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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 Namibia. In the absence of a country's representation at ambassadorial level, an alternate member will chair the Council for the month.

Tunisia

Although the departure of President Ben Ali on 14 January 2010 restored some level of calm to the country, Tunisians have continued their protest. Sporadic violence continues in various parts of the country. On 16 January, soldiers exchanged gun-fire in the capital, Tunis, with unknown armed men. With the security vacuum that ensued in the aftermath of Ben Ali's departure, crime increased, with looting, destruction of property and prison breaks in various parts of the country, forcing local communities to organize vigilante groups that attempted to enforce security in their localities.

Given that many in the interim government are officials who were part of the ousted regime of Ben Ali, there is also uncertainty as to whether it will be able or willing to introduce substantive reforms; the kind of reform that, as the public seems to expect, would mark a clear break from the past. Despite the apparent determination of the interim government to introduce substantive reform, it has not thus far succeeded in convincing protestors that it can be trusted in initiating and implementing the changes for which so many have already laid down their lives. The security situation, therefore, remains precarious and whether it improves or deteriorates depends on a number of factors.

South Sudan Referendum

Despite the short time period within which preparations were made for holding the referendum on 9 January, international observers hailed the voting for meeting acceptable standards. In a preliminary statement it issued on 16 January 2010, the AU observer mission concluded that the referendum was organized and

conducted in accordance with the CPA and Southern Sudan Referendum Commission (SSRC) guidelines and was consistent with AU Guidelines on Standards for the Conduct of Democratic Elections in Africa.

While this is encouraging, the referendum is not without challenges. The first issue or challenge relating to the referendum process is security. During voter registration, polling and the on-going counting process, incidents of violence took place. Although these incidents are isolated and were quickly contained, it is plausible that they may persist during the rest of the referendum process. Of all these stages of the referendum process, the one that is particularly likely to be accompanied by violent incidents is the announcement of the results of the referendum votes. A secession outcome may trigger violent reactions from those sections of the population who fear that they will suffer serious socio-economic loss.

Côte d'Ivoire

The political stalemate that ensued
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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.

in Côte d'Ivoire following the 28 November 2010 disputed run-off election, has continued. As a result, tension is mounting and the security situation is deteriorating. The opposition leader, Alassan Ouattara, received almost unanimous recognition from the international community, but remains confined to a hotel in Abidjan. Despite the threat from the regional Economic Community of West African States (ECOWAS) to use legitimate force to oust him, Gbagbo seems determined not to relinquish power. On 16 December, government security forces loyal to Gbagbo opened fire on opposition supporters protesting in Abidjan, killing at least 20 people and injuring unknown numbers. In the latest incident of violent clashes between rival factions that took place on 11 and 12 January 2011, four supporters of Ouattara and six policemen linked to Gbagbo's camp were killed. Supporters of Gbagbo are also directing their hostility against UNOIC. On 13 January, forces loyal to Gbagbo attacked and burned UN vehicles in the commercial capital of Abidjan, resulting in injury to two UN personnel.

What makes the situation particularly dangerous is that the two sides are backed by military force. While the Ivorian army and militias in the South, most notably the Patriotic Youth, support Gbagbo, former rebels, the *Forces Nouvelles de Côte d'Ivoire* (the New Forces), back the internationally recognized winner of the run-off election, Ouattara. Should Côte d'Ivoire relapse back into civil war, there are fears that the violence could spread to neighboring countries, a scenario that threatens the fragile peace in Liberia.

Sahrawi Arab Republic

Both the AU and the UN have defined the issue of Western Sahara as an issue relating to the right of the population of the territory to self-determination, while the Moroccan government views the territory as part of its kingdom, which was legitimately 'recovered'. The crisis over Western Sahara emerged in the early 1970s when Spain withdrew from the territory.

In the administrative vacuum that was created in February 1976 by this withdrawal, the Kingdom of Morocco as well as Mauritania sent troops to occupy what was then called 'Spanish Sahara', claiming that large sections of the territory had been part of their countries well before the Spanish occupation in 1884.

In 1973, prior to the Spanish evacuation, a local resistance group, the *Frente Popular para la liberación de Saguia el-Hamra y Río de Oro* (the Popular Front for the liberation of the *Saguia el-Hamra* and *Río de Oro*), commonly known as the Polisario Front, had led a campaign for freedom against Spain. Subsequently, the Polisario Front mounted its resistance against Morocco and Mauritania. In 1976, the Organisation of African Unity (OAU), the predecessor to the AU, recognised the Polisario Front as a 'liberation movement' entitling it to the full diplomatic support of the continental body and its member states. The Sahrawis claim to be ethno-culturally distinct and of mixed Berber, Arab and black African descent.

Key issues that have undermined progress include the difficulty of precise identification of the electorate for the proposed referendum. Initially, the two parties had reached an agreement to conduct the referendum based on the electorate defined by the 1974 census in the territory when it was still under Spanish colonial control. However, Morocco subsequently insisted that the voter rolls should be expanded to include people who had long been settled in Morocco.

COUNTRY ANALYSIS

Tunisia

Previous AU PSC and other communiqués

Following its 257th meeting held on 15 January 2010, the PSC issued a press release, **PSC/PR/COMM.2(CCLVII)**, on the situation in Tunisia. The PSC expressed

its strong condemnation against 'excessive use of force against the demonstrators, resulting in loss of life, and stressed the need to spare no efforts to avoid any further loss of life.' The council also called for 'calm and an end to all acts of violence and destruction of property' and 'a peaceful and democratic transition, which will allow the Tunisian people to freely choose their leaders through free, open, democratic and transparent elections.' A day before the council issued this statement, the Chairperson of the AU Commission, Jean Ping, also issued a press release in which he expressed his deep concern over the situation in Tunisia over the last few weeks, which has resulted in the loss of civilian lives and damage to public and private properties.

Crisis Escalation Potential

Although the departure of President Ben Ali on 14 January 2010 restored some level of calm to the country, Tunisians have continued their protest. Sporadic violence continues in various parts of the country. On 16 January, soldiers exchanged gun-fire in the capital, Tunis, with unknown armed men. With the security vacuum that ensued in the aftermath of Ben Ali's departure, crime increased, with looting, destruction of property and prison breaks in various parts of the country, forcing local communities to organize vigilante groups that attempted to enforce security in their localities. Given that many in the interim government are officials who were part of the ousted regime of Ben Ali, there is also uncertainty as to whether it will be able or willing to introduce substantive reforms; the kind of reform that, as the public seems to expect, would mark a clear break from the past. Despite the apparent determination of the interim government to introduce substantive reform, it has not thus far succeeded in convincing protestors that it can be trusted in initiating and implementing the changes for which so many have already laid down their lives. The security situation, therefore, remains precarious and whether it improves or deteriorates depends on a number

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process was however soon overturned by the Constitutional Council on 15 January 2010. The Council announced that the Speaker of Parliament should as per the requirements of the Constitution of Tunisia temporarily assume the vacant position of President and organize elections within 60 days. The Speaker of Parliament, Fouad Mebazaa, who previously served as minister in various portfolios, then called on the Prime Minister to constitute an interim government. On 16 January 2011, the Prime Minister convened a meeting for consulting with all political forces in the country in order to constitute the interim government.

In the meantime, despite the departure of Ben Ali or perhaps because of it, a security vacuum ensued in the country. While the army is currently deployed to control the streets of major cities in the country and is protecting various institutions with tanks, many towns in the country have experienced the looting and burning of property. In three towns in Tunisia, fire and protests led to prison breaks. The sporadic clashes and gunfire exchanged between the army and other armed groups, suspected of being Ben Ali's militia groups, has cast doubt on the army's ability to effectively control security. This fear is being exacerbated, particularly as a result of widespread suspicion that the police and the security forces are against the popular uprising and may frustrate the efforts of the army to bring calm and security to the country.

There is also the question of whether the formation of a unity government, involving many members of the previous regime, and the promise of holding elections within the constitutionally stipulated time would be accepted as adequate. In the light of the protest staged on Monday 17 January 2010 against the new government, it seemed that the public would not settle for anything less than the removal of the entire apparatus of Ben Ali's regime and the introduction of a new constitutional dispensation. Given that the opposition is divided and the protesters do not have

an organised political leadership, there is a danger that the situation may create a political vacuum. This is particularly the case if the new government limits its agenda to the preparation of elections as stipulated in the constitution and declines to embark on establishing a constituent assembly for negotiating and writing a new constitution on the basis of which a new government will be elected in accordance with a schedule to be determined by the constituent assembly.

