its support to the LCBC in operationalising the MNJTF. A meeting of ECCAS member states was held in Cameroon on 16 February 2015 in which most of the 100\$ million needed to combat the Nigeria-based Islamists was committed. A call was also issued for speedy U.N. approval of a multinational force to pave the way for military involvement by other African nations.

Initially, neither Nigeria nor any of the regional bodies involved showed any interest in the AU playing an active role. At one level there was a view that they could and indeed should handle the situation on their own. Moreover, involving the AU was at times seen as adding another bureaucratic layer, which would compete for attention and resources, while subordinating the countries involved to PSC control. For its part, the AU, after already having sponsored antiterrorist responses in the Sahel and keen to play its role under the PSC Protocol, took strategic action to assert its role. In particular, the AU sought to not only lend continental legitimacy to the MNJTF, but also to play the role of enabler in the mobilisation of resources, including funds from EU's Africa Peace Facility, for the operation. The AU also assumed responsibility for the mission support unit at MNJTF headquarters in N'djamena, Chad. With both Nigeria and regional bodies recognising the need for AU involvement in order to facilitate international support for the MNJTF and for enhanced legal backing and political legitimacy for crossborder operations through PSC authorisation of the mandate, the AU eventually became the principal partner in the deployment of the MNJTF. Nigeria and the LCBC accepted the AU's role, however, without ceding the AU strategic control over the MNJTF, notably in terms of leadership of the mission and decision making in operations. This division of responsibility between the AU and the LCBC was put down on paper, with the AU and the LCBC signing an MoU setting out their collaboration on 16 October 2015.

Various international actors have also intensified their engagement, particularly with regard to the April 2014 abduction of the Chibok schoolgirls. The 14 April kidnapping has caused a surge in support for the Nigerian government. The main actors providing support have been the United States of America, Great Britain, France, China, Israel, Australia, and

the European Union. Most of this support has been in the form of military hardware, manpower, intelligence, vehicles, training and various types of on the ground assistance.

The extra regional actors that have played the most significant role in terms of catalysing the multilateral regional response to Boko Haram include France and the United Kingdom. In an effort to mobilise regional coordination and international support in the struggle against Boko Haram, France convened a summitlevel meeting of countries affected by Boko Haram on 17 May, the first of its kind. This brought together the leaders of Nigeria, Chad, Cameroon, Niger and Benin. Heads of state at the meeting in Paris agreed to three main resolutions. Firstly, they called for greater regional cooperation, both bilateral and multilateral, to improve intelligence and concerted actions; secondly, they decided to refer Boko Haram, Ansaru and their supporters to the UN Sanctions Committee; and thirdly, the summit promised to afford more attention to marginalised and vulnerable groups, mainly female and child victims of violence. One of the outcomes of the Paris summit was the signing of a memorandum of understanding on the establishment of the Regional Intelligence Fusion Unit (RIFU) to facilitate coordination and intelligence sharing among the Lake Chad Basin countries.

The following month, the UK followed suit, convening a ministerial meeting on security in Nigeria on 12 June 2014. Apart from endorsing the results of the Paris summit, the resolutions adopted at the London meeting included a commitment to operationalisation of the RIFU and to member countries' contribution of a battalion to the Multinational Joint Task Force (MNJTF) and support for its headquarters through military advisors within the framework of the LCBC. The US also intensified its engagement beyond the logistical, training and intelligence support it has extended to Nigeria through US Special Forces and equipment. The US has also categorised Boko Haram and its leaders as terrorists and applied sanctions against them.

This high level international attention and the resolutions that emerged from these three meetings in Paris and London have not only reinforced the need for the PSC's engagement, but have also created fertile ground for the PSC to assume an enhanced role. Most notably, the AU used the PSC to target its engagement, leveraging the regional initiative to combat Boko Haram within the framework of the LCBC.

Another major actor shaping not only the role of Nigeria, regional actors and Boko Haram, but also multilateral engagement including that of the AU PSC is the UN. In a presidential statement issued on 9 May 2014, the UN Security Council condemned the attacks perpetrated by Boko Haram in Nigeria, including the abduction of the Chibok schoolgirls. One of the most significant steps taken by the UN in the fight against Boko Haram and efforts to galvanise international cooperation to eliminate the group was the blacklisting of Boko Haram on the UN al Qaeda sanctions list. On 22 May 2013, the Security Council's Al-Qaeda Sanctions Committee approved the addition of Boko Haram to its list of individuals and entities subject to the targeted financial sanctions and

the arms embargo set out in paragraph 1 of Security Council resolution 2012) 2083), adopted under Chapter VII of the Charter of the United Nations. Apart from adding credence to the PSC's treatment of Boko Haram as a specific agenda item, the UN's expected role in authorising the deployment of the MNJTF (hence providing it with the utmost in legal and political legitimacy) has enhanced the role of the AU in at least two ways. First, it has put the PSC at the centre of the process for UNSC authorisation, with the PSC decision on MNJTF deployment serving as the catalyst for the UNSC to authorise this deployment. Second, the AU is playing a coordinating role, facilitating the required technical preparations, including the plans and concepts for MNJTF operations

Major actors shaping the crisis in Burundi and the PSC's response to the crisis

The main axis of the crisis in Burundi has been between those supporting the President's third term bid, among which the CNDD-FDD stands out, and those opposing the President's election in 2015.

Apart from the opposition parties including the FNL and the Movement for Solidarity and Democracy (Mouvement pour la solidarité et la démocratie, MSD), major civil society actors organised the main opposition to the President under the banner of 'Stop the third term' (Halte au 3ème mandat) and the "Arusha Movement" (Mouvement Arusha). They created a common platform for articulating an agenda for negotiation in the mediation processes initiated within the framework of the EAC.

The civilian platform, the mainstay of the opposition, the National Council for the Respect of the Arusha Accord for Peace and Reconciliation in Burundi and of the Rule of Law (Conseil national pour le respect de l'accord d'Arusha pour la paix et la réconciliation au Burundi et de l'Etat de droit, CNARED) established in July 2015, brought together members of the 'Stop the third term', 'Arusha movement', exiled opposition members including the main opposition movements – except the FNL – as well as two former presidents, members of civil society and CNDD-FDD dissidents. The CNARED organised around three core issues which became the basis for its engagement in the EAC led mediation, namely defence of the Arusha Accord, opposition to a third term and rejection of the June/July 2015 elections.

