

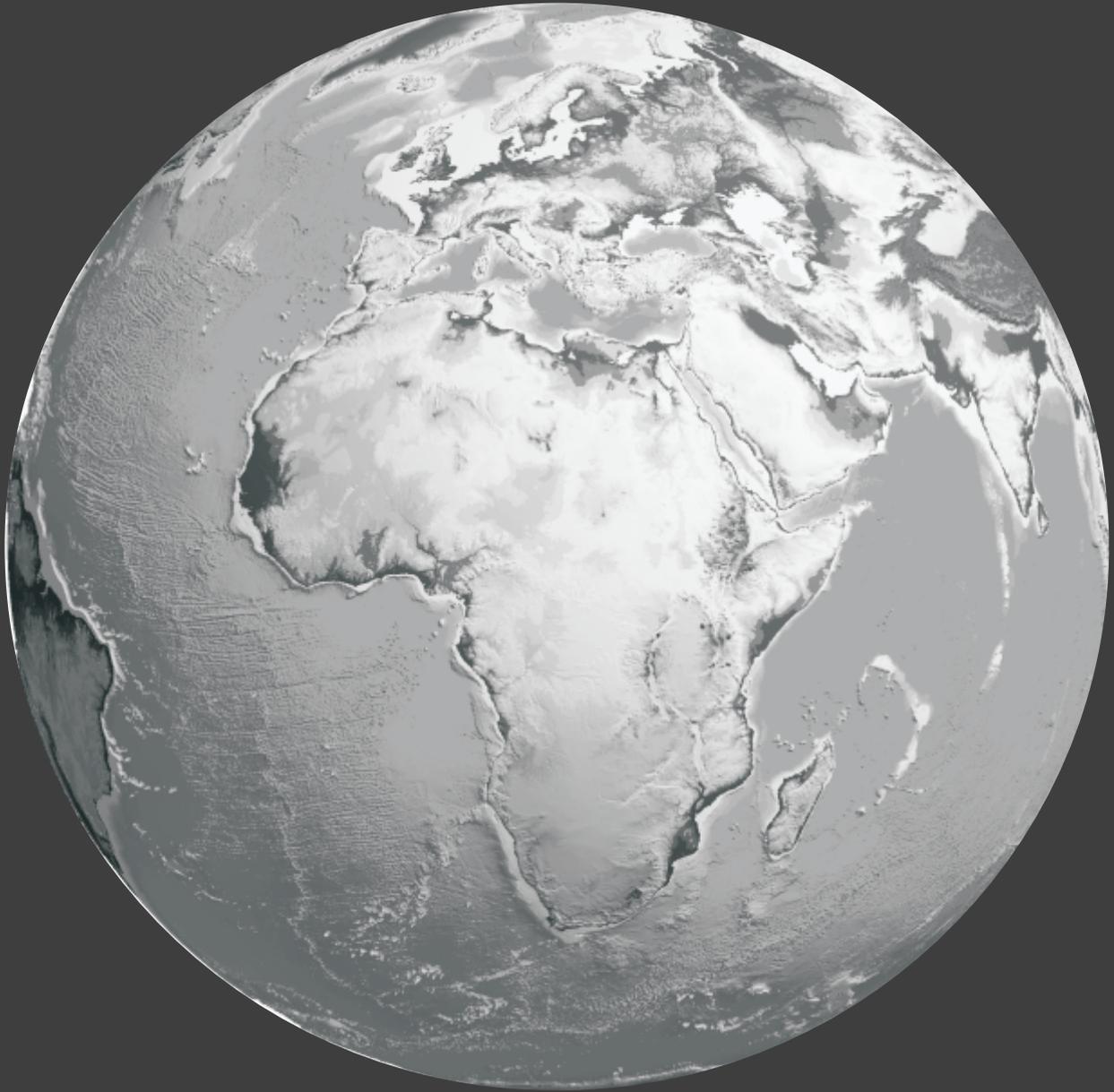
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मनोहर पर्रिकर रक्षा अध्ययन एवं विश्लेषण संस्थान

Editor

Ruchita Beri

Associate Editor

Rajeesh Kumar

Assistant Editor

Sindhu Dinesh

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Editor's Note

The year 2022 began with tumultuous changes in the international arena such as the Russia-Ukraine conflict that is reshaping the international political and security landscape. Evidently these have affected the African countries as well. A significant milestone is the 20 years anniversary of the African Union. This issue of Africa Trends captures an array of pressing concerns that are brewing in the African continent.

In the cover story, Ms. Anandita Bhada assesses whether Algeria, which accounts for 35 per cent of Africa's total gas production, could be a stable energy partner for Europe against the backdrop of the energy crisis caused by the Russia-Ukraine conflict. In the first commentary, Ms. Ruchita Beri provides insight into the peace and security challenges facing the African Union as it completes 20 years of its establishment. In the next, Ms. Bulbul Prakash explores the progress of the African Union vis-à-vis the Women, Peace, and Security agenda. In the viewpoint, Dr. Rajeesh Kumar decodes the implications of the landmark reparations judgement passed by the International Court of Justice in the Democratic Republic of Congo v. Uganda case. Ms. Sindhu Dinesh reviews Ambassador Gurjit Singh's "The Harambee Factor: India-Africa Economic and Development Partnership" which chronicles the multiple dynamics of the India-Africa economic and development partnership.

We welcome your feedback!

Cover Story

CAN ALGERIA BE EUROPE'S QUICK FIX FOR THE ENERGY CONUNDRUM?

Algeria is already in a delicate position of maintaining balance between its energy trade with Europe, and close strategic ties with Russia. Europe is looking for stable and secure energy partners in the current crisis and this is a golden opportunity for Algeria to increase its exports and attract European investments in its hydrocarbon and renewable energy sectors.

