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Peace and Security Council Protocol

'The PSC shall encourage non-governmental organizations to participate actively in the efforts aimed at promoting peace, security and stability in Africa. When required such organizations may be invited to address the Peace and Security Council' – Article 20 of the Protocol Relating to the Establishment of the PSC of the African Union

Early Warning Issues for February

The scheduled Rotating Chair of the African Union (AU) Peace and

Security Council (PSC) for the month of February is Libya. In the absence of a country's representation at ambassadorial level, an alternate member will chair the Council for the month. Member States currently represented on the AU Peace and

Security Council include Benin, Burundi, Chad, Côte d'Ivoire, Djibouti, Equatorial Guinea, Kenya, Libya, Mali, Mauritania, Namibia, Nigeria, Rwanda, South Africa and Zimbabwe.

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Nigeria

On 9 January 2012, Nigerian President Good Luck Jonathan said that the terror threat posed by the *Boko Haram* was worse than the country's civil war in the 1960s that killed more than a million people. The president stated that the nation

knew where the enemy was coming from during the civil war while the challenge Nigeria faces today is more complicated. Following the spate of attacks by the *Boko Haram* on 1 January 2012, President Jonathan declared a state of emergency in 15 areas as part of his response to the unrest. The president also deployed extra troops to the affected areas.

Nonetheless, attacks have continued in an intensified manner. During the past six weeks *Boko Haram's* deadly attacks have claimed the lives of hundreds and triggered a rise in sectarian tensions.

South Sudan

The violence in Jonglei state of South Sudan in which hundreds died and at least 60,000 fled their homes, once again highlighted that inter-communal violence has become one of the most serious internal security challenges facing the newly established state of South Sudan. What is more troubling about this

inter-communal violence, particularly in the context of the total reliance of rival communities on small arms and weapons, is the risk of the occurrence of genocidal massacres and ethnic cleansing facing minority communities in particular. Despite the extensive media coverage that the violence received, it elicited almost no attention from organizations both in the sub-

region and at continental level. The nature of the risks involved in this and similar conflicts in South Sudan necessitate regional and international action.

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Livingstone Formula

'Civil Society Organizations may provide technical support to the African Union by undertaking early warning reporting, and situation analysis which feeds information into the decision-making process of the PSC' – **PSC/PR/ (CLX)**, 5 December 2008, Conclusions of a Retreat of the PSC on a mechanism of interaction between the Council and CSOs.

Côte d'Ivoire

In Côte d'Ivoire, constitutional order was restored after the accession to power of democratically elected President Alassane Ouattara on 7 May 2011. The holding of the December 2011 legislative elections, as provided for by the election-related aspects of the Ouagadougou

Political Agreement, ensured the conclusion of the institutional normalization process following several years of conflict and a brutal post-electoral crisis. The country remains however deeply divided and still faces important challenges. The legislative elections were held in a fragile social, political and economic context and attracted a relatively low turnout (36 %). As

the country embarks on a post-conflict and reconstruction phase, national reconciliation, disarmament, demobilisation and reintegration (DDR) of former fighters, security sector and judicial reforms as well as the humanitarian situation are among the remaining challenges.

COUNTRY ANALYSIS

Nigeria

Previous AU/PSC Communiqués and Recommendations:

Following the spate of terror attacks by the *Boko Haram* at the end of last year, on 26 December 2011 the AU Commission released a strong statement condemning the group and its activities. In the statement the Chairperson stated that '*Boko Haram's* continued acts of terror and cruelty and absolute disregard for human life cannot be justified by any religion or faith'. Dr Ping further reaffirmed the AU's total rejection of all acts of intolerance, extremism and terrorism.

The AU also released another press statement following the deadly waves of attacks by the group on January 20-21 that killed around 200 people in the nation's second biggest city of Kano. The 22 January statement expressed the AU's condemnation of the attack 'in the strongest terms'. The AU pledged to support the efforts by the government of Nigeria to bring an end to 'all terrorist attacks in the country' and combat terrorism in all its forms.

The AU also reacted to the August 2011 bombing of the United Nations (UN) office in Abuja, Nigeria. In a press release, issued on 26 August 2011, the Chairperson of the AU Commission condemned the suicide bomb attacks on the UN Office. The Chairperson underscored the abhorrent and criminal nature of the attacks, which he said could not be justified under any circumstances. Dr. Ping reaffirmed the AU's total rejection of extremism and terrorism in all its manifestations, and its determination to combat the scourge in accordance with the relevant AU and international instruments. He encouraged the government of Nigeria to spare no efforts in bringing those responsible for the horrific attacks to justice.

Crisis Escalation Potential:

On 9 January 2012, Nigerian President Good Luck Jonathan said that the terror threat posed by the *Boko Haram* was worse than the country's civil war in the 1960s that killed more than a million people. The president stated that the nation knew where the enemy was coming from during the civil war while the challenge Nigeria faces today is more complicated. Following the spate of attacks by the *Boko Haram* on 1 January 2012, President Jonathan declared a state of emergency in 15 areas as part of his response to the unrest. The president also deployed extra troops to the affected areas. Nonetheless, attacks have continued in an intensified manner. During the past six weeks *Boko Haram's* deadly attacks have claimed the lives of hundreds and triggered a rise in sectarian tensions.