This unprecedented change in Tunisia's leadership, described by many as a popular revolution, has created unease for other countries of the region. Given that these countries (Algeria, Morocco and Egypt) have similar political and socio-economic conditions in terms of authoritarianism, unemployment and repressive security forces, there are fears that the popular uprising in Tunisia will precipitate a domino effect in these countries as well. Following the self-immolation that triggered the protest in Tunisia, on 16 January 2010, a man set fire to himself in Algeria, whereas another man died in Egypt after performing a similar act.

There are therefore two issues that immediately face Tunisia. The first and most important of these is to defuse tension, arrest the sporadic violence and generally establish law and order. The second issue is to achieve clarity about the political direction of the country, namely to decide whether the country will continue with its existing constitutional system and hold elections in two months' time or start from a clean slate by establishing a constituent assembly that will negotiate a new constitution for a democratic Tunisia.

Whatever is ultimately decided, various substantive political and economic reforms need to be introduced. In the political sphere these range from electoral reform, legal reform relating to political freedoms, including freedom of association, freedom of expression and freedom of the press, and reform of the police and security institutions.

Such reforms need crucially to address corruption, nepotism, and embezzlement of public funds and must establish accountability. Economic reforms need in particular to address the economic distress of the public including high price hikes, the widening economic gap between those close to the centre of power and the masses, the deteriorating standard of living and, most notably, the high unemployment rate among young Tunisians. While deciding on the eventual political and economic direction of the country and the need to generate a process of establishing accountability for human rights abuses, (once law and order is established), the interim government also needs to establish an independent commission to investigate the circumstances that led to the deaths and injuries of many protestors and identify those responsible for excessive use of force to bring them to face public trials for their excessive acts.

Geo-political dynamics

Pan-African and RECs Dynamics:

The AU PSC remained silent regarding the developments in Tunisia until the ousting of President Zine El Abidine Ben Ali on January 14. The next day, following a briefing by the Permanent Representative of Tunisia to the African Union, the Council strongly condemned the excessive use of force against the demonstrators and stressed the need to spare no efforts to avoid any further loss of life. In an unofficial display of support for the popular uprising in Tunisia, the Council stated that it stood with the people of Tunisia, and conveyed condolences to the families of the victims. Tunisia also featured on the agenda of the AU Heads of States and Government Summit that took place in Addis Ababa recently.

Following the results of what has been termed the Jasmine Revolution, many have speculated that the popular uprising may spread to other parts of the Northern African region which is characterised by authoritarian rulers, rising food

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prices, high unemployment and lack of political representation. Several demonstrations have taken place in North African and other Arab countries beyond the region, inspired and motivated by the example of the Tunisian uprising. It was the self-immolation of a 26-year-old Tunisian that started the riots in Tunisia and, following his example, self-immolations took place in several other countries, including Egypt, Mauritania and Algeria. Civil unrest was also witnessed in Algeria where riot police clashed with thousands of demonstrators in the capital, Algiers. The protesters were calling for greater freedom. Activists say more than forty people were injured. Some of the Algerian demonstrators waved Tunisian flags to show their solidarity with the protestors in Tunisia. The biggest impact of the events in Tunisia was felt in Egypt on January 25, 2011 where the pro-democracy youth group known as the April 6 Movement organised anti-government rallies in Cairo, Alexandria and other Egyptian cities, attended by tens of thousands of protestors. These were the largest and most significant opposition demonstrations in Egypt since bread riots in 1977. Similar demonstrations and violence also took place in Yemen and Jordan.

North Africa lacks a strong regional organisation. The prominent regional body, the Arab Maghreb Union (AMU), suffers from serious differences and disagreements amongst its members on issues like Western Sahara, recognized by most AU member states as the Sahrawi Arab Republic. The current chair of the regional bloc, the Libyan Leader Colonel Muammar al-Gaddafi, was the first to criticize the Tunisian people's uprising which overthrew the regime of his former ally, Zine El Abidine Ben Ali, whom he still considers the legitimate president of the country. Gaddafi, who also fears a possible domino effect in the region, said that there could not be a better leader of Tunisia than Ben Ali and that Tunisia now lived in fear. The secretary general of the Arab League, Amr Moussa, recently linked the upheaval in Tunisia to deteriorating economic conditions throughout the Arab world, warning Middle Eastern

leaders that their people's anger had reached unprecedented heights. The usually *pro-status quo* Arab League called 'for all political forces, representatives of Tunisian society and officials to stand together and unite to maintain the achievements of the Tunisian people and realize national peace'. Amr Moussa, told an Arab economic summit in Egypt that 'the Arab soul is broken by poverty, unemployment and general recession.' and warned that the Tunisian situation could spread to the region if the problems leading to it were not properly addressed.

UN Dynamics:

On January 15, 2011 the UN Secretary General, Ban Ki-moon, called for a 'democratic outcome' to Tunisia's crisis after President Zine El Abidine Ben Ali fled the country. The Secretary General called for full respect for freedom of expression and association and urged all concerned parties to seek to resolve issues peacefully and lawfully with the goal of addressing grievances as well as to work towards a democratic outcome that responds to the aspirations of the Tunisian people. He criticised the loss of lives and emphasized the support of the United Nations as it 'stands ready to provide assistance to the Tunisian people'. In a separate interview on January 18, 2011, Ban Ki-Moon said that Tunisia's interim government, must listen better to its people and provide jobs for the youth. He said the United Nations would provide technical support for a presidential election expected to be held to replace Ben Ali. He stressed that 'First of all, providing decent jobs for (the) youth, addressing their wishes to have more freedom of association' was important.

According to the United Nations High Commissioner for Human Rights, 117 people have been killed since the start of demonstrations in Tunisia, including 70 people killed by security forces using live ammunition. Under pressure from the UN, an independent commission was set up by Tunisia's new government to investigate the role of security forces in the deaths of dozens of protesters

during weeks of anti-government rallies.

Wider International Community Dynamics:

The reaction and response of the international community to the developments in Tunisia and the ousting of the president was generally cautious. Most of the world's major powers, including the former colonial power, France, were silent or reserved in their statements when referring to the popular riots. Most of the statements implicitly expressed their support for the popular movement while emphasizing the need for restraint and an end to violence.

The most prominent backing for the movement came from US President Barack Obama who condemned the use of violence against citizens peacefully voicing their opinions and applauded the 'courage and dignity of the Tunisian people'. He said that the United States stood with the entire international community in bearing witness to the brave and determined struggle for universal rights. The EU Foreign Policy Chief, Catherine Ashton, also expressed her support and recognition for the Tunisian people and their democratic aspirations which, she emphasized, should be achieved in a peaceful way. The EU also called on all parties to show restraint and remain calm in order to avoid further casualties and violence. Qatar, a growing diplomatic power in the Arab world, also said, through its Foreign Ministry, that it respected the will and choice of the Tunisian people.

With 22,000 French citizens in Tunisia and more than 700,000 Tunisians living in France, the latter has a huge interest in what is happening in Tunisia. About 5,000 Tunisians marched in Paris on January 15, supporting the movement in their country. However, Paris was cautious about making too many public statements. Commenting on the developments in Tunisia, the French simply called for "calm" and later Prime Minister Francois Fillon merely expressed criticism about the

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“disproportionate use of force” by Tunisian forces.

Civil Society Dynamics:

Members of various civil society institutions have supported the revolution, hailing the people’s uprising and paying tribute to those killed by security forces. The General Union of Tunisian Workers was instrumental in organizing and supporting the uprising. The Tunisian Bar Association also had an important and leading role in expanding the protests demographically to include all strata of society and all ages, as well as geographically to include the capital, Tunis. Regionally, the Cairo Institute for Human Rights Studies (CIHRS) has been actively following developments closely and has called for a special session of the UN Human Rights Council to discuss the situation in Tunisia. One of the changes brought by the uprising is freedom of expression and the last two weeks of January 2011 witnessed a mushrooming of private newspapers pushing for more reforms and changes in the country.

Scenario Planning

Given the above analysis the following scenarios may unfold:

Scenario 1:

As the demand of sections of the Tunisian public for an interim government free from politicians associated with the former regime remains unmet, the protest will continue.

Scenario 2:

The interim government will start implementing the various reforms it promised.

Scenario 3:

As a priority, the interim government will finalize consultations for determining the date for election and commence preparations for organizing and conducting an

election.

Early Response Options

Given the above scenarios the following options could be considered:

Option 1:

The PSC could call on all political forces in Tunisia to promote calm and avoid resorting to violence and the destruction of property and conduct their protest in a way that respects the rights of others including freedom of association.