Anandita Bhada*

Africa's gas production has steadily increased since 1970, from 0.3 per cent of global output to approximately six per cent in 2020. The leading contributor to this African success story is Algeria. It accounts for 35 per cent of Africa's total gas production and is also accredited for being the largest gas exporter in the continent. In 2020, nearly 4.5 per cent of the global gas trade came from Algeria and unsurprisingly, its biggest recipient was Europe, given the geographical proximity.¹

In 2020, nearly 4.5 per cent of the global gas trade came from Algeria...

Europe has been among the most loyal customers of African hydrocarbon trade. Algeria trades 63.5 per cent of its gas through pipeline and the rest through LNG tankers, but Europe is the dominant recipient in both the markets. Spain imports 30 per cent of its energy from Algeria, followed by Italy, which after the Russia-Ukraine crisis, relies heavily of Algerian gas imports. Italian leadership was in news recently for inking new gas deals with Algeria and talks about increasing the gas flows in the Trans-Med pipeline to its full capacity.

Pipelines Connecting Algeria to Europe

Currently, there are three pipelines connecting Algeria to Europe. MedGaz Pipeline, Maghreb-Europe Pipeline and the Trans-Med Pipeline in ascending order of capacity. First is an undersea pipe, which exports gas to Spain and has an annual capacity of eight billion

...there are three pipelines connecting Algeria to Europe.

* Ms. Anandita Bhada is a Research Analyst at the Manohar Parrikar Institute for Defence Studies and Analyses (MP-IDSA), New Delhi.

cubic metres. Owing to the energy crisis in Europe, its flow has been increased by two bcm per year.²

Maghreb-Europe Pipe currently stands closed due to the geopolitical tensions between Algeria and Morocco, over Western Sahara. It connected Algeria to Spain via Morocco and supplied Europe with 12 bcm of gas annually before closure.³ Trans-Med Pipeline connects Algeria to Italy via Tunisia. It had an earlier capacity of 22 bcm, which was increased to 32 bcm, following the negotiations between the Algerian and Italian leadership.⁴ Certain analysts view the decreased exports of Algerian gas to Tunisia, as an opportunity to divert more gas towards Europe in the short term. This re-routing will involve a maximum of 8-10 bcm of gas, which is a drop in the ocean of European demand.

The question then arises - can Algeria be a quick fix for Europe's energy conundrum? The answer is a simple no.

Constraints Facing Algeria

Even though several new energy projects have come online in the last few years and pipeline capacities are expanded to increase gas flows between the two continents, Algeria cannot provide Europe with the required quantities of gas in the short term. North Africa's combined reserves equal only 10 per cent of Russia's and its gas output is just 15 per cent of the Russian capacity.⁵ This clarifies any argument of Algeria replacing Russia in supplying energy to Europe.

Europe may also be critical of trading excessively with Algeria, due to the revenue indirectly circling back to the Russian economy.

Europe may also be critical of trading excessively with Algeria, due to the revenue indirectly circling back to the Russian economy. Russia is Algeria's top arms exporter and a close strategic ally. From 2015-2019 Russia remained Algeria's top arms supplier, providing 67 per cent of its defence imports.⁶ In October 2021, Russia abstained from voting on the issue of Western Sahara in the UN Security Council. Consequently, on 3rd March 2022, Algeria abstained from the UN General Assembly vote on Russia. The Algerian government has even stayed clear of condemning Russia for its special military operation in Ukraine.

Algeria is walking a tightrope of balancing two conflicting principles: maintaining the sanctity of territorial and international borders and supporting its ally Russia in the current times. Such close ties with Moscow might question Algeria's reliability for Europe.

Algeria's limited production from the maturing fields and lack of investment...are... pulling down its output capacity.

On the domestic front, energy consumption within Africa, especially Algeria, is also on a rise. Domestic energy demand has steadily increased by 10 per cent from 2013-2018. It is further projected to increase by 50 per cent by 2028.⁷ The consumption rate has far exceeded the production rate, thereby creating a deficit. This has led to

a decreased capacity to focus on new export contracts. Algeria's state-owned energy firm, Sonatrach's CEO has clarified that the firm will focus on fulfilling its current export obligations and catering to the growing domestic demand, which leaves out increasing exports to Europe in the short term.

Algeria's limited production from the maturing fields and lack of investment in the energy sector are further pulling down its output capacity. Energy studies experts are of the view that its production is further projected to decline, due to the decreasing pressure at the oil fields. Moreover, it indulges in a complex and opaque decision making, which does not score well with the Europeans. Corruption scandals linked to Sonatrach, workers' strikes, and citizen protests further complicate the domestic scenario.

Trans-Saharan pipeline, running from Nigeria to Algeria via Niger, provides some hope in the situation. It can feed additional gas volumes into the Trans-Med Pipeline or deliver gas to Europe via LNG cargoes. But this too has shortcomings. Firstly, the region that the pipeline runs through is riddled with security concerns. Assuring stable and secure supply is a critical factor, which seems to be a challenge in the entire Sahel region. Not to sideline, the difficulties in reaching an agreement with all the transit countries and the sheer scale of investment required to bring the project online. Owing to the geopolitical tensions between Algeria and Niger, this project has been delayed by twelve years, from the time its plans were inked in 2009. If the delicate balance of relations between the two nations were to dwindle even a bit, it would again put this project on a halt.

Algeria has the potential to increase its gas production and hence, export quantities. For that, it requires immediate investments, not only for increasing production, but also for export infrastructure. Due to a global emphasis on renewables, there has been a lack of enough incentive for foreign investment in the Algerian hydrocarbon sector, resulting in limited production from the resource-rich continent. Due to the renewable sector in Algeria not being as lucrative as the hydrocarbon one, it has lost on those renewed investments too. Algeria needs to make its energy market more investor friendly to attract more foreign capital investment and increase exports, especially to the energy-hungry continent of Europe.