On 2 January 2012 *Boko Haram* warned Christians living in the country's predominantly Muslim north that they had only three days to evacuate the region before attacks would target the community. The group's spokesperson, Abul Qada, also threatened that the deployment of Nigerian soldiers would only intensify the attacks. In a Hausa language video statement on YouTube dated 11 January 2012, the head of the *Boko Haram*, Abubakar Shekau, defended recent attacks on Christians, saying they were revenge for killings of Muslims. In his first video message, the head of the group referred to attacks on Muslims in recent years in several parts of northern Nigeria and warned President Jonathan that Nigeria's security forces would not be able to defeat the group.

In the most deadly attacks by the *Boko Haram* so far, a wave of coordinated gun and bomb attacks in the northern Nigerian city of Kano killed more than 185 people. The series of bomb blasts and shootings on 20 January, mostly targeting police stations, terrorised the residents of Nigeria's second biggest city of more than 10 million people. Police stations and the state police headquarters were among the targets. Gunfire was heard across the city. *Boko Haram's*

spokesman, Abul Qada, told journalists that it had carried out the attacks because the authorities had refused to release group members arrested in Kano.

As Nigeria suffers from these attacks, leading to rising sectarian tensions, many fear that the nation may become engulfed in a civil war. The government's response appears to be unable to stop the attacks and seems to require a more effective and comprehensive strategy to solve the root causes.

Key Issues and Internal Dynamics:

According to a 2004 BBC survey, Nigeria is the most religious country in the world. 90 percent of the population believe in God, pray regularly and affirm their readiness to die on behalf of their beliefs. Nigerians, both Muslims and Christians, take their respective religions very seriously. Many attribute the present security crisis in Nigeria partly to the politicization of religion and the earnest quest by many religious zealots to entrench Islam in Nigeria and promote a return to Islamic orthodoxy.

A charismatic Muslim cleric, Mohammed Yusuf, formed *Boko Haram* in 2002. *Boko Haram*, a combination of Hausa and Arabic words denoting 'Western education is sinful', is the popular name for a group officially known as, *Jama'atu Ahlis Sunna Lidda'awati wal-Jihad*, which in Arabic means 'People Committed to the Propagation of the Prophet's Teachings and Jihad'. In 2009, *Boko Haram* came to prominence following its attacks on police stations and other government buildings in Maiduguri in Northern Nigeria. In the violence that followed, hundreds of *Boko Haram* supporters were killed and thousands of residents fled the city. Nigeria's security forces eventually seized the group's headquarters, capturing its fighters and killing Mohammed Yusuf. His body was shown on state television and the security forces declared *Boko Haram* finished. However, its fighters have regrouped under

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regional and global reach are rising. The US sent its military chiefs to Nigeria on 18 January 2012 to discuss *Boko Haram* with their Nigerian counterparts. In January 2012, the Nigerian Ambassador to the United States, Prof Adebowale Adefuye, stated that Nigeria was open to international assistance on the issue of *Boko Haram*, because of its international dimension and the global condemnation of terrorism. On 17 January 2012, U.S. Secretary of State Hillary Clinton also expressed her deep concern about the terrorist attacks in Nigeria.

The French Foreign Minister, Alain Juppe, also condemned the deadly attacks on the eve of the Christmas celebrations in Nigeria. In an official statement posted on the ministry's website, the Minister stated that France supported Nigerian authorities in their fight against terrorism. Nigeria is France's biggest trading partner in sub-Saharan Africa.

Civil Society Dynamics

The reaction of Nigerian civil society towards the series of violent *Boko Haram* attacks has been strong. Some associations, including the Christian Association of Nigeria, have urged their members to protect themselves against the attacks, which they referred to as 'systematic ethnic and religious cleansing'.

The head of the Christian Association of Nigeria condemned the government for its failure to protect citizens from the attacks and make a 'convincing high profile arrest' to demonstrate its intent to curtail the group.

The Nigeria Labour Congress (NLC) strongly condemned the terrorist attacks on Christians, describing the attacks as vicious acts. However the congress urged the government to address the root causes of insecurity in the country by providing mass employment, mass education and mass enlightenment for the populace. The NLC stated that the bombings are a manifestation of the failure of the political leadership that throws money at problems like security, rather than solve them. Other members of the Nigerian civil society like the Action Congress of Nigeria (ACN), Congress for Progressive Change (CPC), Arewa Consultative Forum (ACF), Campaign for Democracy (CD), Muslim Rights Concern (MURIC), Muslim Public Affairs Centre (MPAC) and the Muslim Congress (TMC) also condemned the attacks.

Scenario Planning:

The threat by the *Boko Haram* and the security dynamics in Nigeria could take a number of courses based on the actions taken by the various parties to the crisis in the coming months. The following are the possible scenarios:

Scenario 1:

The attacks by the *Boko Haram* will expand and continue to destabilise and divide Nigeria, triggering retaliatory attacks and thereby creating the risk of civil war along religious lines.

Scenario 2:

The indiscriminate attacks of *Boko Haram* together with the strengthening of its ties with regional and international terrorist groups could erode whatever popular support the group has in the country.

Scenario 3:

The weaknesses of the Nigerian security institutions and their heavy reliance on a brutal security approach to the crisis could inspire further attacks from *Boko Haram*.

Scenario 4:

Genuine negotiation efforts coupled with improved security measures, by the Nigerian government, involving the local community and civil society, could result in reducing tensions.

Early Response Options:

Given the above scenarios, the following options could be considered:

Option1:

The PSC could discuss the matter in-depth and issue a press statement or a communiqué condemning the acts of terrorism that *Boko Haram* has perpetrated in Nigeria and call on Nigerian authorities to operationalize and effectively implement the Terrorism Prevention Bill with a view to vigorously applying the law against *Boko Haram* and its activities. In this regard, *Boko Haram* would be officially designated as a terrorist group, making it a criminal offence to be a member or to support the group, whether directly or indirectly.