The first major turning point in the crisis came on 13 May, when Godefroid Niyombare, who had been dismissed as head of intelligence in February, former General Leonard Ngendakumana, and former Defence Minister Cyrille Ndayirukiye led a failed coup. This was used to the government's benefit, with both the EAC and the AU condemning the attempted coup. With there initially being sympathy particularly within the AU for the opposition to the third term, the emphasis then shifted to creating conditions for holding free and inclusive elections. Another landmark and bloodiest event in the political crisis occurred on 11 December 2015, when armed groups carried out coordinated attacks on military sites in Bujumbura. Government security

forces retaliated with searches, raids, arrests and targeted killings throughout Bujumbura. The fighting on 11 December prompted regional and international fears that the country may relapse into armed conflict and genocidal violence. It led, among other things, to the adoption of a communiqué by the PSC on 17 December 2015 proposing the deployment of an intervention force in Burundi.

The role of Burundi's government has been one of the major factors shaping the course and nature of the response by regional mechanisms, notably by the EAC, ICGLR and the PSC. The government blamed the crisis on opposition forces' determination to achieve through street protests what they could not through elections. The government used the 13 May attempted coup as proof of this intention on the part of the opposition to seize power through means other than elections, for which some AU member states showed sympathy. Similarly, the CNDD-FDD and members of President Nzuruziza's government also blamed Rwanda for instigating and supporting the opposition as part of an effort to promote a Rwandan style system dominated by the minority. Statements by Rwanda's President criticising the government and reports of Rwandan support for armed opposition groups in refugee camps in Rwanda reinforcing Burundi's allegations about Rwanda's role, with Burundi's government being invited to state its case by some of the members of the EAC and the PSC, including Tanzania and South Africa.

The government also took advantage of the divisions within the EAC (which assumed the lead role in the search for a peaceful resolution of the crisis) and lack of progress in the EAC-sponsored peace process, questioning the propriety and timeliness of the proposed AU intervention force. By using national legal structures such as the Constitutional Court (from which it sought a legal ruling on the constitutionality of the President's candidacy) and the Parliament (when it sought to adopt its response to the AU PSC decision for the deployment of an intervention force in December 2015), it sought to cast doubt on claims that the President's third term was unconstitutional and the move towards military intervention. The protracted, ultimately unsuccessful, negotiation over the MoU with the AU on the implementation of AU human rights monitoring and deployment of military observers illustrate that the government has been adept at frustrating multilateral responses.

The government also used the military attacks and alleged involvement of Western countries in the efforts to bring about regime change by supporting the opposition, invoking sovereignty and nonintervention in order to gain the benefit of doubt from some AU member states. This was one of the aspects raised by one of the PSC member states during the January 2016 PSC summit in opposing military intervention by the AU in Burundi without the government's consent. Similarly, a decline in the level of violence in the wake of the bloodiest escalation on 11 December helped allay fears that the country was on the brink of a possible genocidal civil war.

Other actors that impacted the policy response to the crisis

in Burundi include the EAC, the AU Commission (particularly the Chairperson of the Commission and the PSD) and the members of the PSC. Based on the principle of subsidiarity that generally governs AU's cooperation with RECs, the EAC was the regional body that assumed the leadership in mediating the Burundi crisis. Following the eruption of the crisis, the subregional body convened a number of summit level meetings. Yet, with member states of the EAC supporting opposing sides, with Rwanda issuing statements supporting the cause of the opposition and Tanzania indicating its lack of enthusiasm for a change in government, and the opposition's demanding and trying to convince Nkurunziza to make concessions, the EAC refrained from passing judgment on the President's bid for a third term. This was even more so after the failure of the coup attempt on 13 May. Instead, the EAC opted to try to facilitate a negotiated settlement. At its 30 May 2015 summit, it sought to have the elections scheduled in Burundi postponed, and, when they were held, to ensure conditions acceptable to all sides in the hope of bringing about an inclusive government. As the crisis deepened, the EAC assigned the task of mediating the crisis to Uganda's President Yoweri Museveni at its summit held on 6 July.

The Rwandan government has often publicly criticised President Nkurunziza's governance of Burundi and has been accused by the UN of supporting armed Burundian groups, while Uganda and Tanzania appear to favour maintenance of the status quo.

While the AU took its cue from the EAC, its various institutions have been active in responding to the crisis. The AU Commission, notably the Chairperson of the Commission, Nkosazana Dlamini Zuma, and the Commissioner for Peace and Security, Smail Chergui, undertook missions to Burundi. They both visited Burundi at different times, affirming their intention to ensure respect of the Arusha accord. The AU Commissioner for Political Affairs and then the Chairperson visited Bujumbura, calling on the President to abide by the Constitution and Arusha accord, and proposing a dialogue to ensure a credible election process while resolving disagreements over the third term. The Chairperson also issued a number of statements on the situation, particularly in the wake of the crisis that erupted in April 2015. After she failed to convince the government to reject the President's bid for a third term in March, the Chairperson desisted from additional visits, but adopted a critical position on the government, leading the government to accuse the AU Commission of bias. On 9 May the AU sent a highlevel delegation to Burundi, chaired by former Togolese Prime Minister Edem Kodjo, a member of the Panel of the Wise, and including former Senegalese foreign minister Ibrahima Fall.

Another key factor in the AU policy response has been the role of other individuals, including the heads of the Peace and Security Department (PSD), the Director of the PSD and members of the PSC Secretariat, who helped shape the opinions of PSC members and the draft documents produced by PSC sessions. Burundi accused the PSD of working

with and encouraging Western countries to influence PSC positions, particularly France. Among other countries, France was said to have promoted an initiative in the PSD to propose the intervention force the PSC proposed on 17 December 2015.

Another important development in the AU that shaped PSC positions was the role played by member states and their representatives in the PSC. While the position adopted in the PSC by representatives of a few member states reflected views of the situation held in their respective capitals, other representatives of PSC member states followed the cues of the AU PSD, while yet others relied on their own convictions of what should happen. There were also a number of members who either did not consult or did not receive any guidance from their capitals. The «disconnect» between officials in Addis Ababa and those back home in the capital cities affected the approach of the PSC, particularly when the PSC convened at summit level in January 2016.