Algiers too did not make any timely and constructive investments in its renewable sector earlier, for it to reap the benefits now. Due to its high spending on social programs and providing heavily subsidized energy to domestic customers, especially in the era of high fuel prices, it has fallen short of the required investment in the renewable sector. The country also has shale gas recoverable reserves of about 20,000 bcm.⁸ Although, it is a good prospect for the long term, it is not an immediate means to increase exports.

The main problem facing Algeria is investments. Currently, it is stuck in a cycle, where only an external stimulus can help it break out of it. If Algiers wants to significantly increase (and not miniscule amount) exports to Europe, then it will have to increase its production capacity.

In order to do that, it needs to increase exploration or discover new gas fields (preferably large fields). Since the biggest energy firm in Algeria is a state-owned firm, it requires huge investments on the part of the state to increase explorations. But the state is facing a crunch, for large amounts of capital goes in providing domestic market with heavily subsidized energy, especially in times of stagflation and skyrocketed fuel prices. It cannot exploit the increased market prices of energy in the export market, for it only has limited exports and does not have the capacity to bring aboard new export contracts.

Europe can come to Algeria's aid in two ways here. First, by providing the required investment and fast tracking increased Algerian exports to Europe. Another aspect which Europe can help tackle, is the flaring of gas. Algeria has featured amongst the global top 10 gas flaring nations for over a decade. Due to its limited capability to gather, process and transport the gas which is otherwise flared, it loses eight bcm of gas annually.⁹ Europe, with its technological advancements, can help Algeria reduce this wasteful practice of flaring and export this gas to European coastlines. This serves a dual purpose of decreasing Algerian carbon footprint and increasing its exports, thereby increasing the revenue. For Europe, it adds another stock of natural gas, which can be easily imported without any infrastructural constraints.

Europe can come to Algeria's aid in two ways ...

Conclusion

Any additions to increase Algerian production will not arrive till 2024, and Europe is looking for an immediate solution. Even if Algeria manages to push its boundaries and keep up with the record production of the first half of 2021, it can only provide a cushion to Europe and not fill the vacuum created by Russia.

Algeria is already in a delicate position of maintaining balance between its energy trade with Europe, and close strategic ties with Russia. Europe is looking for stable and secure energy partners in the current crisis and this is a golden opportunity for Algeria to increase its exports and attract European investments in its hydrocarbon and renewable energy sectors.

¹ Carole Nakhle, "North Africa's Natural Gas: No Panacea for the EU", *GIS*, July 19, 2022, at <https://www.gisreportsonline.com/r/natural-gas/?nowprocket=1> (Accessed July 20, 2022)

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Commentary

AFRICAN UNION @ 20: ADDRESSING PEACE AND SECURITY CHALLENGES ON THE CONTINENT

The African Union (AU) marks its 20th anniversary this year, marking two decades of searching for African solutions for African problems. The recent COVID-19 pandemic and continuous conflicts in some parts of the region have made the going tough. It is clear that as the African Union prepares to celebrate its 20th anniversary in 2022, it should redouble efforts to address the peace and security challenges on the continent.

Ruchita Beri*

The African Union (AU) marks its 20th anniversary this year, marking two decades of searching for African solutions for African problems. The establishment of the AU on 9 July 2002 was a moment of hope and optimism.¹ Over the years, the African Union has struggled hard to deal with the surfeit of challenges emerging on the continent. The recent COVID-19 pandemic and continuous conflicts in some parts of the region have made the going tough.

Over the years, the African Union has struggled hard to deal with the surfeit of challenges emerging on the continent.

The AU's leadership in coordinating the member states response to the COVID-19 pandemic has been laudable. The African continent was amongst the last regions to be hit by the COVID pandemic. Several countries experienced multiple waves of the pandemic. One of the main concerns was the slow roll out of the vaccines. Here, the Africa Centre for Disease Control (Africa CDC), the AU vaccine acquisition task team and the AU's vaccine delivery task team have been commended for their work.²

Significant progress has been made with peaceful electoral transitions in the African region. According to the *Economist* since 2015 there have been 32 peaceful change of governments in Africa.³ In 2019, Lazarus Chakawera, won the re run of the Presidential elections defeating Petr Mutharika, the former president. Another example is the peaceful transfer of power in Zambia. Former President Edgar Lungu conceded defeat in 2021 general elections to the

* Ms. Ruchita Beri is Senior Research Associate & Centre Coordinator, Africa, LAC, UN Centre at the Manohar Parrikar Institute for Defence Studies and Analyses (MP-IDSA), New Delhi.

opposition leader Hakami Hichelema. Similarly recent political transitions in countries like the Democratic Republic of the Congo and the Gambia signal hope for democracy in the continent.

Unfortunately the recent years have also seen a rise in unconstitutional changes of government in Africa. Most notable were those in West Africa. Between 2021 and 2022 there were four coups in West African countries (Burkina Faso, Chad, Guinea and Mali). The other country that went through an undemocratic political transition is Sudan. Most of the countries that have succumbed to military coups in Africa face challenges such as governance deficiencies, corruption within political elites, rising insecurity, particularly failure to contain terrorism and frustration of youth with slow pace of economic reforms. Increasing rivalry between external powers, and their efforts to increase their influence particularly Russia may also be a factor in the recent coup in Mali.⁴ The AU's Political Affairs, Peace and Security department has a tough task ahead to deal with this challenging issue. It seems African countries are still not united to speak in one voice on tackling with this menace.

Rising insecurity – multiple conflicts and terrorist activities is another concern in Africa. According to Stockholm Institute for Peace Research (SIPRI) 18 out of 49 states in Sub-Saharan

The continuing conflict in the Tigray region of Ethiopia has plunged the host of the AU into crisis.