Option 2:

The PSC could urge the interim government to work towards full restoration of law and order in the country and allow dialogue and discussion for determining, in a way that reflects the wishes of the public, the political direction to be pursued.

Option 3:

The PSC could commend the government for announcing that an independent investigation will be conducted into excessive use of force that resulted in the death of a number of people and call on the army and others in the security sector to exercise restraint in handling protests and comply with established international human rights standards of legality, proportionality and necessity in their use of force.

Option 4:

The PSC could also request the AU Commission to assess the ways in which the AU can assist the interim government in the preparations for organizing an election.

South Sudan**Referendum****Previous PSC Communiqués**

At its 256th meeting held on 10 January 2010, the PSC issued a press release, **PSC/PR/COMM.2 (CCLVI)**, on the situation in Sudan. While commending the two parties for the holding of the referendum as scheduled, the PSC urged all parties and all Sudanese to continue to demonstrate the same commitment towards the successful conclusion of the referendum process and other outstanding issues in the implementation of the Comprehensive Peace Agreement (CPA), as well as the post-referendum arrangements. The Council also appreciated the commitment of the parties to respect the outcome of the referendum.

Key issues and internal dynamics**Referendum related issues**

Despite the short time period within which preparations were made for holding the referendum on 9 January, international observers hailed the voting for meeting acceptable standards. In a preliminary statement it issued on 16 January 2010, the AU observer mission concluded that the referendum was organized and conducted in accordance with the CPA and Southern Sudan Referendum Commission (SSRC) guidelines and was consistent with AU Guidelines on Standards for the Conduct of Democratic Elections in Africa.

While this is encouraging, the referendum is not without challenges. The first issue or challenge relating to the referendum process is security. During voter registration, polling and the on-going counting process, incidents of violence took place. Although these incidents are isolated and were quickly contained, it is plausible that they may persist during

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the rest of the referendum process. Of all these stages of the referendum process, the one that is particularly likely to be accompanied by violent incidents is the announcement of the result of the referendum votes. A secession outcome may trigger violent reactions from those sections of the population who fear that they will suffer serious socio-economic loss.

Another major issue with respect to the referendum is the recognition and acceptance of the outcome of the results. A major continuing concern relating to the referendum, has been the question of whether the North will accept the outcome of the referendum, which is set to deliver secession for the South. Any statement that any of the parties may make before the official announcement of the results may create confusion and disagreement. Additionally, despite the fact that President Bashir, as recently as January 5, assured Southerners that he would recognise the referendum outcome even if it supported secession, there is no guarantee that there will be outright recognition of a secession outcome. Should the government in Khartoum withhold its recognition of a secession outcome, it is likely to affect the responses of other countries, including China which has a strict policy on the principle of territorial integrity of states. This is also likely to affect the position of the UN Security Council (UNSC), particularly if any one of the five permanent members, possibly China, should insist that recognition by Khartoum be a prerequisite for recognition of a secession outcome by the UNSC.

Rights of Minorities

A secession outcome would inevitably create minorities both in the North and the South. The communities likely to assume the status of being minorities include Southerners living in the North and Northerners living in the South, people living in the two transitional territories of South Kordofan and Blue Nile, the nomad communities living in the border areas and the Christian community in the North.

The fate of Southerners living in the North and Northerners living in the South has become particularly uncertain. In the context of the expected secession outcome, Southerners face the prospect of being stripped of their current citizenship. Given that the South will not automatically become an independent state even if the outcome of the referendum is secession, these communities face the danger of suddenly comprising stateless persons if Khartoum decides to rescind the citizenship of Southerners. In a worst case scenario, albeit an unlikely one, Southerners may face forced expulsion. A more serious danger is related to the fear that private individuals may take matters into their own hands and express their anger by attacking Southerners. The threat by NCP officials to strip southerners of their citizenship does not at all help to mitigate this risk. It may even encourage acts of revenge for the harm caused to Sudanese nationalism.

Without the South, Northern religious and cultural minorities might also face the prospect of religious and cultural oppression. A recent pronouncement by El Bashir has further compounded these fears. He has said that, 'If south Sudan secedes, we will change the constitution, and at that time there will be no time to speak of diversity of culture and ethnicity... *Sharia* and Islam will be the main source for the constitution, Islam the official religion and Arabic the official language.' This statement has already not only caused Christians in the North to fear for their safety, but provoked strong reaction from other non-Arab Northern communities as well. As the spokesperson of Darfur's largest rebel group, the Justice and Equality Movement, is reported to have said, this pronouncement is tantamount to 'trying to impose one religion, one culture and one ethnicity over Sudan's diverse population. This will unfortunately lead to more violence as there is no way that everybody will accept this. It is a declaration of war against Darfur, the Nuba, the people of the Blue Nile and the entire marginalised majority of Sudan.'

Finally, there is the expressed

anxiety of nomad communities that seasonally cross the North-South border. These communities, whose population size reportedly reaches as high as nine million, are very concerned that secession of the South will severely disrupt their seasonal movement and may eventually lead to the demise of their livelihood and their cultural integrity.

Security and political challenges to face the North and the South

In the context of the potential secession of the South, the North and South face a variety of challenges and dilemmas. In the North there are fears that the referendum in the South may open Pandora's Box, prompting other parts of Sudan to claim more rights, including self-determination, and potentially triggering divisions in the NCP. The NCP government may also face a serious legitimacy problem for its failure to avoid secession by the South and such internal divisions may even threaten the party's cohesion and its continued domination in the North. As opposition groups have started calling for regime change, in the post-referendum period the North is likely to encounter a heightened power struggle and increasing political tension.

The South will face equally serious challenges. The first challenge is the consolidation of peace and security and the management of humanitarian challenges in various parts of South Sudan. The most serious security challenge for the South is dealing with opposition militias and armed rebel factions with links to the North. In late December 2010, clashes between the SPLA and forces of the renegade general, George Athor, resulted in the reported deaths of at least 12 people. Externally, the Lord's Resistance Army (LRA), with its attacks continuing unabated in Eastern Equatoria and other parts of South Sudan, will remain a serious security nuisance. An LRA attack on Mboroko village in Maridi County, Western Equatoria State, on 21 December 2010, forced authorities to relocate the polling centre in the village to other areas where the

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villagers had fled for safety.

Abyei

It has been observed that '[m]any security related issues threaten the peace process, but near the top of any list must be Abyei.' Today, there is no other issue that carries greater risk of an eruption of violence in post-referendum Sudan than the situation of Abyei. The stalemate over the determination of who is eligible to vote in a referendum on the fate of Abyei has resulted in the indefinite postponement of the Abyei referendum that was scheduled to take place simultaneously with the Southern referendum. Conflicting claims over land in Abyei between the *Ngok Dinka* and the *Misseriya*, the dispute over Abyei's border demarcation and Abyei's link to oil have further compounded the issue of Abyei's future course

No doubt, with the commencement of the six-month post-CPA period and, importantly, the imminent confirmation of the secession of the South from the rest of Sudan, the urgency for achieving a compromise on Abyei has reached a critical point. The longer the negotiations take, the more volatile the situation is going to be as uncertainty about the status of Abyei and the anxieties of the two communities deepen. If no compromise is reached between the parties or if any one of the local communities rejects compromises reached between officials, the eruption of a full-blown war is as certain as the South's vote for secession.

South Kordofan and Blue Nile

These two areas form part of North Sudan but the CPA accords them special status. Accordingly, they are entitled to conduct 'popular consultation' processes. Like those in Abyei, people in these two areas feel anxious about their fate in Sudan if the South Sudan referendum vote results in the secession of the South. The euphoria that the peaceful start of the referendum brought to people in the South is not shared particularly by people living in the South Kordofan and Blue Nile areas.

Their primary fear is that they may not achieve a beneficial settlement with Khartoum through popular consultations, particularly in the event of the likely decline of the SPLM's role in the North after a secession outcome. They fear that they will become victims of discrimination and may become new minorities in the North due to the predominant cultural and historical affinity of these territories with the South.

In the event of the successful secession of the South, one scenario is that these territories would claim self-determination. However, if they are not assured that they will negotiate their future relations with Khartoum through popular consultations or if the popular consultations fail to meet their needs and address their perceived concerns, rebellion is also a likely outcome.

Post-referendum issues

A secession outcome does not guarantee a peaceful divorce between the North and the South. Since July 2010, the two sides have been negotiating on a range of issues known as post-referendum issues. These include security, citizenship, the North-South border, Abyei, popular consultations, the cross-border movement of people and trade, oil and currency. Whereas there are some signs of progress with respect to security, citizenship and cross border movement, negotiations have proceeded more slowly in regard to the other issues.