As is the tradition in almost all PSC decisions involving national situations, the level of active involvement of PSC members in shaping PSC decisions has varied. Broadly speaking, members of the PSC can be categorised in four groups in terms of the nature and level of their involvement. In the first group are those PSC member states that agreed with the PSD's opinion on the gravity of the situation and actively supported the proposed intervention force. These include Algeria, Ethiopia, the Gambia, Nigeria and Uganda. The second group consisted of member states that simply followed the lead of the AU PSD: Equatorial Guinea, which chaired the PSC session that adopted the resolution, and Chad. The third group involved member states with reservations, but preferring more resolute diplomatic intervention combined with stepped up human rights monitoring and military observers on the ground, while at the same time not objecting to the proposal. Examples in this category include Tanzania and South Africa. In the fourth category are the remaining members, which had no firm position and hence played no active part in the debate, but which tended to endorse the proposal based on discussions held with non African diplomats in Addis Ababa and reports on the crisis.

The UN is another major actor, although its influence on the position of the AU PSC towards Burundi has been less pronounced than its influence on the AU with respect to the crisis involving Boko Haram. In 2016-2015, the Security Council staged two visits, while the Secretary General for his part also travelled to Burundi (in February 2016). Council meetings produced three resolutions, two presidential statements and a series of press releases. Unlike its engagement in dealing with the Boko Haram insurgency, the UN followed the lead of the AU and the EAC with regard to Burundi.

IV. Interactions shaping the responses of the AU PSC to Burundi and Boko Haram

Interactions between actors and factors shaping the PSC response with regard to Boko Haram

The PSC held its very first session dedicated exclusively to Boko Haram on 23 May 2014. The AU Peace and Security Department in consultation with Tanzania in its role as chair of the PSC in May 2014 put Boko Haram on the agenda of the PSC. With Nigeria passively allowing the issue to be discussed in the PSC despite its continuing reservations on the need for AU engagement, the 436th session of PSC debated the Boko Haram terrorist insurgency based on a briefing from the AU Director of Peace and Security and a statement by Nigeria's Ambassador. Other members of the PSC having a direct interest on the subject included Chad and Niger, which in statements emphasised the need for concerted effort while affirming the AU's role in facilitating support. In addition to condemning Boko Haram's attacks, the PSC seized the opportunity to underscore that 'the terrorist activities of Boko Haram and other affiliated groups, including Ansaru, pose a serious threat not only to Nigeria but also to the region and to the continent as a whole'.

There were various factors that created the conditions that led to Boko Haram being made a standalone item on the PSC agenda. The first such factor was the highlevel media coverage of the abduction of the Chibok schoolgirls in midApril 2014 and the ensuing international outcry. At its 436th meeting, the PSC thus expressed not only its strong condemnation of 'the cowardly kidnapping by Boko Haram of over 200 young girls from a school in the town of Chibok, in Borno State' on 14 April 2014, but also its solidarity with the families of the kidnapped schoolgirls.

The crossregional links of Boko Haram was the other factor. The communiqué issued by the PSC describing the outcome of the PSC debate also indicates that the PSC session focusing on Boko Haram was influenced by links between Boko Haram and other terrorist groups in the Sahel region and beyond, including Al Qaeda in the Islamic Maghreb (AQIM).

Apart from the summit that France convened on 17 May, both the 9 May 2014 presidential statement issued by the UNSC and the 22 May 2014 decision by the Council to add Boko Haram to the list of sanctioned individuals and entities were significant. Indeed, the 436th communiqué of the PSC, in which it welcomed the decision by the UN Security Council's Al-Qaeda Sanctions Committee issued on 22 May 2014, urged 'all AU member states to ensure the effective implementation of the sanctions as an effective tool towards eliminating the group and denying access to resources to carry out its criminal and terrorist activities'.

Against the background of the Paris Summit and the London Ministerial meeting that lent impetus to a regional multilateral force with pledges from the participating LCBC member states to contribute a battalion each to the MNJTF, the AU took further steps building on the PSC's first session on Boko Haram. As part of its deliberations over the Report by the PSC, during the AU summit held in Malabo in June 2014 the AU Assembly called upon the PSC 'to devote a meeting, at summit level, on the issue of terrorism' as part of 'a renewed effort towards the effective implementation of the AU counter terrorism framework'. Most notably, the Assembly advocated that a study be conducted on the possible establishment of a Regional Task Force to fight against Boko Haram along the lines of the Regional Cooperation Initiative for the Elimination of the Lord's Resistance Army (RCI-LRA).

Much of the effort in the establishment of the MNJTF in its current format is attributable to the LCBC. Initially, the member states of the LCBC and Benin showed little interest in an involvement of the AU, as they wanted a more flexible framework and less supranational control. Various factors including the role of the PSC as mandating authority and the AU's international recognition facilitating international support and strategic coordination led to an increased role being assumed by the PSC and AU. As the LCBC countries and Benin sought to receive UNSC authorization, it was important that the MNJTF was organised not only based on a strategic framework following the established format, but also a legal framework involving formal authorisation by the PSC.

Second, following the Malabo Summit decision taken on the report by the PSC, the plan that the AU announced for a regional force against Boko Haram at the second ministerial followup meeting to the Paris Summit held in Washington DC on 5 August 2015 led to a compromise, whereby the LCBC countries and Benin accepted the AU as a principal partner in the operationalisation of the MNJTF, injecting into the process aspects of the model and the experience of the RCI-LRA. Apart from Nigeria's recognition following Buhari's ascension to power that it could not defeat Boko Haram without coordinated regional action and support, which a PSC mandate and endorsement could facilitate, support voiced by the US for the AU's involvement created an impetus for such a compromise. For countries such as the US, the involvement of the AU not only offers the required legal framework and political legitimacy for the MNJTF, thereby facilitating international support it also offers a basis for requiring compliance with IHL and due diligence requirements in connection with human rights.