Option 2:

The AU PSC could also urge the Nigerian government to empower and protect moderate Islamic leaders and members of civil society in northern Nigeria to encourage local initiatives against the group. These could include confidence-building dialogue between Muslims and Christians particularly in Northern Nigeria and the implementation of political, legal, economic and social programs, intended to dissuade and deter individuals from engaging in terrorism as the most effective means to eliminate the threat of terrorism in the long-term.

Option 3:

The PSC could request the AU Commission to investigate the regional dimensions of *Boko Haram's* terrorist acts and submit a report on a coordinated regional response that the AU, in consultation with ECOWAS and other relevant regional groupings, could adopt. The PSC could also request the African Centre for the Study and Research on Terrorism (ACSRT) to facilitate cooperation among states as well as the effective implementation of regional, continental and international legal instruments.

Option 4:

The PSC could coordinate its efforts with the UNSC and other international players to develop a joint response anti-terrorism strategy, which would be based on a close partnership with UN missions in the affected countries.

Documentation:

Relevant AU Documents:

Press Release (22 January 2012)
AU Commission Press Statement condemning the Terrorist Attacks in Kano, Nigeria

Press Release (26 December 2011)
AU Commission Press Statement condemning the Terrorist Bombings in Nigeria

Press Release (August 2011)
AU Commission Press Statement condemning suicide bomb attacks on the United Nations Office in Abuja, Nigeria

South Sudan:

Previous PSC and AU Commission Communiqués

During its 301st meeting held on 20 October 2011, the PSC received the AU Chairperson's report on the African Union High-level Implementation Panel (AUHIP). In the communiqué, **PSC/PR/COMM./ (CCCI)**, issued after the meeting, the PSC encouraged 'the AUHIP to work closely with the Government of South Sudan in support of its efforts to meet the challenge of governance in a context of diversity'.

The PSC further 'underlined the critical role that the international community can play in the attainment of the objective of two viable States, including ... the provision of aid and technical assistance to the new state of South Sudan, as well as political support to the holistic approach to peace.'

Crisis escalation potential

In late December 2011, the Republic of South Sudan witnessed the worst and largest of the inter-communal clashes that were on the rise in the country during the course of the year. The violence, involving the Lou Nuer and the minority Murle communities, particularly affected Jonglei State, one of the ten states making up the new country of South Sudan. On 23 December 2011, violence started when armed members of the Lou Nuer community launched attacks against the Murle community. According to UN estimates, at least 60,000 people have been displaced in the conflict.

Although there are no confirmed figures on the number of people who lost their lives, at one point the Commissioner of Pibor County said over 3000 people were killed and 1,790 women and children were abducted. Apart from human casualties and the humanitarian crisis that ensued from the violence, UN reports estimated that 50,000-80,000 cattle were also seized in the violence.

This is not the first time that the two communities have fought one another. Instead, it is a continuation of a cycle of conflict that took place over the past year between the two communities. Similar clashes were reported in April, June and August 2011. In these earlier conflicts, UN reports indicated that more than 1,100 people lost their lives and some 63,000 people were displaced

by inter-communal violence in Jonglei during 2011.

Additionally, this is only one of the many reported incidents of violence that took place in the conflict-prone state of Jonglei. While such conflicts are present in many parts of South Sudan, Jonglei appears to have suffered the most. Of the 440 various conflicts reported in South Sudan during 2011, more than a third (179) took place in Jonglei. The vast majority of these conflicts were inter-communal.

In the light of the prevalence of similar conflicts in other parts of South Sudan, it would not be an exaggeration to say that inter-communal violence involving and arising from cattle raiding and competition over scarce resources is one of the most serious internal security challenges facing the newly established state of South Sudan.

Although the Lou Nuer launched the attacks in retaliation for earlier attacks by Murle armed militias, the violence also reflects deeper problems related to poverty, proliferation of weapons, competition over scarce resources such as water and land, and lack of independent state security institutions and local government structures.

Before these underlying causes of the conflict are effectively addressed and a comprehensive reconciliation process is implemented, violence between the communities is sure to continue. Not long after Lou Nuer's attacks, Murle fighters started to regroup and counter attack. Several incidents of revenge attacks by the Murle were reported. While the Murle killed 24 people in Akobo County in a revenge attack on 8 January 2012, eight more people died in a similar attack on 10 January. Similar incidents took place on 11 and 16 January 2012.

Apart from the potential for further clashes between the two communities, what is more troubling about this violence is the high risk of a genocidal massacre and ethnic cleansing. The lack of any independent state security institutions and the high level of small arms and weapons involved have made this risk a realistic possibility. Indeed, the planning and execution of the recent attacks suggest that the armed Lou Nuer were acting with genocidal intent. Therefore, despite its appearance, the risk in these conflicts is far more serious than that of an ordinary cattle raid.

Key issues and internal dynamics

The major violence that devastated Jonglei took place between 23 December 2011 and 5 January 2012. It is estimated that between 6,000 and 8,000 armed Lou Nuer were involved in the attacks and raids against the Murle. The Lou Nuer militants, who have designated themselves as the White Army, are a local militia that was involved in the massacre of thousands in South Sudan after the 1991 split within the Sudan Peoples Liberation Army (SPLA). Although this militia eventually lost its military strength through a combination of disarmament and armed defeat by the SPLA in May 2006, it seems that the White Army has since been reactivated. This presents a wider security problem for the new country as the White Army could also challenge the authority of the SPLA.