Following another round of negotiation, facilitated by the AU High Implementation Panel under the Chairmanship of former South African President Thabo Mbeki in early November, the two sides signed a framework agreement. This agreement contains founding principles in which the negotiations about the various issues are to be anchored. With respect to citizenship, despite a general agreement that decisions taken on nationality and citizenship will not adversely affect the wellbeing and rights of ordinary people, the two sides have opposing positions on how citizenship ought to be determined

following the independence of the South. The NCP holds the view that all those registered to vote in the referendum should not maintain their Sudanese citizenship.

With respect to the border issue, the two parties 'committed themselves to the immediate demarcation of the North-South border'. However, it is not clear how this aspect of the agreement can be effected without agreement about the six border territories that are still contested. On the positive side, the two parties have in principle committed themselves to maintaining a 'soft-border', which will permit unhindered economic and social activity and interaction'. Even here, the two parties have yet to work out the details of how they are going to institutionalize the mechanisms for regulating and managing movements of people across these borders.

On the security front, both North and South 'undertook that neither would take any action, or support any group, that would undermine the security of the other'. As an expression of a commitment in this regard, and in an effort to build mutual confidence, President Salva Kiir announced that his government had expelled Darfur rebels from its territory and assured Khartoum that 'the south would not be a foothold for any armed opposition against North Sudan.' While this is a positive development, the parties need to sign a comprehensive agreement on the security arrangements as and when the South achieves its independence.

With respect to oil, the two parties signed a framework agreement on 6 December 2010 to the effect that they would jointly manage and secure the production of oil during the interim period. Accordingly, joint Integrated Units, comprising troops from the Sudan Armed Forces (SAF) and southern SPLA, would continue current security arrangements to protect oilfields, related infrastructure, oil companies and employees before and after the Southern Sudan referendum. Once again, the question of how significant the northern share of southern oil revenue will be, and the method by

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which it will be calculated, is yet to be comprehensively settled. In an interview with the Ethiopian weekly newspaper, *Fortune*, General Hoth Mai, Chief of Staff of the SPLA, stated that the South was 'going to have a bigger share, not 50:50 again.' Given that the infrastructure for the production and export of the oil is located in the North, it is yet to be seen how big this share is going to be.

Scenario Planning

Given the above analysis, the scenarios that could unfold include:

Scenario 1:

The referendum outcome will be announced as scheduled and confirms overwhelming support for secession. The secession outcome accordingly receives unconditional recognition from the Government of Sudan (GoS) and the international community.

Scenario 2:

The referendum outcome is legally challenged on procedural grounds and the NCP-led GoS declines to extend recognition to the secession outcome due to pressure from various factions and particularly the *Baggara* and the *Misseriya*, demanding guarantees from the South as a condition for recognition. This will have the likely consequence of prompting public outrage in South Sudan, resulting in tension with the North.

Scenario 3:

Despite the fact that it receives recognition from Khartoum, secession may potentially trigger violence involving local communities along the North-South border, particularly in Abyei and to a lesser extent, in the two other transitional areas. Unless it is averted early enough, such violence may degenerate into a full-blown conflict from which the two parties cannot insulate themselves. This danger could be exacerbated due to the heavy militarization of communities in these contested

territories.

Scenario 4:

Neither the secession outcome of the referendum nor its unconditional recognition by Khartoum and local communities, leaving aside the international community, can guarantee that a return to conflict can be fully averted. If the two parties to the CPA fail to reach agreement on important post-referendum issues, or if such agreement is violently opposed by any significant local population in the North, then there is a high risk of renewed large-scale conflict between North and South.

Early Response options

In the light of the above, the early response options that could be considered include the following:

Option 1:

With respect to the referendum in the South, the PSC could issue a statement calling on all parties not to make any unilateral declaration relating to the outcome of the referendum until all due procedures and processes are finalized and the final results are announced by the SSRC.

Option 2:

The PSC could also request both governments to ensure the safety of individuals or communities during and after the announcement of the referendum outcome and to respect and accept the outcome of the referendum.

Option 3:

As Abyei holds the key to a peaceful settlement of the independence of South Sudan, the PSC could encourage relevant parties and local communities to negotiate within the framework of, and in accordance with, the Comprehensive Peace Agreement and subsequent agreements.

Option 4:

The PSC could also call on the parties and international actors to increase their energy and resolve for achieving agreement on the remaining post-referendum issues and direct the AU Commission to mobilize all necessary support for the AUHIP in its efforts towards the successful completion of the negotiations on the post-referendum issues.

Documentation

AU Documents

AU Observer Mission on Southern Sudan Referendum (16 January 2010) Preliminary Statement of the African Union Observer Mission on the Southern Sudan Referendum

PSC (10 January 2010) Press Statement on the Situation in Southern Sudan PSC/PR/Comm.2 (CCLVI)

PSC (21 December 2010) Press Statement PSC/PR/Comm.2 (CCLIV)

Report of the Chairperson of the Commission on the situation in the Sudan and on the Activities of the African Union High Level Implementation Panel on Sudan (30 November 2010)

PSC/AHG/3 (CCL)

PSC (30 November 2010) Press Statement PSC/PR/Comm.1 (CCL)

PSC (2 July 2010) PSC Communiqué on the Situation in Sudan PSC/PR/Comm. (CCXXXV)

Shared Values

The 16th Assembly of Heads of State and Government of the African Union (AU) officially commenced on 24 January 2011, in Addis Ababa, Ethiopia, with the meeting of the Permanent Representatives Committee (PRC) under the theme: "Towards Greater Unity and Integration through Shared Values" in accordance with the decision of the 14th Session of the Assembly of the African Union (AU) and as per the recommendation of the Executive Council (**EX.CL/Dec.525 [XVI]**).

From previous African Union Summit experiences we can confidently say that themes of the Summit are usually not the focus of discussion. However, the 16th AU summit is witnessing an unusual trend. The focus of discussions and pre-summit activities has been on the theme of the summit: shared values.

The intention behind the theme of the summit is to encourage continental integration and provide a solid foundation for building a more prosperous Africa. In this regard the choice of theme is indicative of the desires of African leaders to let Africa's shared values act as mechanisms for the continent's future development. In addition, the choice of theme implies that leaders understand that African unity needs to be founded on collective interests and a set of shared ideals. These are the principles, values and norms that seek to promote a sense of common destiny, identity and solidarity amongst the peoples of Africa

The African Union and the commission have not formally and specifically defined shared values. However, an AU discussion paper described shared values as norms, principles and practices that have been developed or acquired, to serve as the basis for collective actions and solutions in addressing the political, economic and social challenges that impede Africa's integration and development. The African union's strategic plan for 2009-2012 has also identified shared values as a broad intervention area that includes peace and security, integration, development and cooperation as well as institution and capacity building. They represent the key pillars upon which the programmes of the Commission will be developed and organised.

During the past two months the African Union Political Affairs Department has been organising consultations with various stakeholders. These consultations were conducted in clusters of experts in relevant fields, Civil Society Organizations and also women and youth representatives. In a separate forum, African civil society organizations, in their collective statement ahead of the summit, stated that the respect and implementation of these shared values and those expressed in AU treaties, declarations and decisions by member States, would ultimately enable the African Union to move towards greater unity, integration and development.

The concept of shared values has been evolving with the continental organisation's transformation and shift of principles during the past decade. As the Organisation for African Unity (OAU) once

emphasised emancipation from foreign domination and the sovereignty of member states, today's African Union focuses on principles of non-indifference, unity, collective responsibility and solidarity; and also gives additional attention to areas of peace, good governance, gender equality, development, human rights, citizen participation and cultural renaissance.

Today, many African states are practicing or contemplating practicing the western model of democratisation and ways of governance. An alternative, as some researchers suggest, might be for Africa and the African Union to come up with a home-grown original African model for good governance rather than encouraging the adoption of western models of democratisation that, in the context of African historical experience, diversity of culture and economic underdevelopment, would seem likely to fail. As most conflicts are said to be caused by "bad governance", a possible antidote for such an affliction might be to employ shared values to bring about the desired result of social, political and economic development.

Apart from the identified shared values the emphasis is also on the implementation of existing agreed norms and principles. Other major agenda items expected to draw the attention of the summit include: Peace and security issues in Sudan, Somalia, Côte d'Ivoire, Tunisia's unrest and the issue of the ICC with a special focus on Kenya's situation.

