

Update on the Situation in the Republic of Niger

Update on the Situation in the Republic of Niger | 13 August 2023

Tomorrow (14 August) the African Union (AU) Peace and Security Council (PSC) is expected to convene under its revised provisional program of work, its 1167th session to consider the situation in Niger.

The PSC Chair for the month and Permanent Representative of Burundi to the AU, Ambassador Willy Nyamitwe will be delivering the opening remarks. The Commissioner for Political Affairs, Peace and Security (PAPS), Bankole Adeoye, is also expected to make a statement. As a country of concern, the Permanent Representative of Niger is also expected to make a statement. The PSC may also hear a statement from the representative of the Economic Community of West African States (ECOWAS).

Tomorrow's session is the second time for the PSC to dedicate a session on the coup in Niger and the third time to discuss it. When the PSC Program of work initially set to consider the situation in Niger on 17 August after the expiry of the two-week timeline the PSC set in its initial session on 28 July, the next course of action of ECOWAS was unknown. The date was brought forward following ECOWAS decision to hold its second extraordinary summit on Niger. As a session that comes two days after the ECOWAS summit, it is expected that PSC will dedicate significant portion of its session on considering the outcome of the summit.

As noted, the first time the PSC met on the current coup in Niger was on an emergency meeting held virtually on 28 July 2023 for its 1164th session, with a [communiqué](#) adopted as an

outcome of the session. Apart from strongly condemning the coup, the PSC set 15 days for the junta to restore constitutional order. This timeline expired on 11 August.

On its part ECOWAS in its [communiqué](#), following its extraordinary session on 30 July 2023, imposed a series of sanctions such as: closure of land and air borders, institution of a no-fly zone, suspension of all commercial and financial transactions, asset freeze, travel bans, and suspension of financial assistance and transactions. Additionally, it demanded the coup leaders to return the country to constitutional order within 7 days against the threat of the use of force.

The UN Security Council like the PSC also held a briefing and [issued a statement](#). Among others, it called for the release of President Bazoum, underscored the need for constitutional order and expressed support for the role of ECOWAS.

Since the PSC's last session on 28 July, the grip of the junta on Niger has continued to deepen. Apart from the establishment of *Conseil National Pour la Sauvergarde de la Patrie* (CNSP) [in English: National Council for the Safeguarding of the Homeland], composed of senior officials from various branches of the defence and security forces and the emergence of the chief of the Presidential Guard, General Abdourahamane Tchiani as the leader of the junta (while General Salifou Moudi, who was appointed as chief of staff by former Nigerien President in 2020 and demoted by President Bazoum in March 2023, became the second in command), on 7 August the junta named former Finance Minister Lamine Zeine Prime Minister. On 30 July, large number of people took to the streets in support of the coup. Just before the convening of the ECOWAS summit, the junta announced a new cabinet. The 21-member new government involves two members of CNSP responsible for ministers of defense and interior.

On the diplomatic front as well, ECOWAS took a lead. It sent

various delegations. After he volunteered to mediate, ECOWAS sent the Chadian leader Mahamat Idriss Deby, who himself seized power through military means, to Niamey, although this mission accomplished nothing despite meetings for photo with the coup leader and the deposed President. Earlier on the same day the unfolding of the coup was first reported on 26 July, Benin's President was also reported as planning to travel to Niger. Designated by ECOWAS Chairperson, President Tinubu of Nigeria as official mediators, another delegation headed by former Nigerian President and member of the AU High-Level Panel on Sudan, General Abdulsalami Abubakar and involving the Emir of Sokoto traveled to Niger on 6 August but was unable to meet the head of the junta. On 8 August, a joint ECOWAS-AU-UN mission destined to Niger was unable to undertake its mission, on account of, in the words of an ECOWAS statement, 'a late-night communication from the military authorities in Niger indicating their unavailability to receive the tripartite delegation.'