As part of their efforts to mobilize a large group of militants, the Lou Nuer made preparations, which included warning the SPLA and UN. While launching their attacks, they released a statement outlining their plans and warning the SPLA and the United Nations Mission in South Sudan (UNMISS). In the statement they declared: 'we call on the SPLA soldiers who do not want to die this year to stay out of our way. The Nuer White Army is well armed and no power can stop it.' The statement similarly warned the UNMISS stating that 'they should not leave the area if they don't want to die. We have heavy weapons that can bring down and anybody standing on our way will be a casualty.'

The large and heavily armed Lou Nuer militias have marched on villages and towns unleashing violence and destruction with impunity. On 23 December, armed Lou Nuer fighters advanced on Lopilod village in Likuangole district in Pibor County, burning villages in the area. On 26 and 27 December, the village of Likuangole was razed, with houses burnt to the ground, an NGO clinic providing essential medical support to the community looted and destroyed, and all boreholes destroyed. On 31 December, the Lou Nuer reached the periphery of Pibor town, looting and burning a number of huts, including two NGO compounds. In the following days, the armed attackers marched south towards Fertait and Bilait. The rampage continued until 5 January 2012.

Aerial views of some of the areas affected by the violence revealed that entire villages were destroyed.

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aircraft, particularly helicopters, is affecting the mission's operational effectiveness.

Additionally, members of the Murle complained that the UNMISS did not do enough to protect civilians. John Boloch, a Murle leader who heads South Sudan's Peace and Reconciliation Commission in Juba, reportedly said that the 'UNMISS military wing did nothing to protect civilians'. According to a New York Times report, 'neither government forces nor the United Nations peacekeepers left their posts in Pibor to protect the civilians who had fled, and it appears that many Murle were hunted down'.

This failure was blamed on a lack of capacity and inadequate troop strength. Hilde F. Johnson, head of UNMISS, reportedly said, 'protection of civilians in the rural areas and at large scale would only have been possible with significantly more military capacity.' Speaking at a conference on the Responsibility to Protect, Secretary-General Ban Ki-Moon admitted this failure. He said 'we saw it (the violence) coming weeks before. Yet we were not able to stop it.' Explaining how this came about, he said 'the reason was painfully simple: we were denied the use of necessary resources – in particular helicopters that would have given us mobility and reach in a vast region without roads. At the critical moment, I was reduced to begging for replacements from neighbouring countries and missions.'

On 28 December, the UN Secretary-General expressed deep concern over the continuing ethnic tensions in Jonglei and urged the leadership of both groups to end the violence and to work with the Government towards a long-term solution to the root causes of the hostilities.

On 9 January, the United Nations Security Council (UNSC) issued a press statement, expressing its deep concern at the violence in Jonglei. The statement called on the communities concerned to immediately 'end the cycle of conflict and engage in a reconciliatory peace process'. The UNSC additionally expressed its concern 'that UNMISS had a lack of helicopters that seriously affected its ability to carry out its mandate and urged the Secretary-General to continue efforts to resolve this issue'.

Wider International Community Dynamics

In an effort to boost the capacity of UNMISS that encountered difficulties in responding to the recent violence in Jonglei, the United States of America (US) announced that five US

military officers would join UNMISS. The five officers are expected to support UNMISS in areas of strategic planning and operations and will have no combat role. The US Department of Defence said that the five officers would join UNMISS in Juba, and that there were no plans to expand the US presence in UNMISS.

Civil society dynamics

The Sudan Council of Churches (SCC) is historically the most influential civil society organization engaged in peacemaking and reconciliation efforts. Following the devastating July and August attacks and counter-attacks, which killed hundreds of people, the SCC launched a reconciliation effort across Jonglei. Over the following months the SCC visited both the Murle and Lou Nuer areas, holding community level peace talks in preparation for a joint peace conference that was scheduled to take place on 12 December 2011. Unfortunately, due to the escalation of tension between the communities this peace conference did not take place and was followed by the subsequent violence.

When the conflict started, another organization called Standard Action Liaison Focus issued a statement, warning that the conflict was no longer simply about natural resource sharing and had moved into a state of ethnic cleansing. What is occurring in Jonglei today has the characteristics of genocide.

Scenario Planning:

Given that the recent violence in Jonglei is a result of the interplay of a number of factors and that it represents serious instability within South Sudan, the following are the possible scenarios:

Scenario 1:

If the recurrent violence between the two communities in the past year is anything to go by, the feud between them will persist, resulting in further attacks and counter-attacks with more serious casualties and humanitarian crises.

Scenario 2:

The government, together with civil society organizations, most notably the Sudan Council of Churches, and in collaboration with the UN and other relevant organizations present in South Sudan, launches an intervention to comprehensively settle the feud between the two communities.

Scenario 3:

Another potential scenario is that a stalemate could ensue. A calm period with no major clashes would result until another cycle of violence breaks out again.

Early Response Options:

Given the above scenarios, the PSC could consider the following options as means to contributing to ending the recurring violence and preventing the risk of grave circumstances envisaged under Article 4 (h) of the Constitutive Act of the AU:

Option 1:

The PSC could request the AU Commission to help the Government of South Sudan develop and implement a comprehensive political and development strategy to address inter-communal violence in the country with particular attention to the situation in Jonglei. Such strategy should be pursued alongside a national reconciliation process that should address past and recent violations, which continue to fuel divisions and animosity among various communities.