After the LCBC heads of state and government at their extraordinary meeting held in Cameroon on 7 October 2014 took the decision on the establishment of the MNJTF and a request for support was sent to the AU following the 4th ministerial meeting of the LCBC Member States and Benin, which took place in Abuja on 13 October 2014, the PSC, acting on the request of the LCBC and Benin ministerial meeting, held another meeting on Boko Haram and the MNJTF on 25 November 2014. After deliberating over the

briefings from PSD and the input from Nigeria, the PSC not only expressed its support for the MNJTF as an appropriate framework for effectively fighting Boko Haram, but also tasked the AU Commission to undertake urgent consultations with the LCBC Member States and Benin and to obtain the necessary expertise in order to identify and agree on the practical steps to facilitate speedy provision of the required international support.

Following this, the role of the AU/PSC was cemented as the principal partner in the operationalisation of the MNJTF. At the 5th ministerial meeting, held in Niamey, Niger, on 20 January 2015, the LCBC Member States and Benin requested the AU Commission to include the issues of Boko Haram on the agenda of the AU PSC Summit during the January 2015 AU summit both to submit to the PSC the conclusions of the ministerial meeting so it could authorise deployment and endorse the mandate of the Multinational Joint Task Force (MNJTF). Based on the report by the AUC Chairperson submitted to the AU Summit on 29 January 2015, the PSC formally authorized deployment of the MNJTF. Apart from the report by the AUC Chairperson that was presented by the Commissioner for Peace and Security, this time around the PSC also relied on statements issued by representatives of the member states of the Lake Chad Basin Commission (LCBC) and Ghana in its capacity as Chair of the ECOWAS Authority.

Underscoring the importance of the role of the PSC, the Chairperson of the AU Commission in her report stated that '[s]uch a decision by the Council (PSC) is a necessary first step in securing the adoption by the UN Security Council of a resolution authorising the Member States of the LCBC and Benin to deploy the MNJTF and the establishment of appropriate support mechanisms, including a Trust Fund.' In other words, the expected role of the UNSC in authorising deployment of the MNJTF became one of the factors necessitating an active role on the part of the AU, notably in mandating and hence providing a multilateral legal basis for the MNJTF.

The Chairperson's report, which served as the basis for the PSC summit decision, drew from and capitalised on the series of international meetings held in Paris, London and Washington D.C. to leverage the AU's active role in the operationalisation of the MNJTF and followup to the actions of the MNJTF. The US, France and UK accordingly influenced the PSC decision making process through the highlevel meetings these countries held to serve as a catalyst for a common regional framework in the fight against Boko Haram.

Fully endorsing the request of the LCBC countries and Benin, the PSC also sought a UNSC Chapter VII resolution advocating the UNSC's endorsement of the deployment and authorising the establishment of a UN trust fund to support the MNJTF. This was objected to by Nigeria, however, which was not keen on being made subject to UN operational supervision. Hence did not support a Chapter VII resolution on the MNJTF. Other countries, such as Chad, which had written a draft Presidential Statement for the UNSC endorsement, supported a Chapter VII mandate, expressing general support

for the MNJTF while calling upon it to respect human rights and International Humanitarian Law (IHL) and urging UN member states to provide financial support. Notwithstanding the views of Nigeria and Chad, the UNSC opted to follow the precedent set by the RCI-LRA, whose deployment was welcomed by the UNSC in a presidential statement rather than a Chapter VII resolution authorising deployment of the MNJTF.

Apart from enabling Nigeria to maintain a more effective and durable coalition with its neighbours to fight Boko Haram than when the MNJTF was managed by the LCBC alone, the MNJTF was operationalised with the AU playing an active role, enabling the participating countries both to solicit financial, logistical and training support and shore up their individual political authority and security profiles. Unlike the RCI-LRA, with regard to which the AU has had exclusive supervision, in the case of the MNJTF the AU had to concede part of this role to the LCBC and Benin to forge an effective response to Boko Haram. In accepting the involvement by the AU, Nigeria and the other MNJTF countries contributing troops as well as the LCBC sought to maintain autonomous control over the MNJTF by limiting the AU's role to leveraging their own role without it having command and control or direct supervision. Although strategic control by the AU over the MNJTF was diluted by having it share this role with the LCBC through the LCBC Secretary, the AU took charge of the Strategic Support Cell providing political supervision, and coordinates and manages partner assistance for the MNJTF. All partner contributions were also channelled through the AU. The AU is also responsible for the mission support unit at MNJTF headquarters.

Interaction between actors and factors shaping the PSC's response to the crisis on Burundi

In the initial stages of the crisis, key factors underlying policy decisions by the PSC included views of some key members of the PSC, including those in the EAC (namely Tanzania and Uganda) and South Africa, with further backing in the form of significant input from the PSD and PSC Secretariat. Taking the cue from the EAC, which refrained from condemning the President's bid for a third term, opting instead to try to convince Nkurinziza to make concessions, the PSC at this stage focused on forging a consensus among the various Burundian political forces with respect to the national elections expected in mid 2015. Accordingly, based on the update from the AU's Department of Political Affairs and the statement issued by the representative of Burundi, who is currently the Foreign Minister, the PSC at its first meeting on Burundi in March 2015 called on Burundian stakeholders to work together to hold peaceful, inclusive, free, credible and transparent elections while expressing its 'commitment to respect the sovereignty of Burundi in line with its Constitution, the AU Constitutive Act and the UN Charter'.

On 28 April 2015, two days after the eruption of the crisis in Bujumbura, the PSC met to discuss the situation upon the

initiative of the AU PSD. While the AU Commission, notably Dlamini-Zuma, expressed doubts over the constitutionality of the move by the president to stand for election on twitter and in an interview for CCTV putting emphasis on respect for the Arusha Accord, the PSC adopted a different approach. The PSC relied on the briefing that the Commissioner for Peace and Security gave and the statement issued by Burundi's Ambassador and representative in the PSC, who underscored the need to resolve whether the President's bid for another term in office was constitutional based on the country's constitutional procedures. He informed the PSC that the Constitutional Court was being petitioned to decide the issue. While expressing its grave concern over the incidents of violence, the PSC at this 501st meeting noted that the issue of the President standing for another election had been submitted to the Constitutional Court and urged 'all Burundian stakeholders to respect the decision of the Constitutional Court when handed down'. Two days later, the PSC issued a statement on the development of the situation in Burundi, noting the 'serious threats that the prevailing situation in Burundi poses to peace, security and stability of the country, with far-reaching implications for the whole region' and emphasising the need to preserve the gains made in Burundi. In a concrete step to deescalate the crisis, the PSC Statement in response to a proposal from the AU Commission tasked the AU Commission to undertake urgent consultations with the Government of Burundi to contain the crisis, including the deployment of human rights observers and other civilian actors.