COUNTRY ANALYSIS

Côte d'Ivoire: Update

Previous PSC Communiqués and other AU statements

The PSC has dedicated about four of its meetings to the situation in Côte d'Ivoire. In the press release, **PSC/PR/BR.(CCLI)**, that it issued following its 251st meeting of 4 December 2010, the PSC expressed its 'total rejection of any attempt to create a *fait accompli* to undermine the electoral process and the will of the people'. However, in the communiqué, **PSC/PR/COMM.1(CCLII)**, it issued on 9 December 2010 the PSC recognised Ouattara as president-elect and decided 'to suspend the participation of Côte d'Ivoire in all AU activities, until such a time as the democratically-elected President effectively assumes State power.'

Crisis escalation potential

The political stalemate that ensued in Côte d'Ivoire following the 28 November 2010 disputed run-off election has continued. As a result, tension is mounting and the security situation is deteriorating. The opposition leader, Alassan Ouattara, received almost unanimous recognition from the international community, but remains confined to a hotel in Abidjan. Despite the threat from the regional Economic Community of West African States (ECOWAS) to use legitimate force to oust him, Gbagbo seems determined not to relinquish power. On 16 December, government security forces loyal to Gbagbo opened fire on opposition supporters protesting in Abidjan, killing at least 20 people and injuring unknown numbers. In the incident of violent clashes between rival factions that took place on 11 and 12 January 2011, four supporters of Ouattara and six policemen linked to Gbagbo's camp were killed. Supporters of Gbagbo are also directing their hostility against UNOIC. On 13 January, forces loyal to Gbagbo attacked and burned UN vehicles in the commercial capital of Abidjan, resulting in injury to two UN

personnel.

What makes the situation particularly dangerous is that the two sides are backed by military force. While the Ivorian army and militias in the South, most notably the Patriotic Youth, support Gbagbo, former rebels, the *Forces Nouvelles de Côte d'Ivoire* (the New Forces), back the internationally recognized winner of the run-off election, Ouattara. Should Côte d'Ivoire relapse back into civil war, there are fears that the violence could spread to neighboring countries, a scenario that threatens the fragile peace in Liberia.

Key Issues and Internal dynamics

The second round of elections took place on 28 November 2010. From the results of the first round of the presidential election, it was predicted that whoever managed to secure 25 percent of the votes won by former president Henri Konan Bédié, had the strongest chance to win the run-off election. In the run up to the 28 November polls, Bédié, following a meeting of his party the Rally of the Houphouëtists for Democracy and Peace (*Rassemblement des Houphouëtistes pour la Démocratie et la Paix*) (RHDP), called on all his supporters to vote for Ouattara.

After the run-off election, convinced that the votes favored the opposition, the government sought to prevent the announcement of the results. The gendarmes prevented the Independent Electoral Commission (IEC) from announcing the results on Ivorian television and radio. In the presence of cameras of various media outlets, including international networks, an electoral official forcibly took and tore to pieces the papers that the responsible official was holding with the intention of announcing the results. Subsequently, the IEC announced the results, albeit without national TV or radio. In the IEC result, Ouattara won 54 percent of the vote, while the incumbent received the remaining 46 percent. Gbagbo instituted a case before the Constitutional Council, arguing that by law only the Council could declare the final results, and requested the Council to invalidate the votes in

several Northern constituencies on the grounds that they were obtained through intimidation and violence. The Constitutional Council not only annulled 400 000 votes (13 percent of votes cast) in six northern constituencies, but went further and declared Gbagbo winner of the run-off election.

Relying on the Council's ruling, Gbagbo refused to cede power to Ouattara. In the meantime, Ouattara received wide global recognition as winner of the election. The Representative of the Secretary-General, Choi Young-jin, who is authorised to confirm the final results, affirmed the IEC result and rejected the decision of the Council. African bodies, ECOWAS and subsequently the AU, accepted the results as confirmed by the UN and recognized Ouattara as the new president of Côte d'Ivoire. Most of the international community also confirmed their recognition of Ouattara as president and called on Gbagbo to cede power to Ouattara. However, Gbagbo was sworn in as president and named his government. With the swearing in of Ouattara in a separate private ceremony and the establishment of his cabinet, the circle in the political standoff was closed.

Côte d'Ivoire has since been in a deepening political crisis that has all the characteristics of the civil war fought between Gbagbo's government and northern rebels. Gbagbo is in control of various Ivorian institutions, including the national broadcasting media and the security establishment. General Philippe Mangou, head of the national armed forces, has declared that President Gbagbo has the full support of the army. Gbagbo, who has a strong following in the South of the country, also has the support of militias including most notably the so called Young Patriots who, prior to the run-off election, threatened to cause havoc should anyone other than the incumbent be declared the winner. On the other side, Ouattara is backed by *Forces Nouvelles*, the New Forces. The UN recognises him as the country's president and the Secretary-General received, as Côte

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d'Ivoire's new Ambassador to the UN, a diplomat appointed by Ouattara. He is also widely recognised as President, both in Africa and internationally.

Gbagbo and Ouattara also personify to a large extent the divisions in the country between the largely Christian South and the predominantly Muslim North, which has since 2002 been controlled by *Forces Nouvelles*. While Gbagbo received major support in the South, Ouattara dominated the votes in the North.

In the course of the crisis, the contenders expressed various options, having no common ground. On one occasion, Gbagbo suggested that he would like to have a recount of the votes. Subsequently, he even hinted that he was willing to establish a unity government with Ouattara. The latter on his part agreed to talk to Gbagbo if the latter was prepared to accept electoral defeat. As his frustration deepened, he called for the forcible removal of Gbagbo. While he expressed support and confidence that ECOWAS would send troops to oust Gbagbo, Ouattara also stated that it would be possible to remove Gbagbo by means of a targeted surgical operation.

As the stand-off persists, with international mediation and pressure yielding no positive outcome as yet, tension is simmering in the country. In the west of the country the crisis has resulted in an exodus of refugees to neighboring countries and has forced many from their homes into displacement. UN reports estimate that while 25,000 Ivorians have sought refuge in neighboring countries, mostly in Liberia, more than 17,000 people are internally displaced, with the majority living in Duékoué. The commercial capital, Abidjan, in the south of the country, has witnessed repeated violence involving supporters of the two presidential rivals, with security forces backing the incumbent.

On December 16, supporters of Ouattara attempted to stage a demonstration in the state television building. The clash that ensued when paramilitary gendarmes and police

tried to stop protestors left about 20 protesters dead. In mid-January 2011, the UN reported that the number of people who lost their lives since December 2010 due to violence related to the crisis had risen to 247.

The human rights situation in the country has reached an alarming level and has become an issue that needs to be raised with the opposing parties during on-going mediation efforts. There are already reports of extra-judicial killings, mass graves, assaults and disappearances, as well as mass arrests of individuals suspected of supporting Ouattara. There are fears that the sporadic clashes between different factions and the targeting of opposition supporters by government security forces could degenerate into grave circumstances involving mass atrocities.

Should Côte d'Ivoire relapse back into civil war, there are fears that the fighting could spread to neighboring countries, a scenario that is particularly worrisome to the fragile peace in Liberia. Apart from its uncertain security, Liberia stands to be particularly affected by such conflict due to the presence of ethnic groups straddling the border with Côte d'Ivoire. The situation is made more dangerous by the existence of jobless demobilised soldiers of former rebel groups who are linked to the government in Côte d'Ivoire. There are reports that these soldiers are being recruited to serve as mercenaries supporting Gbagbo through the networks of two former rebel groups, namely the Movement for Democracy in Liberia (MODEL), a group once based in Côte d'Ivoire and supported by Gbagbo, and the National Patriotic Front of Liberia. Giving credence to these reports, on 26 December, Liberia's President, Ellen Johnson-Sirleaf, stated that her government had obtained information that some Liberians were indeed joining the conflict in Côte d'Ivoire "as soldiers of fortune".

Geo-political dynamics

RECs and AU Dynamics

For the regional body ECOWAS and the mother organization AU, the

post-electoral crisis in Côte d'Ivoire has presented a serious challenge in at least four respects. First, there is the concern that allowing Gbagbo to stay in power will set a dangerous precedent, particularly in the light of the fact that more than 18 African countries will conduct elections during 2011. Second, the situation also seriously undermines the legitimacy of the principles on election and democracy that the two bodies uphold. Third there is also the potential danger of Côte d'Ivoire's relapse back to violent conflict with very destructive consequences to the whole sub-region. Finally, there is also the concern that the current situation, the stalemate and the xenophobic rhetoric could lead to 'grave circumstances' involving the perpetration of mass atrocities such as crimes against humanity.