Option 2:

The PSC could call upon the Government of South Sudan to undertake the investigation it has launched into the recent violence, with the utmost impartiality and transparency and on the basis of an inclusive process, and ensure that the outcome of the investigation is implemented with the full participation of the concerned communities.

Option 3:

The PSC could encourage the Government of South Sudan to enhance the presence of state institutions and call upon the international community to support such efforts. As part of this process, the government should develop an early response and intervention capability, taking advantage of the support of UNMISS.

Documentation:

Relevant AU Documents:

PSC/PR/COMM./ (CCCI)
(30 November 2011) PSC
Communiqué on the Activities of
the AUHIP

The January 2012 AU Summit

The AU summit took place at the end of last month in Addis Ababa as the continental body braced for its ten years celebration since the institution's transformation from the OAU. Looking back at the past decade it is crystal clear that most of the AU's institutional effort has been focused on its Peace and Security arm. The peace and security agenda of the AU is one of its most visible agendas, defining the institution and its relations with international partners. The grand African Peace and Security Architecture (APSA), a set of various institutions and mechanisms for an effective and coordinated conflict prevention, resolution and management strategy, requires constant and consistent support from external partners. However there is a strong call for the next decade of the organisation to focus more on structural conflict prevention.

According to an AU document released at the Summit, the AU views Shared Values, which constitute Human Rights, Good Governance, and Democracy, as a strong catalyst to accelerate continental integration and prosperity in the years to come. Even though many of the normative frameworks have been developed, the AU continues to face challenges in the implementation and overall compliance of these policy instruments. In order to highlight the importance of the concept of Shared Values, and to work towards harmonizing efforts to bring about peace and respect for human rights in Africa. The January 2012 summit saw the official launch of the Year of Shared Values, as decided in the 16th Ordinary Summit a year ago.

At the end of January 2012 the AU's Commissioner for Political Affairs, Julia Dolly Joiner, announced that the African Charter on Democracy, Elections and Governance had received its fifteenth signature when Cameroon signed the document, thereby paving the way for its entry into force after a month. This good news coincided with the AU designation of the 2012 as the

year of Shared Values. According to the 2008 strategic document of the AU envisioning the organisations activities during 2009-2012, Shared Values is one of the four pillars of the Union.

The 18th Ordinary Session of the Summit of the African Union (AU) took place from 23 to 30 January 2012 in Addis Ababa, Ethiopia. The Summit took place under the theme: "Boosting Intra-African Trade", and began on Monday 23 January 2012, with the 23rd Ordinary Session of the Permanent Representatives Committee (PRC). The PRC considered numerous working documents and draft decisions in preparation for the 20th Ordinary Session of the Executive Council which took place from 26 to 27 January at the headquarters of the AU in Addis Ababa which looked at reports of organs like the African Commission on Human and Peoples' Rights (ACHPR) and the African Court on Human and Peoples' Rights (AfCHPR). The Executive Council further discussed numerous peace and security issues for the decisions of the Heads of States and Government.

The meeting of the most powerful organ of the Union, the 18th Ordinary Session of the Assembly of the African Union took place on 29 and 30 January 2012. The Heads of States and Government inaugurated the New African Union Conference Center on 28 January 2012. The President of Benin Thomas Boni Yayi was elected as Chairman of the African Union Assembly, taking over the one-year post from Equatorial Guinea's President Teodoro Obiang Nguema.

One of the most anticipated issues at the AU Summit has been the election of the AUC Chairperson, the Deputy Chairperson and the eight Commissioners. The Summit also elected 10 new members of the Peace and Security Council for two years term. The summit also discussed a range of continental peace and security matters ranging from ongoing conflict in Somalia, rising tensions between the two Sudans and the implementation of the recent UN Security Council Resolution imposing sanctions against Eritrea.

Of all the agenda items of the Assembly, the one that received

the most attention and time was the election for the position of the Chairperson of the AU Commission. The much anticipated and highly contested election took place on 30 January 2012. The close contest between the incumbent, Jean Ping, and the South African Home Affairs Minister, Nkosazana Dlamini Zuma, failed to produce a winner. Despite intense lobbying and campaigning, neither Ping nor Zuma managed to secure the two-thirds majority vote required for victory. In accordance with Rule 42 of the Rules of Procedure of the AU Assembly, since there were only two contestants, the elections went into three rounds in which Ping led Dlamini-Zuma by 28 to 25 in the first round, 27 to 26 in the second round, and 29 to 24 in the last one.

After Zuma was forced to withdraw from the election in accordance with Rule 42 of the Rules of Procedure of the AU Assembly as the candidate with the least votes, the Assembly voted to determine whether the required two-thirds majority of the members would support Ping to continue for another term. With only 32 votes that fell short of the required two-thirds majority, the Assembly suspended the election. The other elections for Deputy Chairperson and the 8 Commissioners were also postponed until the next summit. It is anticipated that the elections would be held during the next summit scheduled to take place in Malawi.

The way the election was conducted and the outcome of the election is believed to have affected the morale and confidence of the leadership. In the light of the deep divisions that ensued among African countries during the election process, there are serious concerns that the position of the AU and its rising pan-African role could be threatened unless member states make concerted efforts to mend the widening divisions among countries and across regions.

Côte d'Ivoire

Previous PSC and AU Communiqués and Recommendations

At its 288th meeting held on 10 August 2011, the Council considered report **PSC/PR/2(CCLXXXVIII)** of the PSC delegation field mission in Côte d'Ivoire undertaken from 25 to 30 July 2011. It noted the progress made since the assumption of power by President Ouattara and the establishment, on 1 June 2011, of the new Government.