Africa faced conflict in 2021.⁵ They include Burkina Faso, Central African Republic (CAR), Democratic Republic of the Congo (DRC), Mali, Mozambique, Nigeria, Somalia, South Sudan, Sudan and Ethiopia. The continuing conflict in the Tigray region of Ethiopia has plunged the host of the AU into crisis. Mediation by AU envoy, former Nigerian president Olusegun Obasanjo, is a crucial test for the AU. The African

Union initiative of 'silencing the guns' is an important step to deal with the continent's continuing conflicts. It includes the AU Roadmap on Practical Measures to Silence the Guns in Africa by 2030. This initiative is part of the AU's Agenda 2063 that seeks to free Africa from all conflicts and war. However the COVID-19 pandemic has slowed down the momentum of the silencing the guns initiative.

The terror groups also continue to thrive. Despite AU's efforts, violent terror groups are

Despite AU's efforts, violent terror groups are active...

active in Somalia in the Horn of Africa and have created instability in bordering regions of Kenya, Sahel region of West Africa, particularly in Mali, Niger, Burkina Faso, northern Nigeria, Cameroon, Chad, Niger and Mozambique. According to the African Centre for the Study and Research on Terrorism

(ACSRT), between 2012 and 2020, terrorist attacks on the continent have multiplied. While there were 508 terrorist attacks across the continent in 2012 they increased to 2,034 in 2020.⁶ Terror activity has come down in Mozambique but not come to an end. Over the years, African Union and its predecessor Organisation of African Unity (OAU) have adopted several legal instruments to combat terrorism, such as the OAU Convention on Combating Terrorism (1999) and its Protocol (2004), Plan of Action on the Prevention and Combating of Terrorism (2002). Despite these initiatives the terrorists continue to flourish on the continent. This

underscores the urgent need for African Union to focus on concerted and coordinated efforts to address the fundamental root causes of terrorism and violent extremism.

Food insecurity is another major concern in Africa. Across the continent, the COVID-19 pandemic and Ukraine conflict has aggravated food insecurity. According to recent reports by Food and Agriculture Organisation (FAO) around 346 million people in Africa are suffering from a food crisis.⁷ Malnutrition adds to the misery of the people in the region. More than one third of the world's undernourished people are located in Africa.⁸ The United Nation's Sustainable Development Goal (SDG) two calls for ending hunger by 2020. However in Africa, the progress in achieving this goal is very slow.

Within Africa, Horn of Africa region is the most affected by the food crisis, followed by countries in Sahel and Central African region. Off late, the Horn of Africa has been affected by a persistent drought. The Ukraine conflict has added to the problem. Quite a few African countries are dependent on Russia and Ukraine for food grains, for example - Somalia, Nigeria, Sudan and South Sudan. It is ironical that this food crisis is unfolding in the year when the AU theme of the year is 'Building resilience in nutrition on the African continent: Accelerate the human capital, social and economic development'. It is clear that a lot more needs to be done by the continental body in resolving this issue.

Within Africa, Horn of Africa region is the most affected by the food crisis, ...

Africa, a continent of over a billion people with growing political and economic power has a long and historical connect with India and in recent years the partnership has augmented. India's Africa engagement is demand based and is guided by African priorities. India has welcomed the African Union's initiatives towards enhancing peace and security architecture with the aim of finding African solutions for African problems.

In conclusion, it is clear that as the African Union prepares to celebrate its 20th anniversary in 2022, it should redouble efforts to address the peace and security challenges on the continent.

¹ The African Union superseded the Organisation of African Unity (OAU).

² Oheneba Boateng and Lynda Iroulo, "Africa and COVID-19: Where Do We Go from Here?", *Global Public Policy Institute*, July 22, 2021, at <https://gppi.net/2021/07/22/africa-and-covid-19> (Accessed May 25, 2022)

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⁴ Samuel Ramani, "Why Russia is the winner in the recent coup in Mali", *Foreign Policy Research Institute*, September 16, 2020, at <https://www.fpri.org/article/2020/09/why-russia-is-a-geopolitical-winner-in-malis-coup/> (Accessed July 2, 2022)

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Commentary

TAKING GENDER SERIOUSLY: AFRICAN UNION AND THE WPS AGENDA

Though the African Union has made significant achievements with gender related policies, national and regional action plans, and establishing numerous WPS networks across the continent, the progress is still gradual. The AU should start incorporating women candidates in their mediation selection processes and be decisive in appointing those women as envoys.

Bulbul Prakash*

The Women, Peace, and Security agenda (WPS) was a landmark stride made by the United Nations Security Council in October 2000 by adopting Resolution 1325 (UNSCR 1325).¹ Resolution 1325 calls on nations to consider the impacts women and girls face in conflicts, to promote female peacekeeping, allow gender-based discussions at all platforms, prioritising female decision-making over institutional norms relating to women, and to promote female participation in peace building and post-conflict reconstruction efforts. Additionally, the UN Security Council recommended that all members create National Action Plans (NAPs) to carry out the resolutions' four pillars: Participation, Protection, Prevention, and Relief and Recovery. They are also aimed to partner with non-governmental organisations (NGOs) and civil society organisations (CSOs) that advocate for women's rights.

The origins of the WPS agenda may be attributed directly to the African continent, where civil wars and conflicts aimed at exploiting women fuelled support for the current international instruments on Women, Peace, and Security. The roots of the resolution may be traced back to when Namibia was president of the Security Council and South Africa's co-sponsorship to subsequent UNSCR 1820. Africa also leads in WPS missions, with ten peacekeeping operations already operating under UN auspices, nine of which are joint AU/UN missions and one entirely led by the African Union (AU).² The AU has exhibited a greater commitment to implementing UNSCR 1325 by incorporating the resolution's principles into its policy frameworks and processes. Almost half of African Union member states have developed National Action Plans (NAP) along with regional action plans to execute the WPS agenda.

The origins of the WPS agenda may be attributed directly to the African continent, ...

* Ms. Bulbul Prakash is a Research Intern at the Manohar Parrikar Institute for Defence Studies and Analyses (MP-IDSA), New Delhi.