Rather than this plethora of diplomatic missions, what received the most attention and concentrated the minds of the members of the junta and people in Niger as well as many others in the region are the raft of sanctions that ECOWAS slapped on Niger and most significantly the threat of use of force. In addition to ECOWAS' sanctions, Nigeria has cut power supply to Niger. On 2-4 August, the ECOWAS Committee of Chiefs of Defense staff met in Abuja to draw up and agree on an intervention plan. Countries such as Senegal and Cote d'Ivoire announced their plan to send troops as part of ECOWAS intervention force.

The pressure and the threat of force, instead of dissuading the junta from continuing on the unconstitutional path it embarked on, seemed to have had the opposite effect. They hardened its position. The coup leaders have dismissed the sanctions as 'inhuman' and have vowed to resist them. The threat of force also stirred nationalist fervor of the

Nigerien public, making it easier for the junta to galvanize public support. However, it is also worth noting that the junta is not without opposition. On 10 August report emerged that a former Tuareg rebel leader and politician in Niger, Rhissa Ag Boula, announced the launching of a rebel movement opposing the military junta and seeking to restore President Bazoum's rule.

Regionally as well, despite unity in condemning the coup and the call for restoration of constitutional order, some of the measures by ECOWAS particularly the threat of use of force divided views both on the part of countries and the wider public in countries neighboring Niger. Niger's neighbors outside ECOWAS who support the position of ECOWAS on restoration of constitutional order such as Algeria and Mauritania expressed concern over the threat of force, with Algeria indicating its strong opposition to it. Chad on its part stated that it would not join military intervention against Niger. On the other hand, Burkina Faso and Mali announced that military intervention in Niger amounts to a threat of war against them as well, while Guinea also rejected the threat of use of force.

In Nigeria, which chairs ECOWAS, concerns have been expressed over the adverse peace and security implications of military force particularly for northern parts of Nigeria that share border with Niger. When requested for its support, Nigeria's Senate advised against military intervention. Highlighting the geopolitical dynamics that complicates the position taken by ECOWAS particularly on the use of force, one open letter, addressed to President Tinubu by some Nigerian personalities including a former Commander of the UN Mission in Darfur, pointed out 'the apparent rising wave of popular support for the putschists might create a situation in which the role of Nigeria is seen as being at variance with the interest of the Nigerien people and in support of external interests.'

It was against the background of the foregoing that ECOWAS

convened its second extraordinary session on 10 August. Apart from ECOWAS member states, the summit also saw the presence of the Chairperson of the PSC at heads of state and government level, President Evariste Ndayishimiye of Burundi and the President of Mauritania. Apart from PSC Chairperson, the presence of the AU involved the Commissioner for PAPS, Adeoye.

Despite the emphasis it put on pursuing diplomatic avenues, the communique of the summit decided to uphold and enforce all the earlier decisions from the first summit. Doubling down on its threat of use of force, the ECOWAS Authority directed 'the Committee of the Chiefs of Defense Staff to immediately activate the ECOWAS Standby Force with all its elements' and most importantly 'order(ed) the deployment of the ECOWAS Standby Force to restore constitutional order in the Republic of Niger.' ECOWAS also called on the AU to 'endorse **all the decisions** taken by the ECOWAS on the situation in Niger'. (Emphasis added)

As the PSC meets tomorrow, the issue it is facing is not one that is amenable to any easy policy choices. Considering the continuation of the coup after the expiry of the 15 days deadline, the only policy course of action that is easy for the PSC is to invoke Article 7(1)(g) of the PSC Protocol and slap Niger with suspension from participating in AU activities as per Article 30 of the Constitutive Act of the AU. The PSC may even agree to further measures but only to the extent of that they involve the targeted sanction of the authors of the coup.