The Council also reiterated its support to the ongoing efforts at peace building and post-conflict reconstruction and requested the commission to dispatch a mission to assess the situation of Ivorian refugees, provide support for post-conflict reconstruction and development, and facilitate joint action among the countries of the region to address security related issues. The mission was deployed from 5 to 12 November 2011.

At its 273rd meeting held on 21 April 2011, the Peace and Security Council of the African Union examined the report of the Chairperson of the Commission on the situation in Côte D'Ivoire **PSC/PR/2(CCLXXIII)**. The ensuing communiqué **PSC/PR/COMM.1(CCLXXIII)** lifted the suspension of the participation of Côte d'Ivoire in the activities of the AU. It also stressed the importance for Ivorian actors to make sustained efforts 'for the promotion of national reconciliation, consolidation of peace and socioeconomic recovery in Côte d'Ivoire' with the support of the AU in close cooperation with ECOWAS, the UN, and other partners. The Council decided to dispatch a PSC mission 'to express solidarity of the AU to the authorities and the Ivorian people and assess the situation in order to allow the AU to better contribute to the crisis exit process'.

Crisis Escalation Potential

While a relapse into conflict in Côte d'Ivoire is unlikely, national reconciliation, security sector and judicial reforms as well as humanitarian challenges must be addressed for Côte d'Ivoire to return to peace and prosperity.

On 21 January 2012, an attack on a meeting of supporters of the Ivorian Popular Front (*Front Populaire Ivoirien*, FPI) of Laurent Gbagbo in Abidjan left one dead and many people injured. Those incidents cast doubts on freedom of assembly and could further radicalise the former ruling party further endangering the chances of reconciliation. Moreover, the tone of pro-Gbagbo newspapers, the boycott of the elections by a significant portion of the opposition and the reaction to Gbagbo's transfer, albeit peaceful, illustrate the amount of work to be done in terms of national reconciliation and highlights the need for a meaningful dialogue between all stakeholders.

In order to maintain security improvements, President Ouattara has the difficult task of asserting control over the armed forces. The December 2011 deadly clashes involving civilians and the rebels-turned-government forces of the Republican Forces of Côte d'Ivoire (*Force Républicain de Côte d'Ivoire*, FRCI), in Vavoua and Sikensi, have pointed to the limits of the present security architecture and underlined the urgent need to conduct DDR and security sector reform (SSR) processes.

From a humanitarian perspective, over the past nine months, more than a half a million people have returned to their homes. However, as mentioned in the December UN-OCHA Côte d'Ivoire report, there are still 186,000 internally displaced people and 164,000 refugees in neighbouring countries. Restoration of means of livelihood, shelter, access to basic services and voluntary return and reintegration of displaced persons and refugees are among the urgent humanitarian needs.

Beyond those specific post-conflict challenges, underlying roots of the

crisis still need to be addressed if Côte d'Ivoire is to embark upon a durable peace-building phase. Most notably, the general population identification process must be completed and land tenure issues have to be tackled.

Key Issues and Internal Dynamics

The political and military defeat of the Gbagbo regime profoundly modified the Ivorian political landscape. The FPI of Laurent Gbagbo and other smaller parties associated with him – which coalesced in 2006 under the umbrella of the National Congress for Resistance and Democracy (*Congrès National pour la Résistance et la Démocratie*, CNRD) – were weakened with many of their party leaders in exile or prison.

The CNRD parties conditioned their participation in the electoral process on specific demands, such as the liberation of Gbagbo and other political prisoners, the return of those who are in exile, the unfreezing of assets, the restructuring of the Independent Electoral Commission (*Commission Electorale Indépendante*, CEI), restoration of security and the provision of public funding for political parties.

The FPI decided to boycott the legislative elections on 23 November 2011, on the basis that negotiations with the government were not registering sufficient progress. Other CNRD parties agreed to participate, mainly to be able to negotiate with the Ouattara government. On 9 November 2011, twenty pro-Gbagbo personalities were freed. Two days after the election, on 13 December 2011, the Public Prosecutor signed a decision to unfreeze the assets of fifty-one pro-Gbagbo personalities.

The radical wing of the former presidential camp did not feel that the required conditions were met for the holding of free, open and transparent legislative elections. They perceived the attempts by the government to invite them

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back into the political process as blackmail. For the moderate wing, it was rather perceived as an opportunity, although on uneven grounds, to engage with the government and make progress on its demands.

The June 2011 formation of the government, the renewal at the Prime Ministerial position of former New Forces (*Forces Nouvelles, FN*) rebel head, Guillaume Soro, and the failed attempt to coordinate candidate nominations for the legislative elections have created some tensions within the Houphouëtists Rally for Peace and Democracy (*Rassemblement des Houphouëtistes pour la Démocratie et la Paix, RHDP*). Members of this coalition, which supported Ouattara during the November 2010 run-off of the presidential elections, now feel that the RDR used the RHDP in order to achieve power, but is now less conciliatory and even attempting to marginalize some of its former allies.

The FN, during a September 2011 conclave, decided not to restructure the former rebel movement into a political party, but rather into a political movement. Most of those who wished to run for election presented themselves under the banner of the RDR.

In substance, the new opposition, which is yet to recover from its military and electoral defeat, had to take difficult strategic decisions when faced with the determination of the new regime to promptly restore institutional normalization. The electoral bargaining that took place around the opposition's participation in the elections raises questions about whether these negotiations contributed to political dialogue within a much-needed national reconciliation process.