On June 15, 2022, the Security Council held an open debate on the role of regional organisations in implementing the WPS Agenda in contexts of political turmoil and seizures of power by force.³ The Secretary-General highlighted the UN's involvement with the AU and the Intergovernmental Authority on Development (IGAD) on development through a trilateral framework to lead the political process back to an agreed and legitimate constitutional order. When the intra-Sudanese negotiations began, all three envoys urged each delegation to guarantee that at least 40% of the participants were women.⁴ The implementation of UNSCR 1325⁵ in Africa can be said to have achieved significant progress through the action of its member states, the African Union, and Regional Economic Communities (RECs). Liberia has seen Christian and Muslim women forming human barriers after the civil war, blocking the warring parties until a peace agreement has been achieved.⁶ However, despite the Secretary-General's appreciation for the AU's role in urging member states to adopt NAPs by 2020, much of the implementation process has been problematic. The adoption of 1325 remains a number in many member states.

AU and WPS Agenda

The African Union has adopted gender policies in several of its organs and established a number of Women, Peace, and Security networks throughout the continent to enable information exchange and empower women civil society organisations working with governments. In 2015, it introduced a vision document called 'Agenda 2063'⁷ at its 24th ordinary assembly meeting in Addis Ababa, Ethiopia. The agenda is significant since it will commemorate the 100th anniversary of its precursor, the Organization of African Union (OAU), in 2063. More specifically, aspiration 6 of the Agenda 2063 reads: "*An Africa, whose development is people-driven, relying on the potential of African people, especially its women and youth, and caring for children*".⁸

The agenda served as fuel to keep the mandate on women, peace, and security going. The WPS agenda is also effectively supplemented by the 'FemWise-Africa' network of African women that works towards conflict mediation and prevention.⁹ Promoting human rights against sexual and gender-based violence was one of the group's primary goals, as was encouraging active female engagement in conflict prevention, mediation, and peace-making initiatives. The African Union also surpasses most developed countries in terms of political representation of women. Burundi has 38.2 per cent female parliamentarians in the lower house (National Assembly) and 41 per cent in the upper house (Senate).¹⁰ Women comprised fewer than 15 per cent of parliamentarians in Liberia, Madagascar, and Ghana. However, political representation alone cannot meet the WPS agenda's objectives.

While the Union was praised for its attempts to stop Sexual and Gender-Based Violence (SGBV), the pillars of prevention, relief, and recovery were not addressed. Women and girl soldiers' responsibilities have not been examined, and their needs and interests during

reintegration are frequently overlooked. Women are employed in peacekeeping and monitoring SGBV, expecting to serve as role models for local communities, ignoring the fact that both men and women have an equal part in protecting all of its citizens. When it comes to female combat positions, recruiters and commanders often consider safety and cultural problems when deciding whether or not to deploy women. For example, the Nigerian army has decided not to employ women as military chiefs as the northern Muslim leaders do not want women 'to give orders to men someday'.¹¹ In the seven active peacekeeping operations in Africa, women make up less than four per cent of military personnel.¹² Women's exclusion from mediation and peace procedures has led to a lack of gender-sensitive peace accords. Peace processes do not employ gender analysis, and hence fail to capture and include women's experiences in the design of peace processes and peace accords. As a result, they are applauded for feminising their work and, thus, watering down the WPS objectives.

A focus should be placed on fostering peace and how gender equality and the importance of femininity are frequently undercut. Women's conscription without addressing problems of gender and sexuality will continue the same masculinist ethos and marginalisation of women. The continuing dependence on military and militarised systems inadvertently recreates versions of militarised masculinities.

Women are not brought to the table if there is no conflict. They are involved in dynamics that end up recreating authoritarian patriarchal militaristic post-conflict societies. It is high time for the AU and those in charge of carrying out the WPS agenda to think more critically about present practices for fostering peace and security.

The continuing dependence on military and militarised systems inadvertently recreates versions of militarised masculinities.

Challenges with NAPs and way forward

Twenty-two years after the passing of UNSCR resolution 1325, only 104 countries have adopted National Action Plans (NAP) on Women, Peace and Security (WPS).¹³ As of the year 2022, Africa has 35 NAPs.¹⁴ This makes the continent a global leader in the adoption of NAPs. Most NAPs, however, are unable to achieve "meaningful local ownership" of Resolution 1325 since they are built on a bureaucratic approach to peacebuilding, often reflecting a certain normative agenda for what a post-conflict state should be.

In 2018, the African Union Commission (AUC) launched the Continental Results Framework (CRF) for Monitoring and Reporting on the WPS Agenda in Africa.¹⁵ Through various instruments, including UNSCR 1325 and the Maputo Protocol, the Commission and Member States have committed to implementing WPS, and the framework offers a policy for monitoring that progress. Despite its existence, however, the framework's awareness and reporting by civil society organisations (CSOs) remains low.

The agenda has been narrowed to focus on the inclusion of women in peace and security institutions and procedures without a deeper consideration of what their participation may signify for legitimising post-conflict patriarchal and militaristic norms. The delayed implementation of the National Action Plans, caused by issues with funding and monitoring

is also a major concern. When funding comes from member states, it may be more sustainable. There is another issue involved with the lack of attention placed on the intersecting needs of groups such as women with gender, and women with girls (children). Most of the regional

The grassroots women's organisations are under pressure from state governments, ...

action plans, or NAPs, are also not translated into the local languages, which prevents the women from interpreting the policies written for them. The action plan also needs to consider local histories of peace-making on the African continent. Although member states and regional organisations in Africa have enacted gender plans and policies, there are not any apparent connections between them and the WPS agenda. There are evident areas of uncertainty and conflict resulting from differing and opposing understandings of what the WPS agenda means for women in Africa, much alone how it should be implemented. The role of African women in conflict prevention and conflict management at the grassroots levels are also largely discarded. The grassroots women's organisations are under pressure from state governments, who label them anti-government if they do not go through a laborious official registration process and are frequently excluded from formal/state-organized peace processes.¹⁶

Hence, though the African Union has made significant achievements with gender related policies, national and regional action plans, and establishing numerous WPS networks across the continent, the progress is still gradual. The lack of coordination between government and civil society has reduced the NAPs to move forward. The AU should start incorporating women candidates in their mediation selection processes and be decisive in appointing those women as envoys. Including women, as a key for parity, is not the end goal: transforming gender relations and creating peace and security for all is what is being sought.