Following the contestation of the results of the election, ECOWAS issued a press release on 4 December 2010 condemning 'any attempt to usurp the popular will of the people of Côte d'Ivoire and appeal(ed) to all stakeholders to accept the results declared by the electoral commission.' After the extraordinary summit of the ECOWAS Authority of Heads of State and Government, the organisation's highest decision-making body, it adopted a communiqué in which ECOWAS recognised Ouattara as the legitimate winner of the polls, suspended Côte d'Ivoire from the organisation and asked Gbagbo to step down. As Gbagbo persisted in his refusal to relinquish power, ECOWAS held an emergency summit on 24 December 2010 in which it launched mediation efforts and decided that it would use 'legitimate force' as a last resort measure to oust the incumbent. ECOWAS sent to Côte d'Ivoire on 28 December 2010 and 3 January 2010, a delegation of three West African heads of state in an effort to convince Gbagbo to cede power with dignity, but produced no result. In furthering its mediation effort, ECOWAS made another failed attempt when it sent former Nigerian President Olusegun Obasanjo to meet with both Gbagbo and Ouattara in what he described as a 'process of exploration.'

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Adding pressure on Gbagbo, on 23 December the Central Bank of West African States (*Banque Centrale des États de l'Afrique de l'Ouest*) or BCEAO, which serves eight West African countries including Côte d'Ivoire, cut off access by Gbagbo to Côte d'Ivoire's funds, recognising Ouattara as the legitimate president. However, the application of this measure has not been duly followed. Not only was the measure rejected as illegal by Gbagbo but it seemed to have encountered administrative problems in its actual execution.

Apart from the PSC's decision to suspend Côte d'Ivoire from participation in AU processes, in terms of mediation efforts the AU has so far sent three delegations to that country. On 5 December 2010, the AU Chairperson called on former South African President Thabo Mbeki, who formerly served as mediator to the crisis in Côte d'Ivoire, to undertake a mission to mediate the crisis. Although he held separate meetings with the two rivals, his efforts to arrange a meeting between them did not succeed and he left without achieving any positive outcome. On 17 December 2010, the Chairperson, Jean Ping, accompanied by the AU Commissioner for Peace and Security, Ramtane Lamamra, travelled to Côte d'Ivoire, but this visit also produced no positive outcome. Subsequently, on 27 December 2010, Chairperson Ping appointed Kenya's Prime Minister, Reila Odinaga, as a special envoy. Since then Reila, together with ECOWAS delegates, has been undertaking shuttle diplomacy. Despite the fact that various options, including the guarantee of a safe exit and amnesty for Gbagbo, were put on the table, Gbagbo continued to defy all such proposals.

One option that the AU and ECOWAS seem resigned to consider, albeit as a last resort measure, is to forcibly oust Gbagbo. ECOWAS military chiefs met in Abuja, Nigeria from 29 to 30 December and in Mali from 18 to 19 January 2010, to consider options available for forcefully removing Gbagbo if political persuasion failed. However, this option seems to be fraught with challenges. Apart from the usual

technical and military challenges, the major challenge seems to be achieving strong political will and consensus among AU/ECOWAS countries. The first major blow came when Ghana's President John Atta Mills, indicated that Ghana would not contribute troops to an ECOWAS regional force to oust Gbagbo on the ground that Ghana's military was overstretched and was engaged in many peacekeeping operations around the world, including Côte d'Ivoire. Given that Nigeria, the major military power in the region, will hold presidential elections in April 2011, it is unlikely that it will also commit to deploy troops during the election season. Angola continues to recognize Gbagbo and has publicly expressed its doubts about the viability of a military intervention. Similarly, Libyan leader Muammar Gaddafi has also voiced concerns regarding the need for this option.

As the stalemate persists, the division among AU member states seems to be widening. South Africa advances a rather ambivalent position regarding the crisis in Côte d'Ivoire. In a press conference held on 21 January 2010, South African President Jacob Zuma expressed displeasure about the manner in which the result of the election was announced. Days before the January AU Summit, President Yoweri Museveni of Uganda, a country that will hold its own election in 2011, reportedly said that the UN should not have recognised Ouattara so quickly. If these dissenting voices are to prevail during the Addis Ababa Summit and lead to a change in the position of the AU, the African Union may find itself on a collision course with ECOWAS and the UN.

UN and wider international community dynamics

The UN maintains a peacekeeping mission in Côte d'Ivoire, UNOCI. The mission played a role in the organization and supervision of both the first and second round of elections. The head of the mission, the SRSG, Choi Young-jin, is duly authorized to certify the results of the elections. On 3 December 2010, he confirmed the results of the election as announced by the IEC. The UN

Security Council (UNSC) issued four press statements regarding the situation in Côte d'Ivoire during the period since 8th December. In these statements the UNSC recognized Ouattara as the president-elect of Côte d'Ivoire and the representative of the freely expressed voice of the Ivorian people. The UNSC also condemned acts of violence against civilians and UNOCI, warning that attacks against civilians and peacekeepers would result in perpetrators being brought to justice in accordance with international law and international humanitarian law.

Following the recommendation by the Secretary General for reinforcing UNOCI in the light of the deteriorating security situation and the threat against UNOCI, the UNSC decided on 19 January 2011 to authorize 'the deployment of an additional 2,000 military personnel to UNOCI until June 30, 2011.' The Resolution also authorised the deployment of 60 police personnel 'to meet threats posed by unarmed crowds' and approved on a temporary basis the redeployment, from the UN peacekeeping mission in Liberia (UNMIL) to UNOCI, of three armed helicopters with crews for a period of four weeks. Apart from reiterating its deep concern over the continued violence and human rights violations, the resolution also stressed that those responsible 'must be held accountable.'

Many countries in the international community have condemned Gbagbo's refusal to cede power. These countries include the US, UK, France and the EU. Many of these countries have also imposed travel bans against Gbagbo and his representatives, with the UK and France stating that they would recognise only ambassadors named by Ouattara. The US and EU additionally imposed financial sanctions, with the EU extending the sanctions to individuals and companies supporting Gbagbo.

UN Security Council (UNSC) authorisation is a prerequisite for a forcible intervention by ECOWAS against Gbagbo to be legal. On

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26 January 2011, ECOWAS sent a delegation to New York in an effort to galvanise the support of the members of the UNSC. While there are countries, including South Africa, that have reservations about authorising ECOWAS' plan to use force to oust Gbagbo, Russia, whose oil giant Lukoil is exploring for crude in Côte d'Ivoire, is particularly unlikely to support such a measure. Countries such as the UK, Germany and Portugal are likely to support ECOWAS' military intervention, but only after prior endorsement by the UNSC.

Scenario Building

Given the above analysis the following could take place:

Scenario 1:

Gbagbo will persist with his refusal to relinquish power, despite the diplomatic efforts and increasing pressure that Africa and the international community continue to mount against him.

Scenario 2:

As the stalemate deepens, with diplomatic efforts yielding no positive outcome, the security situation will continue to deteriorate. In this

environment, we are likely to see more frequent confrontation between supporters of the two rivals and violence against civilians and UNOCI. Human rights violations are also likely to persist with the potential for degenerating into the creation of 'grave circumstances'.

Scenario 3:

Frustration and continuing anxiety among the public and most importantly the Ivorian security forces, could trigger attacks against the hotel where Ouattara is located, possibly provoking the country's relapse back to a state of civil war.

Early Response Options

The following are the early response options that could be considered:

Option1:

The PSC could request the AU Commission to enhance its diplomatic effort together with ECOWAS, particularly by enlisting the support of all countries with influence on Gbagbo, such as Angola. The mediation effort should be expanded to involve various Ivorian actors and efforts should be made to identify and engage those supporting Gbagbo.

Option 2:

The PSC could condemn violent confrontations involving civilians and security forces and request the AU Commission to supervise, document and report on violence against civilians and UNOCI and human rights violations by security forces and militias supporting any of the opposing factions.

Option 3:

The PSC could adopt 'other measures' such as diplomatic, travel and economic measures that it said it would consider against those who incite violence and commit violations of human rights or undermine the popular will, as expressed on 28 November and duly certified by the Special Representative of the United Nations Secretary-General.

Option 4:

The PSC could denounce the use of the media to incite the population to hatred and violence, including all acts of incitement and violence, and remind the political leaders that they bear responsibility for serious violations of human rights.