At its 507th meeting on 14th May, with a coup attempt still underway with fighting raging in Bujumbura, the PSC was briefed by the Director of the PSD and received a statement by Burundi's Ambassador. In the communiqué it adopted at that session containing AU PSD's most extensive proposals addressing the crisis, the PSC voiced its strong condemnation of any attempts to seize power by force. The PSC also took cues from the EAC and the Chairperson of the AU Commission, endorsing 'the communiqué issued by the EAC summit on 13 May and the Chairperson's statement condemning the attempt to take power by force in Burundi.'

It is during this session that the balance of power on the Burundi issue shifted more towards the AU Commission, with member states then falling in line. In emphasising dialogue as the only way to a solution, the PSC called for respect for the Constitution of Burundi as well as the Arusha Agreement, with the latter being mentioned first. This reflected the influence of the AU PSD's position favouring the Arusha Accord on the question of another term for the President, although this was a moot point as far as the PSC was concerned.

Apart from urging speedy 'deployment of human rights observers, (...) local conflict prevention and resolution activities', the PSC for the very first time signalled a willingness to take all the measures required including threats of sanctions and specific assignment of a peace keeping mission. The PSC in particular requested 'the Commission, in consultation with the East African Standby Force, to undertake contingency planning, in view of the possible deployment of an expanded

mission to ensure the protection of civilians and property and facilitate the cessation of violence.' Against the background of the May 13 coup attempt and ensuing fighting in Bujumbura, through this provision the AU PSD and PSC sowed the seeds for the 17 October 2015 proposal on sending an intervention force to Burundi.

With regard to the election, the 507th communiqué of the PSC followed the EAC's lead, endorsing the decision of the 13 May EAC summit calling for 'a postponement of elections; the restoration of peace and stability to ensure the holding of elections in a free, fair, transparent and inclusive manner; and the cessation of violence'. After another extraordinary summit of the EAC held on 31 May 2015 that called for postponement of the election for 'a period of not less than one month and half', the PSC at its summit on 14 June in Johannesburg decided that the date of the elections should 'be set by consensus between Burundian parties in the spirit of the EAC communiqués of 31 May 2015 requesting a postponement of the elections, and on the basis of a technical assessment to be undertaken by the UN.' The PSC summit also decided to send an AU election observer mission subject to the proviso that 'conditions for the organisation of free, fair, transparent and credible elections, in accordance with the African Charter on Democracy, Elections and Governance, are met'.

As a compromise between the lead position of the EAC and its two members represented on the PSC on the one hand and the report by the AU Commission Chairperson on the other, the 14 June PSC summit communiqué called for the assignment of military observers to oversee the disarmament of militias in Burundi. In other words, while the EAC continued its leadership role mediating in the Burundi crisis, the AU opted for various preventive measures, including high level delegations, human rights monitoring, military observers and a human rights investigation mission. At its 523rd meeting held on 9 July, apart from reiterating its previous decisions, the PSC, reversing its decision of 14 June 2015 (on mediating the Burundi crisis), endorsed the decisions taken by the EAC three days earlier, notably the appointment of President Museveni as facilitator. Apart from the two EAC countries, which are members in the PSC, this has also been shaped by Burundi's government prioritization of EAC decisions and leadership, or lack thereof, over the AU recommendations knowing well that the dominant view in the EAC (particularly on the part of Uganda, Tanzania, and passively Kenya) was in favour of the status quo.

While it made concessions on the deployment of human rights monitors and military observers, the government of Burundi did not heed the call for the postponement of the elections. Determined to avoid any risk of being accused of staying in power beyond the constitutional period set to expire in August 2015, the government moved with the elections and only made minor changes to the electoral calendar. While the EAC opted to ignore its earlier decision and deployed an election observation mission, the AU Commission adopted the unprecedented stance that conditions in Burundi were not optimal for the organisation of free, fair, transparent,

and credible elections and announced it was unable to send an AU electoral observation mission to Burundi. In so doing, the AU was registering its disapproval of the situation and implementing the June 2015 PSC summit decision. At its 531st meeting held on 6 August, the PSC adopted a unanimous decision taking 'note of the recent parliamentary and presidential elections' and calling for 'an inclusive dialogue without any preconditions, leading to the formation of a government of national unity, as proposed to the EAC and endorsed by the PSC at its 523rd meeting'.

This decision on non deployment of election observers became another score on which the Burundi government came to have a grudge against the AU Commission leadership and adopted an intransigent position to frustrate AU initiatives on Burundi. When the AU sent a limited number of human rights monitors and military observers to Burundi in August 2015 to monitor the situation on the ground, negotiations over the MoU on the legal status of the observers stalled due to Burundi insisting that it be allowed to see the observers' reports before they were sent back to the AU headquarters, which the AUC refused to accept.

With deployment and operationalisation of the human rights monitors stalling and the situation on the ground deteriorating further, the PSC at its 551st meeting requested in Communiqué IV, PSC/PR /COMM.(DLI) the African Commission on Human and Peoples' Rights (the Commission) to urgently undertake an indepth investigation into the violation of human rights and other abuses against civilians in Burundi. Although the Burundi government allowed the African Commission to send its investigation mission to Burundi from 7 to 13 December 2015, it campaigned strongly against the report and its submission. When the PSC eventually received the report, Burundi's representative attacked it, insinuating illicit motivations, and mobilised some of the members of the PSC, particularly the new members Egypt, to refuse to endorse the report. Egypt suggested that there was no need to take any action on the report. Despite the support of some PSC members including Nigeria, Algeria and South Africa, the eventual decision of the PSC merely acknowledged the report and its recommendations, with no further follow up being called for.

Despite the fact that the EAC assigned President Museveni to mediate the crisis in Burundi, it turned out to be problematic. After all, he was the first President in the Great Lakes region to lift constitutional limits on the number of presidential terms in Uganda in 2006. Moreover, he was fully preoccupied with the campaign for his reelection in the general elections set for early 2016, so much so that he had little time and thought to spare for the crisis in Burundi.