Any measure going further than the foregoing would not be easy for the PSC. It would be difficult to find consensus in the PSC on the wholesale endorsement of all the sanctions on Niger, particularly those that are not targeted and will directly affect ordinary Nigeriens. Apart from the political and legal challenges, it would be even more difficult for the PSC to agree on the endorsement of the use of force for purposes of reversing the coup in Niger. It is to be recalled

that the threat of use of force was the main factor why the PSC was unable to secure consensus when it discussed the outcome of the 30 July ECOWAS Summit during its 31 July session.

There are thus two potential scenarios as outcome for the PSC. Understandably, PSC members from ECOWAS by the dictates of protocol will seek to have the PSC endorse the decision their principals at heads of state and government level adopted. This brings forward as potential outcome of the session the scenario of endorsement of ECOWAS decisions as a whole. On the other hand, for PSC members from other regions, such endorsement of ECOWAS decisions as a package may not be as straight forward. They may therefore agree only to endorsement of the targeted sanctions.

On military intervention, one possibility is that instead of endorsement, the most members of the PSC can agree to take note of the decision of ECOWAS on the matter. Going further, the PSC may need to get clarity on the peace and security implications of military intervention in Niger for making responsible and well considered decision. Given the principal mandate of the PSC for peace and security, it would be difficult for the PSC to proceed with endorsing military intervention without it being both presented with careful assessment of the risks and satisfied that the risks of intervention would not be worse than the adverse consequences of the military coup. Indications are that the risks of military action in the particular context of Niger could far outweigh the adverse consequences of the military coup on its own. It may not only quickly degenerate into regional war as Burkina Faso and Mali get drawn in but also expose Niger to risk of collapse and be overrun by terrorist groups.

It is to be recalled that the PSC, following the military seizure of power and suspension of the constitution in Chad in April 2021, went as far as avoiding the activation of Article 30 of the Constitutive Act in respect of Chad let alone to

consider the use of force for upholding constitutional process. The factors for such position, per the terms of the [communiqués](#) of the PSC, include, 'the complexity of the political and security situation in Chad.' Yet, in Chad PSC's position was informed more by what it called 'the pivotal role being played by Chad in the promotion and maintenance of peace and security, particularly in the countering terrorism and violent extremism in the Lake Chad Basin and the Sahel regions', it is in Niger the PSC faces most intensely in a way it never did before the tension between its mandate to uphold constitutional order and its primary role in the maintenance of peace and security.

The expected outcome of tomorrow's session is a communiqué. Expressing concern about the lack of progress towards restoration of constitutional order, the PSC is expected to immediately suspend Niger from all AU activities on the basis of Article 7(1(g)) of the Protocol establishing the PSC until the restoration of constitutional order. It is also expected to reiterate the call on the coup leaders to ensure the physical integrity of the President, his family and members of his government that are detained. The PSC may express its support for the leadership of ECOWAS in the search for finding solution to the constitutional crisis in Niger. In this respect, the PSC underscoring the importance of pursuing the effort for resolving the situation in Niger through diplomatic means, may urge the junta in Niger to collaborate with ECOWAS and engage constructively with the diplomatic initiatives. With respect to the decisions of ECOWAS both from its 30 July and its 10 August summits, the PSC may endorse the targeted sanctions that specifically single out perpetrators of the coup. On the proposal on the deployment of military intervention, the PSC may request that the AU Commission provides it with legal opinion indicating the legal basis under AU legal instruments for use of military force for reversing military coup and the African Standby Scenario under which such intervention is to be undertaken. Both for purposes

of enabling it take informed decision on the peace and security implications of the proposal on military intervention and for instituting robust diplomatic process towards the restoration of constitutional order in Niger, the PSC may decide for the establishment of a mechanism that operates on a full time basis on Niger like a high-level Panel of leading African personalities who, in addition to their diplomatic role, working together with the AU Commission, would present to the PSC their carefully considered assessment of the nature of the peace and security risks of military intervention in Niger. Given the gravity of the situation in Niger, in addition to such standing mechanism, the PSC may also decide to establish an ad hoc committee of five at the level of heads of state and government from the various regions of the continent to provide strategic guidance.