Relevant AU Documents:

PSC/PR/COMM.1(CCLII) PSC Communiqué on the Situation in Côte d'Ivoire

PSC/PR/BR.(CCLI), (4 December 2010) PSC Press Release

PSC/PR/Comm.1 (CCXLVI) (28 October 2010) PSC Communiqué of the Situation in Côte d'Ivoire

PSC/PR/BR (CCXXXVIII) (11 August 2010) PSC Statement on the Situation in Côte d'Ivoire

PSC/PR/BR (CCXXVIII) (3 May 2010) PSC Statement on the Situation in Côte d'Ivoire

PSC/PR/BR (CCXVIII) (5 March 2010) PSC Statement on the Situation in Côte d'Ivoire

Assembly/AU/6(XIII) (1-3 July 2009) Report of the Peace and Security Council of the African Union on its Activities and the state of peace and security in Africa, Sirte, Libya.

PSC/PR/COMM.5(CXCII) (10 June 2009) PSC Communiqué on the mission to West Africa

PSC/PR/COMM (CXXVIII) (26 May 2009) PSC Communiqué on Côte d'Ivoire

PSC/PR/2(CIV) (19 December 2007) Chairperson Report on the situation in Côte d'Ivoire

PSC/PR/COMM.(LXXIV) (29 March 2007) PSC Communiqué on the situation in Côte d'Ivoire

PSC/PR/COMM.2(LXXII) (19 March 2007) PSC Communiqué on the

situation in Côte d'Ivoire

PSC/PR/COMM.(LXIV) (17 October 2006) PSC Communiqué on the situation in Côte d'Ivoire

PSC/PR/COMM.(LII) (29 May 2006) PSC Communiqué on the situation in Côte d'Ivoire

RECs Documents:

096/2010 ECOWAS (10 January 2010) Communiqué on the Situation in Côte d'Ivoire

020/2010 ECOWAS (16 February 2010) Communiqué on the Situation in Côte d'Ivoire

UN Documents:

SC/10149 (10 January 2011) >>page 15

Security Council Press Statement on the Situation in Côte d'Ivoire

S/RES/1962 (20 December 2010) Security Council Resolution extending the mandate of UNOCI

S/2010/537 (18 October 2010) Progress Report of the Secretary General on the United Nations

Mission in Côte d'Ivoire

S/RES 1924 (27 May 2010) Security Council Resolution on the Situation in Côte d'Ivoire

S/RES 1911 (28 January 2010) Security Council Resolution on the Situation in Côte d'Ivoire

S/2009/332 (19 June 2009) Report of the Secretary-General on the United Nations Office for West Africa (UNOWA).

S/RES/1765 (2007) (16 July 2007) Security Council Resolution on the Situation in Côte d'Ivoire

COUNTRY ANALYSIS

Sahrawi Arab Republic

Previous AU Documents and Recommendations:

The question of Western Sahara or the Sahrawi Arab Republic is Africa's longest-running territorial dispute and an issue of continental and international law and diplomatic controversy. Although the Peace and Security Council of the AU is yet to include the matter on the agenda of its meetings, Western Sahara has appeared in various reports by the Chairperson of the AU Commission. Subsequent to the deportation of the Sahrawi human rights activist, Mrs. Aminatou Haidar, by the Moroccan Authorities, the AU Commission had released a statement on 4 December, 2009 expressing its concern about her expulsion and the human rights situation in Western Sahara. The statement requested the Moroccan authorities to allow Haidar to return to Western Sahara despite the growing tension between the parties to the Western Saharan negotiations.

The Report of the Chairperson of the AU Commission **SP/ASSEMBLY/PS/RPT(I)** to the Special Session of the Assembly of the Union on the Consideration and Resolution of Conflicts in Africa, presented on 31 August 2009 in Tripoli, Libya, has also discussed the matter. In the report the Chairperson blamed the polarized positions of the parties, and Morocco's insistence that its proposal for autonomy be the only basis of negotiations in the talks with the *Frente Popular para la liberación de Saguia el-Hamray Río de Oro* (Polisario), for the

stalemate in those negotiations. The Report reaffirmed the existing stand of the AU for a referendum to enable the people of the territory to choose between the option of independence and that of integration into the Kingdom of Morocco. The Chairperson's Report also urged progress towards a definitive resolution of this dispute, which for decades has been detrimental to the people of Western Sahara, and regional cooperation in the Maghreb. Crisis Escalation Potential:

In November 2010, weeks before UN-mediated talks were to begin between the representatives of the Polisario Front and representatives of the Moroccan government in New York, violent clashes erupted in Western Sahara. The clashes that started in the capital of the territory, Laayoune, claimed the lives of several protesters. Subsequent reports stated that Moroccan security forces had assaulted many demonstrators. Following the deadly confrontation, the Secretary General of the Polisario Front and President of the exiled Sahrawi government, Mohamed Abdelaziz, described the action by the Moroccan security forces as 'ethnic cleansing' and 'serious colonialist practices' and requested the United Nations to intervene immediately and send a team to investigate the incident. The Polisario Front claims that the Moroccan authorities commit atrocities like torture, arrest, forced detention and disappearances that target women and young people.

The Moroccan government said that most of the 13 people, who were killed in the raid on the Gdeim Izik camp on the outskirts of Laayoune, on 8 November, were security forces. At a meeting held on November 29,

2011 Morocco's parliament approved the creation of a committee to investigate the incident. The Gdeim Izik killings added another obstacle to the already stalled negotiations between the parties. The various peace initiatives through the years appear to have simply exhausted the parties to the conflict, as there is no sign that either side is willing to make concessions or ease its position. Morocco proposes an 'autonomy-based political solution' as a basis for any negotiations while the Polisario Front maintains that the solution to the conflict has to be predicated on the convening of a referendum on self-determination that will provide the Sahrawis with a choice of independence as an alternative to autonomy within the Kingdom of Morocco or integration with Morocco. The existing deadlock, coupled with occasional conflicts like the one in Gdeim Izik camp, has raised tensions in Western Sahara. Furthermore, the referendum and possible secession of Southern Sudan, as well as the recent popular uprising in Tunisia that ousted President Ben Ali, could inspire more unrest in the territory, as has already occurred in Egypt and beyond.

Key Issues and Internal Dynamics:

Both the AU and the UN have defined the issue of Western Sahara as an issue relating to the right of the population of the territory to self-determination while the Moroccan government views the territory as having been legitimately 'recovered' by the Kingdom of Morocco. The crisis over Western Sahara emerged in the early 1970s when Spain withdrew from the territory. In the administrative vacuum that was

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created in February 1976 by this withdrawal, the Kingdom of Morocco and Mauritania sent troops to occupy what was then called 'Spanish Sahara' claiming that large sections of the territory had been part of their countries well before the Spanish occupation in 1884.

In 1973, prior to the Spanish evacuation, a local resistance group, the Frente Popular para la liberación de Saguia el-Hamra y Río de Oro (the Popular Front for the liberation of the Saguia el-Hamra and Río de Oro), commonly known as the Polisario Front, had led a campaign for freedom against Spain. Subsequently, the Polisario Front mounted its resistance against Morocco and Mauritania. In 1976, the Organisation of African Unity (OAU), the predecessor to the AU, recognised the Polisario Front as a 'liberation movement' entitling it to the full diplomatic support of the continental body and its member states. The Sahrawis claim to be ethno-culturally distinct and of mixed Berber, Arab and black African descent.

Key issues that have undermined progress include the difficulty of precise identification of the electorate for the proposed referendum. Initially, the two parties had reached an agreement to conduct the referendum based on the electorate defined by the 1974 census in the territory when it was still under Spanish colonial control. However, Morocco subsequently insisted that the voter rolls should be expanded to include people who had long been settled in Morocco. Even though Morocco grudgingly accepted the principle of self-determination, it was strategically manoeuvring to ensure that the outcome of the referendum would be in the kingdom's favour. Confronted by Rabat's strategy, the Polisario Front has periodically complained that over the years it has made too many compromises. The Polisario Front claims that in 1991 it gave up its claim for unconditional independence; in 1994 it rescinded its demand to utilise the 1974 census; in 1997 it allowed the identification of other ethnic groups as part of the electorate; and in 2003 it acquiesced to Moroccans voting in the referendum which would on one level

negate its original purpose which was to gauge the popular will of the people of Western Sahara.