With the EAC-led mediation process failing to get off the ground and the situation in Burundi deteriorating, the AU Commission, alarmed by the bloodiest clashes to date in December and fearing further escalation, went above and beyond the earlier proposal for an intervention mission. Thus, when the PSC met at its 565th meeting on 17 December 2015, the AU PSD tabled a proposal for deployment of a force

of 5,000 troops, known by its French acronym, MAPROBU, the African Prevention and Protection Mission in Burundi. For the first time the AU expressly invoked Article 4(h) of its Constitutive Act, which authorises the AU to intervene in member states in "grave circumstances, namely genocide, war crimes and crimes against humanity". Never before had the AU resorted to Article 4(h) in a crisis despite the fact that other crises, including recent ones such as in the Central African Republic and South Sudan, were marked by incidents tantamount to crimes against humanity or war crimes on a scale far greater than in Burundi.

In putting forward the proposal, the AU PSD consulted with some key members of the PSC such as representatives from Uganda, Ethiopia and South Africa. Various factors influenced the AU PSD move. The first was the history of violence in Burundi and a willingness to err on the side of premature action rather than waiting for violence to erupt and the country sliding into genocidal violence. Secondly, 11 December saw the bloodiest violence in Bujumbura to date, triggering panic and predictions of imminent civil war. Thirdly, there was strong desire to achieve a resolution of the crisis, particularly by getting President Museveni to activate the EAC mediation process. Fourthly, the AU PSD also relied on the report that it received from human rights observers on the ground and the grave concerns expressed in the preliminary statement issued by the investigation mission of the African Commission on Human and Peoples' Rights.

At the meeting the AU PSD director gave a briefing on the situation, including the risk of further escalation. Apart from Burundi, the PSC also received statements from representatives of the East African Standby Force (EASF), Uganda and Nigeria. There is no single factor that explains why and how PSC member states responded to the proposal, ultimately endorsing it. For some member states such as Ethiopia and South Africa (who deployed troops to AU Missions in Burundi in early 2000s), it was about protecting the legacy of regional efforts for building peace in Burundi. For many of the representatives of PSC member states, the history of conflict in Burundi and the deadly upsurge in fighting on 11 December gave rise to serious fears of Burundi descending into genocidal violence. These PSC members also supported the draft communiqué as a measure for putting pressure on the government to cooperate, allow mediation and deescalating the surge in violence and not as a measure to be acted on with troop deployment without Burundi's consent.

Some countries like The Gambia were motivated more by the individual conviction of the representative attending the PSC session rather than any policy position of his government. He expressed Gambia's full support for the proposal to deploy an intervention force. Nigeria, Chad and Equatorial Guinea looked at the issue purely from a technical perspective and were largely driven by the need for the AU to act before it was too late. Similarly, other countries, notably Tanzania, which were not fully sold on the proposal allowed it to be adopted, partly out of fear of being on the wrong side of history.

A series of discussions with AU officials and representatives of members of the PSC has revealed that despite the push for an intervention force and their support of the proposal, many actors did not believe at the time that MAPROBU would be deployed against the consent of Burundi. As these officials and representatives of PSC member states put it, the most that they sought to achieve was to mobilise attention to the crisis and prompt the EAC into taking mediation seriously and getting it launched. It became clear from the EASF, on which MAP-ROBU was to depend for sourcing the troops, that the contingency planning was based solely on the assumption that Burundi's government would accept MAP-ROBU. This became official when the EASF, to which PSC member states such as Ethiopia, Tanzania and Uganda form a part, met at an extraordinary summit just before the AU summit at the end of January 2016.

The threat of military intervention brought additional attention to the situation in Burundi, thereby creating a new political dynamic that prompted the EAC and the mediator of the Burundi dialogue, Uganda's President Museveni, to jump start the peace talks. As a result, the dialogue involving both the government and the opposition was launched in Entebbe, Uganda on 28 December 2015. However, mediation failed again due to disputes over the agenda, participation in the talks, the timeline for reconvening the talks, but also because of a lack of political commitment on the part of the mediator and issues relating to relocation of the mediation to Arusha.

While all of the members of the PSC endorsed the decision on 17 December, only some of them were aware of its full ramifications. Even a number of them that expressed their support for the decision, such as The Gambia and Uganda, did not seem to have involved their capitals. It is fair to conclude that the AU Commission, most specifically the PSD, was the main driving force behind the decision to deploy the MAPROBU. In the weeks following the decision taken on 17 December and in the context of the January 2016 AU summit debate on the matter, the lack of full buy in by PSC member states became clear. This is attributable not only to the lack of any active role being played by capitals at the time of the 17 December decision, but also most importantly the weak appreciation of the full implications of the decision and the lack of preparations for carrying the decision through.

In a move indicating that PSC members were not fully convinced of the 17 December decision to deploy MAPROBU without Burundi's consent spearheaded by the AU Commission, Tanzania made its reservations public. Its Foreign Minister, Augustine Mahiga, suggested that the option of regional mediation was not being adequately pursued, nor did he believe that forcible intervention was the optimal option.

Despite the fact that Burundi became a major subject on the peace and security agenda of the AU at the January 2016 summit, in the election of new members of the PSC that was held during the Executive Council session, Burundi was reelected to the PSC. Its return to the PSC with the votes of 38 AU member states was an early signal that doubts

lingered among two thirds of the members of the AU as to whether the situation in Burundi was really that grave. When the agenda on Burundi was debated at the PSC summit, the AU Commission both through its Chairperson and the Commissioner for Peace and Security pushed for endorsement of the PSC decision from 17 December 2015. Accordingly, along with the report of the Chairperson, it prepared a draft communiqué for the PSC summit endorsing the earlier decision and inviting the AU assembly to invoke Article 4 (h) of the Constitutive Act.

Unlike the December PSC session, during which the AU PSD was in the driving seat, with representatives of member states in Addis Ababa following suit, at the PSC summit member states taking directions directly from their capitals rather than through their representatives in Addis Ababa took the lead. The positions of PSC members at the PSC summit can be divided into three groups. The first category involving significant number of PSC members were those who thought that deploying MAPROBU without Burundi's consent was untenable and even unwarranted. Others, particularly The Gambia, were sympathetic to the government and fearful of the precedent this would set rejected the idea of MAPROBU fully invoking the principle of sovereignty. Others like Tanzania, Equatorial Guinea and South Africa, encouraged by the violence dying down, held that the idea was premature and emphasised the need to exhaust diplomatic options, which in their view was not effectively or resolutely pursued. As the statements of Uganda and Tanzania made clear, the EAC countries were also not fully on board with regard to the deployment of MAPROBU.