¹ Cohn, Carol, Helen Kinsella, and Sheri Gibbings, "Women, peace and security resolution 1325", *International Feminist Journal of Politics* 6, no. 1130-140, 2004, at <https://doi.org/10.1080/1461674032000165969> (Accessed August 20, 2022)

² Hendricks Cheryl, "Women, peace and security in Africa: Conceptual and implementation challenges and shifts", *African Security Review* 24, no. 4 p364-375, 2015, at <https://doi.org/10.1080/10246029.2015.1099759> (Accessed August 19, 2022)

³ "Selected Security Council Meeting Records", *Security Council Report*, June 15, 2022, at <https://www.securitycouncilreport.org/> (Accessed August 21, 2022)

⁴ Ibid.

⁵ Adopted in 2000, The resolution acknowledged the disproportionate and unique impact of armed conflict on women and girls.

⁶ Press Robert M, "Guided by the Hand of God": Liberian Women Peacemakers and Civil War." *The Review of Faith & International Affairs* 8, no. 1 23-29, 2010, at <http://dx.doi.org/10.1080/15570271003707648> (Accessed August 19, 2022)

- ⁷ It is the continent's strategic framework that aims to deliver on its goal for inclusive and sustainable development and is a concrete manifestation of the pan-African drive for unity, self-determination, freedom, progress and collective prosperity pursued under Pan-Africanism and African Renaissance.
- ⁸ "Our Aspirations for the Africa We Want", *African Union*, February 10, 2022, at <https://au.int/en/agenda2063/aspirations> (Accessed August 19, 2022)
- ⁹ Mshimba Ethel Wali, "A Study of the Central African Republic Conflict (2012-2019) and the Potential of Femwise-Africa Peace Model in Conflict Resolution.", PhD diss., *United States International University-Africa*, 2020, at <https://erepo.usiu.ac.ke/handle/11732/7031> (Accessed August 20, 2022)
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- ¹³ Radhika Coomaraswamy and Emily Kenney, 'Global study: looking forward', in Sara E. Davies and Jacqui True, eds, *The Oxford handbook of Women, Peace, and Security* (New York: Oxford University Press, 2019), p. 741.
- ¹⁴ Nkgadima Thokozile, "Monitoring and Evaluating the WPS Agenda in the SADC Region", *ACCORD*, October 27, 2022, at <https://www.accord.org.za/analysis/monitoring-and-evaluating-the-wps-agenda-in-the-sadc-region/> (Accessed January 9, 2023)
- ¹⁵ "SAVE THE DATE; Strengthening the Role of CSOs in Monitoring the AU Continental Results Framework on Women, Peace and Security - Women's International Peace Centre," *Women's International Peace Centre*, September 27, 2022, at <https://wipc.org/save-the-date-strengthening-the-role-of-csos-in-monitoring-the-au-continental-results-framework-on-women-peace-and-security/> (Accessed January 9, 2023)
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Viewpoint

INTERNATIONAL LAW MATTERS: IMPLICATIONS OF THE ICJ REPARATIONS JUDGMENT IN THE DRC V. UGANDA CASE

The ruling is considered the most detailed decision of the United Nations' top court in war compensation and signifies the occupying powers' reparation duties for damages resulting from its direct and indirect actions that violate international law. The judgement is undoubtedly historic and destined to act as a precedent for future cases. It once again establishes the fact that international law matters in situations of interstate armed conflicts.

Rajeesh Kumar*

In February 2022, the International Court of Justice (ICJ) ordered Uganda to pay \$325 million in reparations to the Democratic Republic of Congo (DRC) for its occupation and plundering of the Ituri region in DRC between 1998 and 2003. The court observed that Uganda had violated international norms and was responsible for the deaths of nearly 15,000 Congolese people. Uganda has to pay the sum in five yearly instalments of US\$ 65 million. The ruling is considered the most detailed decision of the United Nations' top court in war compensation and signifies the occupying powers' reparation duties for damages resulting from its direct and indirect actions that violate international law. The verdict also highlights the efficacy of international law and ICJ in conflicts between States.

Background and the Timeline of the Case

In 1998, the armed forces of Burundi, Rwanda and Uganda started a conflict in the north-eastern region of the DRC. The conflict soon became the biggest interstate war in modern African history. At one point in time, the war involved the armed forces of nine African countries and nearly 20 armed groups, later known as "Africa's World War".¹ An estimated 3.8 million people died and millions more were displaced or sought asylum in neighbouring nations. The conflict ended with multiple peace deals signed between the conflicting parties in 2002 and the formation of a transitional government in 2003.

* Dr. Rajeesh Kumar is Associate Fellow at the Manohar Parrikar Institute for Defence Studies and Analyses (MP-IDSA), New Delhi.

In June 1999, DRC filed its submission to the ICJ, alleging that armed aggression by Burundi, Rwanda and Uganda constituted a blatant violation of international law. The petition said that their actions had violated the fundamental principles of the UN Charter and of the Charter of the Organization of African Unity. Moreover, the DRC claimed they violated human rights law by committing acts of oppression, including killing, injuring, and abducting DRC nationals. The DRC sought compensation for acts of intentional destruction and plundering and the restitution of national property and resources.² The Court dismissed the charges against Burundi and Rwanda as neither country recognized its compulsory jurisdiction. The Court also found that the international instruments invoked by the DRC, such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Prevention and Punishment of the Crime of Genocide, are not applicable since Rwanda and Burundi were not a party to them or had made reservations to them. As a result, the DRC decided to discontinue the proceedings against Burundi and Rwanda and resubmitted a separate lawsuit against Uganda in 2002.

