

# Consideration of the Report of the Chairperson of the Commission on the Situation in Chad

**Consideration of the Report of the Chairperson of the Commission on the Situation in Chad** Date | 11 November 2022

Tomorrow (11 November) the African Union (AU) Peace and Security Council (PSC) will convene its 1121<sup>st</sup> session to consider the report of the Chairperson of the Commission on the situation in Chad.

The session is expected to have two segments. In the first segment which will be open to invited guests, opening remarks will be delivered by the Permanent Representative of the Republic of Namibia to the AU and Chairperson of the PSC for the month, Emilia Ndinealo Mkusa, to be followed with a statement from the Chairperson of the AU Commission, Moussa Faki Mahamat. Representative of the Republic of Chad and Representative of the Economic Community of Central African States (ECCAS) will also deliver statements during the open segment. In the second, closed segment of the session, AU Commissioner for Political Affairs, Peace and Security (PAPS), Bankole Adeoye will present a statement to be followed with a briefing by Basile Ekouebe, AU High Representative for Chad.

Since the emergency session on Chad that was held following the death of President Idriss Deby in April 2021, the PSC held about four sessions after that on the situation in Chad including two that were held within the framework of countries in transition. Tomorrow's session will be the first session of 2022 that is entirely dedicated to the situation in Chad. The last time the PSC held a dedicated session on Chad was in

August 2021. The need to have a dedicated session on Chad is pursuant to 19 September PSC's 1106<sup>th</sup> session which 'decided to convene a special session in due course to specifically consider the political transition in Chad' and the various major recent developments.

In September the PSC held a meeting on countries in transition and one of the cases it considered was the situation in Chad. The session took place during the time when Chad was holding its national dialogue which was launched on 20 August after 16-month rule by the military junta and two months before the end of transitional period. The much-awaited national dialogue was concluded on 8 October. Although the dialogue brought a large number of stakeholders around 1400 participants from the civilian and military side, there were however notable absences namely the Front for Change and Concord in Chad, the "Les Transformateurs" party, and the Wakit Tama coalition. The national dialogue, also referred to as the Inclusive and Sovereign National Dialogue (DNIS) was held in a tense atmosphere characterized by boycotts of political opposition parties and civil society organizations and also by clashes between security forces and demonstrators.

While the expectation was for the national dialogue to lead to a free and fair election, the outcomes were far from the set objectives. On October 1 the national dialogue forum announced the extension of the transition to elections for another 24 months, agreed to keep the head the Transitional Military Council (TMC) Mahamat Idriss Deby Itno as the interim head of state and also decided that he is eligible to run for the presidency when election are held. It is to be recalled that the chair of the military junta made reference to the possibility of the extension of the 18 months depending on two factors: agreement of Chadians 'to move forward at the planned pace' and the second is that partners assist Chad to 'finance the dialogue and the elections.'

The announcement by the national dialogue forum was highly criticized and faced a lot resistance. Opposition groups called for a protest on the day in which the transitional period was supposed to end, October 20, to denounce the delay in the transition. The violent crackdown by security forces on that day led to the death of 50 individuals and hundreds of people were injured, according to the figures presented by Prime Minister Saleh Kebzado. The government also declared a state of emergency in the capital N'Djamena and two other cities to allow local authorities to take any necessary measure to suppress the protests. The government also banned Wakit Tamma and suspended activities of political parties involved in the demonstrations.

On the day of the protest, the AUC Chair tweeted that he strongly condemns the repression of the demonstration which led to the killing of people and called on the parties to respect human lives and property and find peaceful ways to overcome the crisis.

Following the deadly protest, the Economic Community of Central African States (ECCAS) held its second extraordinary session of the Conference of Heads of State and Government on 25 October fully focusing on the situation in Chad. The ECCAS Summit expressed its concern about the demonstrations of 20 October 2022 which resulted in loss of lives and the destruction of properties following the dialogue. As a way of supporting Chad in this difficult transition process, ECCAS appointed President Felix Tshisekedi Tshilombo, of DRC and current ECCAS Chairperson, as the Facilitator of the transition process in Chad. It is envisaged that President Tshisekedi will be assisted by two Special envoys: the President of the Council of ECCAS Ministers and the President of the ECCAS commission.