In the end, the members of the PSC at the PSC summit put aside the initial draft circulated by the AU PSD, declining to endorse the decision to deploy MAPROBU, arguing that it was premature. Instead, the PSC opted for a significant increase in the number of human rights and military observers to 200. Following Burundi's firm rejection of any troops carrying weapons, the AU Assembly endorsed the PSC's summit decision scrapping MAPROBU and decided to despatch a high level mission consisting of heads of state representing the five regions to Burundi.

V. Conclusion and recommendations for an effective collective security system under the PSC

For years the PSC only addressed the issue of Boko Haram as part of its agenda on terrorism in Africa. This changed in 2014 when the PSC decided to place Boko Haram on its agenda. Apart from change of government in Nigeria, there are two general factors that led to the emergence of Boko Haram as a stand alone issue on the agenda of the PSC. The first was the increase in the intensity of the insurgency, which acquired global notoriety following the abduction of over 276 schoolgirls from the town of Chibok in April 2014. The second factor was Boko Haram's incursions into border territories of neighbouring countries, particularly

Niger, Cameroon and Chad. Although officials of Nigeria, the powerhouse of West Africa, were initially reluctant, PSC's role was eventually embraced particularly due to the political legitimacy it lends to security actions against Boko Haram, and the opportunities it presents both for coordination with neighbouring countries, and mobilisation of international financial and material support in the campaign against Boko Haram. Following the precedent that the AU PSC set in supporting regional operation against the Lord Resistance Army in the Central African Region, the PSC facilitated the establishment of the Multi National Task Force (MNJTF) to combat Boko Haram, bringing together members of the Lake Chad Basin Countries plus Benin. This has since become the major pillar of AU engagement in the crisis involving Boko Haram in Nigeria and other members of the Lake Chad Basin.

With regard to Burundi, the PSC addressed the situation and adopted a communiqué on the crisis two days after the eruption of protests in Bujumbura. Typically, in situations of political crisis involving protests, the initial response of the PSC has been to place the emphasis on resolution of the crisis through peaceful and legal processes. Displaying deference to the ruling government in situations like this, the PSC in its communiqué of 28 April 2015 noted that 'the Burundian Senate has petitioned the Constitutional Court regarding interpretation of the Constitution concerning the eligibility of H.E. President Nkuruziza's candidature for election', urging all Burundian stakeholders to respect the decision of the Constitutional Court when handed down.

With divergent positions on the situation in Burundi emerging between the PSC and AU Commission, after the Constitutional Court issued its decision confirming the eligibility of the president, AU Commission Chairperson Dr. Dlamini Zuma stated in an interview with CCTV that 'other than the Burundi court, all interpretations of the Constitution and the Arusha Agreement assert that there should not be a third term'. While in some instances the position of the AU Commission Chairperson and the Commissioner for Peace and Security had a decisive impact in some of the decisions of the PSC, in other instances divergent positions impeded a coherent and effective AU approach to the crisis.

It is also clear from the foregoing and the analysis of PSC interventions in the two case studies that AU member states did not display the required commitment to supporting the PSC in pursuing a more effective collective response. The slow pace of consensus building regarding the threat posed by Boko Haram and the lack of tradition in mobilising coordinated multilateral (regional) approaches in situations involving terrorism have constituted constraints limiting collective action in a timely manner. It is through high level international attention and meetings in Europe and the US that the countries affected were nudged towards a collective regional response (with an active role being played by the AU) to the security menace Boko Haram has created. Divergent policy positions of member states towards the crisis in Burundi together with the intransigent posture Bujumbura adopted paralysed the mediation role of the EAC and AU's preventive responses.

It is thus clear that there is a need for leading member countries to assume greater responsibility for forging a consensus over responses to conflicts while mobilising the larger AU membership to act on such consensus. Without strong pan-African leadership, the PSC will not be able to avoid situations like its miscalculation of the deployment of intervention force to Burundi that put its credibility in question.

Another notable feature in PSC's engagement in Burundi has been the lack of clarity over its mandate in relation to the leadership role adopted by the EAC in mediating the crisis in Burundi.

It has also emerged from the analysis that the role of regional mechanisms for conflict prevention, management and resolution (such as LCBC, EAC and ECO-WAS) are becoming more salient in the prevention, management and resolution of conflicts in their own region. While the increasing role of regional mechanisms is a welcome development, it also raises substantive issues of coordination, synergy and policy coherence vis à vis the AU.

In terms of the relationship between the AU and RECs, it has become clear that applying the principle of subsidiarity does not produce clear answers. If anything, as the case of Burundi shows it can become an impediment to a flexible but more effective mobilisation of AU-REC joint action. Experience thus far shows that regional mechanisms and the AU need to recognise each other's role and show a willingness to work together and that there is a need to encourage elaboration of a flexible model of coordination that facilitates consultative collective decision making that reinforces the role of RECs and the AU.

As this analysis on the role of the PSC in the context of these two crises shows, while member states of the PSC are de jure at the core of PSC decision making, in practice, the response of the AU and the PSC are shaped by how various other actors influence the position and perspectives of the PSC. Although it is often viewed as a unitary actor, PSC decision making involves multiple layers of actors and power dynamics that often impact its response to any given crisis. While with respect to Burundi the AU Commission Chair and a few other senior officials played significant roles, in the case of Boko Haram the AU's actions were largely shaped by member states' perception of its role in terms of bringing political and legal legitimacy and mobilising international support. This in part has to do with the fact that unlike the Burundi's constitutional crisis, with respect to which the AU has experience in intervening, the AU's track record has been meagre when it comes to counter terrorism operations in a country with a functioning government.

The interplay between various institutions and the people in them has to be recognised as an important factor in influencing how decisions are made and whether they are implemented. One lesson that has become clear is that how the AU Commission approaches and exercises its role is a major factor in the AU's approach to collective security. In this

regard, how the AU Commission enhances its coordination and consultation with members of the PSC is key in facilitating a more effective collective security approach. For PSC actions involving deployment of intervention forces, consultation with member states should go beyond consultation with representatives of member states in Addis Ababa. It should also involve engaging authorities in the respective capitals of PSC member states through the Chairperson and the Commissioner for Peace and Security.