DRC filed its submission to the ICJ, alleging that armed aggression by Burundi, Rwanda and Uganda constituted a blatant violation of international law.

Responding to the DRC's allegation, Uganda subsequently filed a Counter-Memorial in the Court. Uganda contended that its actions were justified by self-defence: "first, the combined forces of the DRC, Sudan, and anti-Ugandan rebels threatened Uganda's territorial integrity; second, the DRC had directly commanded and supported the armed groups' attacks on Uganda; and third, the DRC had tolerated the use of its territory by the armed groups as a base for attacks on Uganda."³

Responding to the DRC's allegation, Uganda subsequently filed a Counter-Memorial in the Court.

After considering the submissions and counter-memorials of the parties, in December 2005, the ICJ ruled that Uganda violated the international legal principles of non-use of force and of non-intervention. Moreover, the Court also noted that Uganda had violated its obligations under international humanitarian law.⁴ In its ruling, the Court stated that Uganda had invaded the DRC, financing and training rebel activities and that it was responsible for all human rights violations committed by its army and the rebels in the DRC territory. The Court also held Uganda accountable for looting the Congo's natural resources, calling it a crime against international law.⁵ The ICJ also reserved the right to intervene in future proceedings if the parties could not settle reparations between them.

Though the verdict specified that Uganda was liable for damage to the DRC, the Court requested the parties to decide the nature, form and amount of compensation. As a result, the DRC demanded over US\$ 11.3 billion as compensation.⁶ However, Uganda rejected the claim. After failure of several rounds of negotiations with Uganda, in May 2015, the DRC appealed to the ICJ to determine the amount of reparation owed by Uganda. The Court then resumed the case and appointed independent experts to examine the DRC's claims of damage, particularly loss of human life, loss of natural resources and property damage.⁷

Based on expert report, the Court delivered its final Judgment on 9 February 2022, awarding US\$ 325 million to the DRC.⁸

Nonetheless, the ICJ dismissed DRC's other claims, including compensation for macroeconomic damage and sexual violations, citing a lack of evidence. As a result, the total of the awarded reparations is just around 3 per cent of the amount claimed by DRC, breaks down into US\$ 225 million for damages to persons, US\$ 40 million for property damage, and another US\$ 60 million for damage to the environment and loss of natural resources. The total sum will be paid in annual instalments of US\$ 65 million, due on 1 September each year, from 2022 to 2026. The Court also decided that post-judgment interest at a yearly rate of 6 per cent on each instalment on any overdue amount.

Legal Implications of the Judgment

The 9 February 2022 judgment on the DRC v. Uganda case is one of the ICJ's most significant rulings in recent years. It is also considered the most detailed decision by the ICJ on reparation matters. In addition, the judgment raised many legal questions and revisited some fundamental international legal principles. It includes the legality of the use of force and right of self-defence under international law, the rights and obligations of the occupying power in occupied territories and the dilemma of assessing the damage and liability. Consequently, the judgement underlined the centrality of international law, international humanitarian, and human rights law.

The 9 February 2022 judgment on the DRC v. Uganda case is one of the ICJ's most significant rulings in recent years.

The ICJ found that Uganda's military actions against the DRC contradicted Article 2(4) requirements of the UN Charter. Article 2(4) prohibits states' threat or use of force in their international relations. Furthermore, the Court observed that Uganda's armed aggression did not meet legal and factual circumstances for exercising the right of self-defence stipulated in Article 51 of the UN Charter. ICJ's observation is significant, particularly in the context of increasing interstate armed conflicts and geopolitical tensions. The judgment shows that the Court has taken the clear view that the prohibition of the use of force in Article 2(4) is a strict one, and it has resisted calls to broaden its view of the scope of self-defence.

Similarly, regarding the question of the belligerent occupation, the judgment underlined the importance of explicit and ascertainable consent of the state where the conflict occurs. The Court also mentioned the roles of non-state armed actors that Uganda supported in the DRC. It is important since the Court has sanctioned a country for how it has worked with rebels.

Another significant development is Court's invoking the 'global sum' doctrine for awarding compensation.

Another significant development is Court's invoking the 'global sum' doctrine for awarding compensation. The global sum is an approximate sum of damages a court may award by softening the rules of causation to protect a claimant's rights where the ideal of fairness warrants it.⁹ It offers a feasible, fair and equitable remedy for claimants

that otherwise would not receive compensation for the wrongs committed against them. The global sum approach is undoubtedly a significant development, especially in human rights abuses cases. Here, it is also important to note that the ICJ had taken a different position in the past in similar situations. For instance, in 2007, the Court denied monetary compensation to Bosnia and Herzegovina by saying that the mere declaration of Serbia's responsibility for not preventing the genocide in Srebrenica was in itself appropriate satisfaction.¹⁰ Moreover, since the Court could not rely on any precedent drawn from its case law, it became the sole case in the ICJ's history in which the Court had to decide the amount of war compensation due.

The judgement also represents a landmark in accountability for resource exploitation in armed conflict. By awarding reparation on the head of damages to natural resources, the Court clarified the rules governing the exploitation of natural resources in armed conflict. On the other, it also exposes the limits of existing international law regulating resource exploitation in armed conflict by dismissing some of the claims by DRC, including deforestation. The substantial gap between DRC's original claim and the actual awarded sum, the large temporal gap between the ruling on reparations and the judgement on the merits, and ICJ's dismissal of DRC's claim for macroeconomic damages are also worthy of attention. Moreover, the ICJ's lack of enforcement powers in situations of state's non-compliance with its judgement remains a cause for concern.

The judgement also represents a landmark in accountability for resource exploitation in armed conflict.

Nonetheless, the judgement is undoubtedly historic and destined to act as a precedent for future cases. It once again establishes the fact that international law matters in situations of interstate armed conflicts.