During its last meeting on Chad (996<sup>th</sup> session), the Council requested, among others, the completion of the transition to

democratic rule within 18 months, effective from 20 April 2021; assurances that the Chairman of Transitional Military Council (TMC) and its members do not run in the upcoming national elections; and the urgent revision of the Transition Charter. In an interview with a Jeune Afrique magazine in June 2021, the leader of TMC, Mahamat Deby, 'did not rule out' the possibility of extension of the 18 months deadline attaching the elections on two conditions. The first is that 'Chadians are able to agree to move forward at the planned pace' and the second is that partners help Chad to 'finance the dialogue and the elections.' On the other hand, to allay concerns about their future plans, in a statement made on 20 May, the TMC members and its leader affirmed that they are not taking part in the upcoming elections, which is in adherence to the PSC's demands.

The outcomes of the national dialogue and the political crisis, involving protests and deadly crackdown by security forces against peaceful protesters mark major departure from the expectations set in the decisions of the PSC and the initial promise of the TMC leadership. It is to be recalled that despite the fact that the military seized power unconstitutionally, suspending the Constitution and dissolving the government, the PSC, unlike in the case of Mali, did not apply the rule under Article 7(1)(g) of the PSC Protocol. This decision has exposed the PSC to charges of inconsistency and selective application of the ban on military seizure of power and dented the credibility of both the PSC and the AU's policy of zero tolerance to military seizure of power. Indeed, when the TMC deviated from and violated some of the conditions set by the PSC, again the PSC did not take any measure. In the process, the PSC unwittingly came to be seen as being too weak and flexible such that the TMC felt emboldened to use its control of the transitional process for entrenching its grip on power, with complete disregard to AU rules on unconstitutional changes of government. In the light of this, the fact that the national dialogue process led to outcomes

that go directly against the requirements that the PSC set in the communiqué of its 996<sup>th</sup> session does not come as a complete surprise, although was not inevitable and the transition could have unfolded following the parameters set by the PSC.

Considering the direct and full breach of the parameters that the PSC set in the decision it adopted at its 996<sup>th</sup> session and the fact that the PSC avoided the application of Article 7(1)(g) of the PSC Protocol on suspension at the time in full expectation of compliance by the TMC with the conditions now flaunted, the major policy issue that the PSC faces is to determine how to respond to these breaches. The PSC has two choices. One is to allow the decision on both the extension of the transitional period and the candidacy of the leader and members of the TMC for election at the end of the transition, with or without protesting against these decisions. This will deal a further blow to the credibility of the PSC. The other is for the PSC to uphold its decision set out in the communiqué of the 996<sup>th</sup> session and apply Article 7(1)(g) by suspending Chad. The PSC at its 996<sup>th</sup> session opted not to suspend Chad with the understanding that the TMC will comply with the conditions it set. With those conditions in the communiqué of the 996<sup>th</sup> session having been disregarded, the logical thing to do for the PSC is to apply the suspension. This measure would also help in restoring the credibility the PSC lost for failing to apply the suspension during its 996<sup>th</sup> session.

No doubt that the determination of the PSC may not be based purely on the foregoing considerations. Indeed, there are countries who view the situation in Chad through the prism of Chad's role in the region and the risk that Chad's neighbors in particular face in their relationship in the security sphere with the TMC. These countries would therefore focus on the short term perceived negative ramifications to their

security cooperation with Chad of the possible suspension of Chad. As such, they will oppose suspension of Chad. There would be others who would put the case of Chad in the larger context of the resurgence of military seizure of power in Africa. They may stress the need for engagements with Chad within the parameters agreed to by all AU member states and avoid the long term consequences and the precedent not taking action would set.

The expected outcome is a communique. The PSC may take note of the report of the AUC Chairperson on the situation in Chad. The Council may reiterate its zero tolerance to any form of unconstitutional change of government. It may strongly oppose the announcement made by the national dialogue forum which contravenes previous directions set by the PSC. In this regard, the PSC could decide to suspend Chad until the transitional process is carried out in accordance with the initial understanding. It may express its deep dissatisfaction with the extension of the transition period and the decision for Mahamat Idriss Deby Itno to run as presidential candidate during the election to be held at the end of the traditional period. The Council may call on the head of the TMC and the members to honor their commitments. The PSC may recall and reiterate its previous decision of 996<sup>th</sup> which asserted that 'no form of extension of the transition period prolonging the restoration of constitutional order, would be acceptable to the AU'. It may also reiterate its decision for the members of the TMC not to run for election. The PSC may condemn the political repression and heavy crackdown by security forces on protestors and call for an independent investigation on the killings of 20 October. It may take note of ECCAS summit decisions for initiating diplomatic efforts and may welcome the appointment of President Tshisekedi as the facilitator for the situation in Chad. It may task the AUC to work closely with ECCAS in support of the political transition in Chad.