Looking at the two case studies, the relapse of countries in transition to conflict and the spread of new threats raises questions as to the relevance of the existing peace and security tools, including conflict prevention and peacebuilding as well as counter terrorism approaches of the PSC. With respect to cases involving the faltering of post conflict peace, a proactive approach pursued with a clearly dedicated mechanism is key. The case of Burundi has clearly highlighted two important improvements that the AU needs to make.

First, in terms of preventing a relapse of post conflict countries back to conflict and preventing crisis resulting from constitutional and electoral disputes, the AU should adopt a proactive approach, focusing on major changes in political systems and practices of member states. It should accordingly enhance the role of the African Governance Architecture (AGA) in general and the African Peer Review Mechanism (APRM) process in particular to encourage and support such changes. In particular, the AU should in coordination with relevant REC/s and with the support of partners increase its focus on initiating discrete structural reforms within member states based on proactive assessment of vulnerable member states and within the framework of its structural conflict prevention strategy, PCRDR policy and the AGA and APRM processes. Additionally, Burundi and other cases like South Sudan show that the AU should not only maintain high level engagement but also mobilise high level international attention and support throughout the post conflict phase with the focus being placed on full implementation of reforms laid down in peace agreements.

The second lesson is that the multiplicity of AU actors and the failure of the AU to act with a single but effective interlocutor have also constrained the effectiveness of AU's messaging and AU's ability to leverage its resources. In this regard, one instructive experience has been the role of the AU High Level Panel (AUHIP) to Sudan. A major factor in the relative success that the AU has registered in its response to the crises in Sudan/South Sudan has been the emergence of the AUHIP as the AU's dedicated mechanism for mobilising policy responses to crisis situations in the Sudan and South Sudan.

The changing nature of conflicts and challenges arising from emerging security threats call for response mechanisms that are prompt, agile and robust. These raise major questions as to a) the military/security instruments that are best suited for responding to changing security challenges, b) the adequacy of political and institutional frameworks as well as tools of the AU and RECs, and c) the provision of

leadership and resources by member states. In the context of AU's engagement with respect to Boko Haram, while the flexibility that the task force approach based on the coalition of the willing offers in mobilising effective security response is to be welcomed, the AU needs to intensify its approach. Two areas of possible improvement present themselves. First, while security responses are important, their effectiveness would be limited unless they are driven by implementable and well resourced political and socio economic measures for achieving stabilisation, strengthening rule of law and governance structures and incrementally addressing root causes. The AU with the support of partners should use the legal, political and technical as well as resource support it mobilises to leverage an effective political and socio economic strategy to serve as the basis for security measures to resolve conflicts.

Second, in addition to facilitating coordination between member states in addressing new threats by creating and institutionalising regional platforms for meetings of army chiefs of staff, chiefs of police and security services, the AU should further upscale its structures to address new threats of terrorism including through a focus on supporting capacity building by member states. Also important is for the PSC to activate its sub committee on terrorism and for the AU to have modern, secure means of communication and appropriate protocols that facilitate continuous exchange of information between member states and all actors involved in the fight against terrorism.

Both case studies and particularly Boko Haram illustrate that crises that the PSC faces are not matters that the AU (and/or RECs) can address by themselves. As these cases illustrate, it is now well established that cooperation with the UN and support from partners is a critical component in successful African efforts to tackle the plethora of challenges to peace and security. It is necessary for the AU to take full advantage of available international goodwill and support. In terms of enhancing the legitimacy and effectiveness of the AU as a platform for effective collective security, it is also important that partners pursue their engagement through formal channels and more transparent interaction with the AU while encouraging PSC members to engage fully and constructively in PSC processes.

There are various entry points in helping to improve the role of the PSC and addressing the challenge of operating as a more effective collective security arrangement in Africa. The first is the availability of research based policy analysis on the work of the PSC, including its working methods, the role of PSC member states and its interaction with RECs. Second, there has to be targeted engagement of PSC member states both in order to deepen mutual understanding of matters on the PSC agenda but also help them to come up with effective but realistic policy responses. Third, another avenue is platforms for regular dialogue in order to compare perspectives and policy options outside of the formal PSC framework, but involving all PSC actors.

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About this Study

This research report presents a political economy analysis of the Peace and Security Council, the principal decision making body of the AU on matters of peace and security in Africa. It is the aim of the report to shed light on the PSC decision making processes and how decisions are shaped and by who. Understanding the interdependencies between the various actors involved, their interests and motivations as well as factors that could change their behaviour in matters pertaining to conflict resolution is an important ingredient for an improved and more sustainable policy response by the AU. The report is analysing the decision making processes of the PSC based on two case studies – Boko Haram and Burundi. The case study on Boko Haram has been analysed under the research area new threats whereas the crisis in Burundi has been analysed under why peace fails. The two cases have deliberately been chosen as they are recent and to analyse the decision making processes of the PSC in two different contexts. While the conflict of Boko Haram represents a violent insurgency by a non state actor that has resorted to guerrilla tactics and is moving freely between borders having regionalized the conflict the crisis in Burundi is a political crisis and a power struggle for the presidency which is limited to the country.

Another aim of this report is to analyse the ability of the PSC to cope with two totally different conflicts contexts and to identify possible gaps in its decision making process. Each context has a distinct set of actors, in and outside of the PSC, taking influence and shaping its decisions. The report identifies these actors and shows how they try to influence PSC decision making processes based on their interests as well as the outcome of its deliberations on such issues. The research in this report draws on years of documentation and analysis of the work of the PSC and direct interaction with all the actors shaping (and sometimes participation in) PSC activities. The report argues that how the AU Commission approaches and exercises its role is a major factor in the PSC's approach to collective security emphasizing that how the AU Commission enhances its coordination and consultation with members of the PSC is key in this respect. Noting that decision making in the PSC involves the role of multiplicity of actors including RECs, international organizations particularly UN and EU and major powers, it argues, in relation to AU-RECs, that applying the principle of subsidiarity does not produce clear answers and can even become an impediment to a flexible but more effective mobilisation of AU-REC joint action.