In this regard, although Gbagbo is the first but probably not the last to be indicted by the ICC, the timing of his transfer to The Hague - four days before the opening of the electoral campaign - and the fact that the Ouattara camp has so far escaped any charges has been perceived as unfair. While the establishment of the Dialogue, Truth and Reconciliation Commission in April 2011 is a

positive decision, it should not prevent the government from playing an important role in the reconciliation process.

Geo-political dynamics

Pan-African and regional dynamics

The AU and ECOWAS deployed electoral observation missions for the December 2011 legislative elections. Following upon its 288th decision, a multidisciplinary mission to assess the needs of Côte d'Ivoire in the field of post-conflict reconstruction and development was dispatched from 5 to 12 November 2011. The mission's conclusions and recommendations are yet to be made public.

The mission, led by Former Prime Minister of the Central African Republic, Mr. Anicet Georges Dologué, comprised representatives of the African Development Bank, the World Bank, the ECOWAS, the International Organisation of La Francophonie, the European Union (EU), as well as the NEPAD Planning and Coordination Agency and different Departments of the AU Commission.

During the same period, the Sub-Committee on Refugees of the Permanent Representatives Committee also visited Côte d'Ivoire. The AU has undertaken a number of other initiatives, including grants to support the reintegration of displaced persons as well as the organisation of the legislative elections. From 25 to 30 July 2011, a PSC delegation had undertaken a field mission in Côte d'Ivoire and produced report **PSC/PR/2(CCLXXXVIII)**.

As for the Facilitator of the Direct Inter-Ivorian Dialogue, Burkina Faso President Blaise Compaoré, he was asked by President Ouattara to continue assisting the Ivorian Government in implementing pending aspects of the peace process provided for in the Ouagadougou Agreement.

UN Dynamics

The United Nations Security Council resolution, **S/RES/2000(2011)**, of 27 July 2011, extended the mandate of United Nations Operations in Côte d'Ivoire (UNOCI) until July 2012. It mandated UNOCI, among other responsibilities, to protect civilians, address remaining security threats and border-related challenges, monitor the arms embargo, and collect weapons. It also tasked UNOCI to assist the government with DDR and reform of security and rule of law institutions, support humanitarian assistance, and the organization and conduct of open, timely, free, fair and transparent legislative elections.

In this regard, the resolution also reiterated that the Special Representative of the Secretary General (SRSG) shall certify the legislative elections. The newly appointed SRSG in Côte d'Ivoire, Bert Koenders, deployed efforts, in consultation with the Facilitator and within the framework of his certification role, on issues such as the negotiations surrounding the opposition participation to the legislative elections, the voters' list, justice and reconciliation. UNOCI also provided crucial logistical support for the 2011 legislative elections.

Wider International Community

As illustrated and reiterated by Secretary of State Hilary Clinton during a mid-January 2012 visit, Côte d'Ivoire's foreign partners, notably France, the US and the EU, are also ready to play an important role in assisting with DDR and SSR efforts, as well as economic development. The EU, the US, France, China and Japan provided financial support for the legislative elections.

On 29 November 2011, Laurent Gbagbo was transferred to The Hague to face four counts of crimes against humanity. His transfer sent a clear message that impunity would not prevail, but the impression of a partisan justice also stoked political tensions. The

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In a decision, **Assembly/AU/Dec.338 (XVI)**, adopted at its 16th ordinary session, the Assembly of the African Union requested 'the Chairperson of the Commission to prepare and submit to the Peace and Security Council (PSC) a report on the African Union's (AU) strategic vision of the cooperation between the AU and the United Nations (UN) on peace and security matters, as a contribution to the consideration by the Security Council of the next report of the UN Secretary-General on this issue, bearing in mind relevant AU decisions and the need for flexible and creative interpretation of Chapter VIII of the UN Charter.' The Chairperson of the AU Commission (AUC) submitted to the PSC such a report during the 307th meeting of the PSC held on 9 January 2012.

The Chairperson's report, entitled 'Towards Greater Strategic and Political Coherence', comprises 36 pages and 116 paragraphs. Apart from reflecting on the current state of collaboration between the two organizations, the report mainly focuses on a central question: 'What is the appropriate consultative decision-making framework, division of labor and burden-sharing that should be put in place?'

Apart from calling for a more structured relationship between the Security Council (UNSC) and the AU PSC and an enhanced relationship between the UNSC's President and the Chair of the AU PSC, it proposes a reinterpretation of Chapter VIII of the UN Charter, emphasizing the AU's priority setting and ownership of issues directly relating to peace and security in Africa without prejudice to the role of the UN Security Council.

The report also identifies the principles that the AU deems necessary for defining a strategic level partnership between the AU and UN and proffers the mechanisms for achieving both strategic and operational synergy.

This report followed the report that the Secretary-General of the UN submitted to the UN Security Council on 29 December 2011. In his report, which outlines the strategic vision of the Secretariat of the UN, Ban Ki-Moon envisaged 'closer interaction' between the AU Commission and the UN Secretariat in order to 'assist the Security Council and the AU Peace and Security Council in formulating cohesive positions and strategies.' The Secretary-General stated there was a need to develop agreed principles governing the modalities of cooperation and decision-making more fully. More informal communication between the UNSC and the AU's PSC and their Member States is 'critical in developing a common vision and coordinating action prior to the finalization of respective decisions'.