¹ Gerard Prunier, *Africa's World War: Congo, the Rwandan Genocide, and the Making of a Continental Catastrophe*, Oxford: Oxford University Press, 2011.

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Book Review

Gurjit Singh, *The Harambee Factor: India-Africa Economic and Development Partnership*, Macmillan Publishers India Private Limited, India, 2022.

ISBN (hardcover): 978-93-5455-069-0

Sindhu Dinesh*

“The Harambee Factor” by Amb. Gurjit Singh is an erudite take on the multiple dynamics of the India-Africa economic and development partnership. The book has a logical flow of content with a total of 12 chapters. Beginning with an introductory chapter that lays out the premise for the book, the next six chapters explore the development partnership between India and Africa through decoding the commitments and grants of the three India-Africa Forum Summits (IAFS) while the following four chapters bring out the salient aspects of India-Africa economic engagement by exploring trade, mutual Foreign Direct Investments (FDIs), Lines of Credit (LOCs) provided under the Indian Development and Economic Assistance Scheme (IDEAS) and others, with the concluding chapter coherently bringing out some of the core observations and arguments of the author.

The book has a fascinating format of beginning with the English translation of well-known African quotes and ends with a section mostly titled assessment in which Amb. Singh offers fresh suggestions and policy inputs for a way forward. The quotes are well-chosen and appropriate of the core essence of each chapter. The preface reveals an interesting Indian etymology of the word “Harambee”, which in Swahili represents “pulling together in a cooperative spirit”. The book is detailed and comprehensive in its presentation of all topics. Its lucid text is interspersed with interesting trivia, personal anecdotes, insightful remarks, and novel perspectives on historical events which makes Amb. Singh’s book a highly engaging and illuminating read.

The author broadly argues that the political and strategic contours of the India-Africa relationship are well understood and have retained momentum. He opines that the economic engagement and development partnership between India and Africa needs to be revisited. Apart from the scholarly research methodology that is evident in the book and the conduct

* Ms. Sindhu Dinesh is a Research Analyst at the Manohar Parrikar Institute for Defence Studies and Analyses (MP-ISDA), New Delhi.

of surveys bringing out important findings, the author also draws heavily from his own personal experiences during his tenure as a career diplomat. Besides exploring discrepancies and the scope for improvement in India's development engagement with Africa, he mainly underscores that economic cooperation between the two has been ignored and it needs to be accorded greater importance for a sustained partnership.

One of the highlighting and recurring themes of the book is the formation of the African Union, its positive ramifications, and the simultaneously evolving approach of India towards Africa. While AU's formation implied a sort of 'African Renaissance' in the continent, India's continental level of cooperation complemented its traditional bilateral approach. The transitioned and transitioning stages of Africa's growth story are well outlined. Amb. Singh presents a comprehensive and detailed narrative of the events that transpired during the creation of the IAFS and also accords due credit by naming some of the officials involved in the process of its fructification. These instances in the book, make the reader reflect on how the personality of officials and leaders involved often drives politics, especially in foreign policy. Shedding light on the roots of the IAFS, the Banjul formula, and so on; the chronological detailing and flow of content is engaging. He brings out the importance and need for the IAFS form of approach for India to keep a pan-Africa focus.

In 2018, Prime Minister Narendra Modi laid down the ten guiding principles of India's partnership with Africa. Amb. Singh presents an insightful take on the same by decoding and explaining each of these principles. The author makes pertinent observations while offering a good round-up of the salience of the various regional organisations with AU at the centre. He presents interesting opinions like the foundation of India-Africa diplomatic ties is the people-to-people linkages. The underlying reasons for this stance are yet another fascinating read. He explores diaspora and civil-society organisations in the respective countries and their role in the economy. The book provides detailed insight into the success of the Indian Technical and Economic Cooperation Programme (ITEC), enumerates on India's development projects, grant programmes, IAFS based development cooperation, and others, all of which adhere to India's principles of - "on request, equality and non-conditionality". In his assessments, Amb. Singh also mentions the role of seminars and forums organised by think-tanks on pertinent issues in furthering India and Africa ties. For example: The 'India-Africa Strategic Dialogue' (IASD) organised by the Institute for Defence Studies and Analyses (IDSA) on important security issues.

Through research findings in his book, Amb. Singh debunks certain narratives on India's approach to cooperation with Africa. He also links the role of education and African students in India to the bilateral ties. Anecdotes presented on such topics add weight to his arguments, and make the book extremely interesting. Other important themes and sections of the book are on the private sector trade between India and Africa, the flow of African FDI into India, and the role of investments by Small and Medium Enterprises (SMEs). Amb. Singh traces out the meaningful engagement that has transpired between India and the African countries. Recognising that Africa is an opportunity and a challenge on its own, he concludes on the note that India must alter its matrix of engagement with Africa.

The author makes compelling, fresh and insightful arguments throughout the book. The book is an intense reading on the subject of India-Africa ties and is a must-read for students, scholars and anyone interested in understanding the African region and the India-Africa partnership. At every juncture, Amb. Singh presents important observations and policy suggestions. This makes the book a relevant read for policy-makers as well.

Call for Contributions

MP-IDSA invites articles, commentaries and book reviews for publication in *Africa Trends*, a biannual magazine on Africa. Submissions can focus on security, political and economic issues relating to African countries. Articles may focus on analysing bilateral, regional and multilateral developments of strategic significance to India's engagement with African countries.

Articles could be of approximately 2000 words. Commentaries can range between 1,000-1,500 words (excluding footnotes) and book reviews between 600-1,000 words. Guidelines for contributors may be found at: <http://www.idsa.in/africatrends>. Submissions may be emailed to the Editor at idsa.africatrends@gmail.com.

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Manohar Parrikar Institute for Defence Studies and Analyses

No.1, Development Enclave, Rao Tula Ram Marg,

Delhi Cantt., New Delhi - 110 010

Tel.: (91-11) 2671-7983 Fax: (91-11) 2615 4191

Website: <http://www.idsa.in>