Former US Secretary of State, James Baker, was appointed in January 1997 as personal envoy and chief negotiator to the Western Sahara dispute by then UN Secretary General Koffi Annan. For the next eight years Baker initiated a series of negotiations which yielded a range of peace plans. However, no significant progress was made in resolving the dispute's underlying grievances. At present Morocco continues to control most of the territory and has the support of at least two permanent members of the UN Security Council, namely France and the United States. The Polisario Front continues to claim the legal basis for its call for independence and enjoys the support of several key African states. In fact, the Sahrawi Arab Democratic Republic is a member of the African Union. Concomitantly, Morocco is the only African country that is not a member of the AU, specifically because of the AU membership accorded the Sahrawi Republic. The crisis remains one of the longest running conflicts on the continent and continues to divide opinion.

Frustrated by continuous hesitation and rejection of the referendum by Morocco as a breach of the cease-fire terms, the Polisario Front has from time to time threatened to resume fighting. In April 2007, the government of Morocco suggested that a self-governing entity, *Conseil Royale Consultatif pour les affaires Shariennes* (CORCAS), or the Royal Advisory Council of Saharan Affairs, should govern the territory with some degree of autonomy for Western Sahara. The project was presented to the UN Security Council in mid-April 2007. The stalemating of the Moroccan proposal options has since motivated the UN in the recent "Report of the UN Secretary-General" to ask the parties to enter into direct and unconditional negotiations to reach a mutually accepted political solution.

Recently, in October 2010, the Gadaym Izik camp which hosted more than 12,000 people was

established on the outskirts of the territory's capital, Laayoune, as a protest by displaced Sahrawi people about their living conditions. In November 2010, Moroccan security forces entered Gadaym Izik camp in the early hours of the morning, using helicopters and water cannon to force people to leave. Protesters in Laayoune threw stones at police, set fire to vehicles and created barricades of burning tyres. Several buildings, including a TV station, were also set on fire. Moroccan officials said five security personnel were killed in the unrest. On 15th November 2010, the Moroccan government accused the Algerian secret service of orchestrating and financing the Gadaym Izik camp, with the intent to destabilize the region.

The exiled government of the self-proclaimed Sahrawi Arab Democratic Republic (SADR), presently led by Mohamed Abdelaziz, has a single-party parliamentary and presidential system, but according to its constitution, this will be changed into a multi-party system upon the achievement of independence from Morocco. The exiled government is presently based at the Tindouf refugee camp in Algeria, which it controls. It also claims to control the part of Western Sahara to the east of the Moroccan Wall, known as the Free Zone. This area has a very small population, estimated to total approximately 30,000 nomads. The Moroccan government views it as a no-man's land patrolled by UN troops. (For more information on the background and legal interpretation of the Western Saharan conflict please look at the January 2010 volume of this report).

Geo-Political Dynamics:

Pan-African and RECs Dynamics:

Morocco withdrew its membership of the OAU in 1984, in protest against the institution's decision to admit the Sahrawi Arab Democratic Republic (SADR) as a member state. Therefore, it is also not a member of the AU. The AU and its predecessor, the OAU, have therefore not been viewed by Morocco as impartial. Consequently,

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Subsequently, on November 25, 2010, the European parliament voted in favor of an independent, United Nations-backed investigation into violence in Western Sahara. EU lawmakers also called on the UN to set up a human rights monitoring mechanism in the territory.

The international community has not demonstrated a consistent and unified stand on the Western Saharan issue. Both the Moroccan kingdom and the Polisario Front continuously strive to gain the political, diplomatic and moral support of the international community, international institutions and the major powers. After the failure of the latest talks last month, Spain's Foreign Minister, Trinidad Jimenez, offered to help end the Western Saharan conflict, suggesting that the UN's Group of Friends of Sahara should be composed of ministers instead of experts.

Civil Society Dynamics:

According to a 2009 report by Human Rights Watch, Morocco, with thousands of independent associations, arbitrarily impedes the legalisation of some human rights organisations and undermines their ability to operate. The report specifically referred to groups defending the rights of Sahrawis, *Amazighs* (Berbers), sub-Saharan immigrants, unemployed university graduates, and others. On many occasions the government has also prevented Sahrawi activists from traveling abroad. Moroccan security forces also continue to crack down on dissent in Western Sahara.

Scenario Planning:

The Western Sahara crisis which has proven very difficult to resolve in past decades could take a number of courses based on the actions taken by the various parties to the conflict. These are the possible scenarios:

Scenario 1:

Both parties could continue to reject proposals that diverge from their rigid positions, further perpetuating the existing impasse

and increasing tension in the region. The persistence of suspicion, mistrust and national pride on both sides could escalate the confrontation thereby destabilising the territory, the Kingdom of Morocco and the wider Maghreb region.

Scenario 2:

Encouraged and inspired by the success of the Tunisian revolution and the possible secession of Southern Sudan, the next generation of Sahrawis could adopt a more militant stance with regard to what they perceive as Rabat's continued intransigence.

Scenario 3:

Rabat could concur with international opinion and convene a referendum based on the principle of self-determination, including the option of independence.

Scenario 4:

The Polisario Front, finding itself entrenched in its role as a liberation movement and the leader of a territory and a population in exile, and having achieved none of its stated goals, may rethink its strategy and accept the autonomy proposal.

Early Response Options:

Given the above scenarios the following options could be considered:

Option 1:

Despite the AU's difficulty in addressing the crisis, and based on the AU Commission's efforts to recently engage with the Haidair issue, the PSC could invoke its mandate to address the situation affecting the SADR as a member of the AU. Specifically, the PSC could increase its profile by considering the Sahrawi situation in one of its meetings and finding a way to proactively engage Morocco on this issue.

Option 2:

The PSC could recommend the appointment of an Envoy by the Chairperson of the AU Commission to address the situation affecting the SADR, which is a member of the African Union.

Option 3:

The PSC could recommend a joint AU/UN initiative to revise the mandate of the UN mission in Western Sahara to protect civilians and perform humanitarian work.

Option 4:

Based on the lessons drawn from the AU High Level Panel on Darfur, the PSC could recommend the establishment of an independent panel of prominent African personalities, to critically analyse the issue of Western Sahara, and come up with recommendations about how to resolve the crisis. This could be based on other peace agreements that have successfully resolved disputes relating to territory on the basis of shared sovereignty.

Documentation:

Relevant AU Documents:

AU Commission (4 December 2009) AU Statement on the Arrest and Expulsion of Western Sahara Human Rights Activist, Aminatou Haidar, Addis Ababa

SP/ASSEMBLY/PS/RPT(I) (30 - 31 August 2009) Report of the Chairperson of the Commission on Enhancing Africa's Resolve and Effectiveness in Ending Conflict and Sustaining Peace, the Special Session of the Assembly of the Union on the Consideration and Resolution of Conflicts in Africa, Tripoli, Libya

UN Documents

- UN Secretariat (16 October 2006) Report of the Secretary-General to the Security Council

- UN Security Council Resolution 1495 (31 July 2003) Accepting

the Baker Plan II as an 'optimum political solution'

• UN Secretariat (31 July 2003) Report of the Secretary-General to the Security Council

• UN Secretariat (5 May 1997) Report of the Secretary-General to the Security Council

• UN Security Council Resolution 690 (29 April 1991) Approving the Secretary-General's Settlement Plan contained in his report S/22464
 • UN Security Council Resolution 40/50 (2 December 1985) The Question of Western Sahara

Useful Additional Documents:

• Issaka K. Souaré, Abdelhamid

El Ouali and Mhamed Khadad, 'Western Sahara: Understanding the roots of the conflict and suggesting a way out', Situation Report Institute for Security Studies, 17 December 2008

• Issaka K. Souaré, 'Western Sahara Is there light at the end of the tunnel?' Institute of Security Studies Paper 155, November 2007

Important Forthcoming Dates

- 6 February: International Day for the Elimination of Female Genital Mutilation
- 6-11 February: World Social Forum, Dakar, Senegal
- 20 February: World Day of Social Justice
- 3 March: Africa Environment Day
- 7 April: The Commemoration of the Rwanda Genocide
- 25 April: Africa Malaria Control Day

Country	Election	Date
Cape Verde	Presidential	6 February 2011
Uganda	Presidential, National Assembly and Local	13 February-9 March 2011
Chad	National Assembly Local elections Presidential	20 February 2011 27 March 2011 8 May 2011
Rwanda	Local Senate	Feb/March 2011 (After local) 2011
Madagascar	Local National Assembly	February? 13 April 2011
Benin	Presidential and National Assembly	March 2011
Djibouti	Regional Assemblies & Local Presidential	March 2011 April 2011
Nigeria	National Assembly Presidential State Assemblies and Governors	2 April 2011 9 April 2011 16 April 2011
Burkina Faso	Local	April 2011

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