After considering the Chairperson's report, the PSC issued a communiqué, **PSC/PR/COMM(CCCVII)**. In the communiqué, the PSC highlighted the issues and themes in the report that it deemed critical. The PSC emphasized the need for a stronger AU-UN strategic partnership as a means to more effectively promoting peace, security and stability in Africa. Reiterating the argument in the Commission's report, the Council stated that such a strong partnership would be in response for Africa's evolving security landscape and the complexity of the challenges and the development by the AU and Regional Economic Communities of a

comprehensive normative and institutional framework for dealing with peace and security issues. The PSC expressed its conviction that such a partnership would need to be 'based on an innovative, strategic and forward-looking reading of Chapter VIII of the UN Charter' having regard to a number of principles.

The first principle that the PSC identified as the basis for a more effective strategic partnership was support for African ownership of peace initiatives on the continent and an African priority setting. While this seeks to assert and assign a leadership role for the AU on matters of peace and security on the continent, another equally important principle is 'flexible and innovative application of the principle of subsidiarity, which is at the heart of Chapter VIII of the UN Charter, including consultations prior to decision-making, division of labour and sharing of responsibilities'. This principle emphasises that the UNSC gives proper attention to the policy decisions and views of the AU and that the respective roles of the two organizations, including in terms of burden-sharing, are specifically spelt out. This is indeed a theme that has received mention in several paragraphs of the PSC communiqué. In paragraph 13, the PSC called for regular consultations before taking decisions on issues of common concern and enhanced interaction between the Chairperson of the AU Peace and Security Council and the President of the UN Security Council (UNSC). More specifically, in paragraph 16 of the communiqué, the PSC underlined the need for the UN Security Council to be more responsive to requests made by the AU regarding specific conflict and crisis

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PSC Retrospective: AU Report on AU-UN Strategic Partnership on Peace and Security (continued)

situations in Africa. The final principle but related to the second one is comparative advantage. This principle seeks to highlight the increasing role that the AU has come to play in the management and resolution of conflicts on the continent, its proximity to and familiarity with the issues and the flexibility of its approach.

In urging a follow-up of the proposals in the Chairperson's report, the PSC emphasised 'the urgent need for the AU and the UN, both at the level of their relevant decision-making organs and Secretariats, including within the framework of the forthcoming JTF meeting to be held on the margins of the forthcoming AU Summit, at the end of January 2012, to engage earnestly in a dialogue to elaborate those principles that would underpin their strategic relationship, to better harmonise their approaches and methods for dealing with peace and security issues on the continent'.

On 12 January, South Africa's President Jacob Zuma chaired a debate of the UNSC on the AU-UN strategic partnership. Apart from the two other African non-permanent members of the UNSC, Nigeria and Gabon, Ethiopia and Kenya also participated in the debate in accordance with Rule 37 of the Provisional Rules of the Council. During the debate, Secretary-General Ban Ki-Moon and AU peace and Security Commissioner Lamamra briefed the UNSC.

Following the debate the UNSC unanimously adopted resolution 2033 (2012) expressing 'its determination to take effective steps to further enhance the relationship between the United Nations and regional and sub-regional organizations, in particular the African Union, in accordance with Chapter VIII of the United

Nations Charter'. Importantly, acknowledging the need to limit instances where the two organizations might adopt incompatible decisions, the UNSC decided, 'in consultation with the African Union Peace and Security Council, to elaborate further ways of strengthening relations between the two Councils including through achieving more effective annual consultative meetings, the holding of timely consultations, and collaborative field missions of the two Councils, as appropriate, to formulate cohesive positions and strategies on a case-by-case basis in dealing with conflict situations in Africa.' In operative paragraph 6, the Council encouraged 'the improvement of regular interaction, consultation and coordination, as appropriate between the Security Council and the African Union Peace and Security Council on matters of mutual interest.'

Despite these decisions that promise more strategic level synergy between the two bodies, there are still differences between the two organizations on the scope and depth of the envisaged improved partnership. While the AU is interested in a more structured and formalized mechanisms for consultations, the UNSC, particularly the five permanent members, show preference for a more flexible and informal consultation process. In this regard, Ambassador Susan Rice of the United States of America said during the debate that the UNSC 'must cooperate closely with regional organizations based on the exigencies of the issues at hand, rather than simply bless and pay for decisions made independently by the African Union. The Council should, and would, take into account the views of regional and sub-regional institutions, while recognizing any disagreement between them.' Similarly, after the members of the UNSC

voted on resolution 2033, Ambassador Philip Pharma of the United Kingdom stated that 'the reference in operative paragraph 6, concerning coordination between the Security Council and the African Union Peace and Security Council, should apply in those instances where such coordination was considered to be appropriate, and that could only occur in the context of the Security Council's primacy regarding the maintenance of international peace and security.'

Another area of difference between the two organisations is on the issue of leadership on peace and security issues on the African continent. While the AU seeks to take the lead in responding to peace and security issues on the continent, the UNSC is concerned about the risk of such deference to the AU eroding the Security Council's mandate. In this regard resolution 2033's preamble stressed, 'in accordance with Article 54 of the Charter of the United Nations, the need for regional and sub-regional organizations at all times to keep the Security Council fully informed of these efforts in a comprehensive and coordinated manner.' Ambassador Rice also reiterated that 'the Security Council was not subordinate to other bodies or to regional groups' schedules or capacities'.

Important Forthcoming Dates

Country	Election	Date
Mauritius Rodrigues	Regional Assembly	5 Feb 2012
Senegal	Presidential and National Assembly	26 February 2012
Gambia	National Assembly and local	24 Mar 2012
Mauritania	Senate	31 March 2012
Mali	Presidential	29 April 2012

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