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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 August

The scheduled Rotating Chair of the African Union (AU) Peace and Security Council (PSC) for the month of August is Burundi, represented by H.E. Madame Epiphane Ntamwana Kabushemeye, Ambassador to Ethiopia and Permanent Representative to the AU. 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.

BIO DATA:

Current posts:

Draft agenda for August 2011

H.E. Mdm. Epiphane Ntamwana Kabushemeye

Permanent Representative to the AU Ambassador to Ethiopia Chair of the PSC

The approved Agenda is unfortunately not available. However, it is anticipated that the following countries, or events in those countries and regions, will feature on the PSC Agenda for discussion:

- Libya
- Somalia
- South Sudan
- North Africa and Horn of Africa

South Sudan

The birth of the Republic of South Sudan, as Africa's 55th state, marks the culmination of one of Africa's most successful peace processes. In part, such success is attributable

to the efforts of Africa collaborating with partners to end the North-South conflict in Sudan through negotiation within the framework of the 2005 Comprehensive Peace Agreement (CPA). However, the independence of South Sudan on 9 July was merely

the beginning of a much more difficult process of building a peaceful, stable and prosperous state. One of the most serious challenges facing Africa's newest state is the consolidation of its peace and security.

Libya

On 17 July, Gaddafi once again made a vow to the Libyan public and the international community that he would never leave Libya, the 'land of his ancestors,' in the hands of the rebels whom he referred to as 'worthless

traitors'. In a remark that came a day after the US recognition of the opposition forces as Libya's 'legitimate governing authority,' Gaddafi also reaffirmed his intention to remain in power to the last bullet. He urged NATO to stop the bombings or he would send Libyan fighters to Europe 'like a swarm of locusts or bees.'

Meanwhile NATO air strikes continued to hit targeted military locations in the government held areas. In one of the heaviest bombings for many weeks, the allied jets bombed the Ain Zara district and Tajoura in the eastern suburbs of Tripoli. This was the same day when Gaddafi delivered his defiant address.

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.

COUNTRY ANALYSIS

South Sudan

Previous PSC Communiqués and other AU statements

In a press statement, **PSC/PR/PS/1(CCLXXXV)**, issued following the independence of South Sudan, the PSC commended the parties to the CPA and all those who supported the process that culminated in the independence of South Sudan. The PSC noted that there were some important CPA issues to be concluded, especially the resolution of the Abyei issue, the Popular Consultations in Blue Nile and South Kordofan, as well as the North South border demarcation and called on both parties to redouble their efforts in order to resolve all the remaining issues.

On the eve of the independence day of South Sudan, the AU High Implementation Panel (AUHIP) announced in a press statement that the two parties to the CPA had agreed to continue with negotiations, both on the outstanding CPA issues and on post-secession arrangements. The PSC also expressed its commitment to 'accompany the growth and the building efforts for the new Nation of South Sudan.' Previously, in communiqué, **PSC/PR/COMM (CCLXII)**, issued at its 262nd meeting held on 24 February 2011, the PSC underscored the need to speed up the post-conflict reconstruction process and the socio-economic development of South Sudan, as a basis for building a viable state.

Crisis Escalation Potential

The birth of the Republic of South Sudan, as Africa's 55th state and 193rd member of the United Nations, marks the culmination of one of Africa's most successful peace processes. In part, such success is attributable to the efforts of Africa collaborating with partners to end the North-South conflict in Sudan through negotiation within the framework of the 2005 Comprehensive Peace Agreement (CPA). However, the independence of South Sudan on 9 July was merely the beginning of a much

more difficult process of building a peaceful, stable and prosperous state. One of the most serious challenges facing Africa's newest state is the consolidation of its peace and security.

There are internal and external sources of security threats to the Republic of South Sudan (RoSS). The internal security threats come from the proliferation of armed rebel groups over the course of this year; the transformation of the Sudan People's Liberation Army (SPLA) into a national and professional army; the unfinished Demobilisation, Disarmament and Reintegration (DDR) process; resource based inter or intra-ethnic clashes; and the militarization and long dependency on arms, of the people of South Sudan. The external threats come from outstanding CPA issues not yet finally settled between the Republic of South Sudan (RoSS) and North Sudan, more specifically the status of the three transitional territories of Abyei, South Kordofan and Blue Nile; and the demarcation of the North South border and post-independence security arrangements. In the short to medium term, the RoSS will experience violence as a result of encounters between the SPLA and the various armed movements operating throughout the country. As reflected by the on-going violence in South Kordofan and the recent invasion of Abyei by the Sudan Armed Forces (SAF), there is also a danger of a military confrontation between the SAF and SPLA along the North-South border. These events illustrate that the RoSS has emerged within a highly complex and unstable security environment.

Key issues and internal dynamics

One of the major consequences of the independence of South Sudan on 9 July is that it vests sovereign authority in the SPLM/A government within the RoSS. As part of the essential requirements of a sovereign state (defined territory, a permanent population and the ability to defend itself and preserve law and order), it is thus incumbent on the SPLM government of the RoSS to assume monopoly over the use of force in the country and deliver the first and most basic public service expected of it from the public, namely security.

Indeed, with Khartoum no longer an obstacle for delivery of services by the SPLM government, there is heightened expectation for the RoSS to deliver all manner of essential services and provide effective, transparent and accountable governance.

Unfortunately, the prevailing security situation in the country presents a serious obstacle to the way in which the government fulfils the basic functions of a sovereign state. South Sudan's security challenges relate to the proliferation of opposition militias and armed rebel groups within its territory. The wide circulation and possession of arms within the country tends to make this situation worse. There is therefore an urgent need to transform the security sector and implement necessary reforms about the future of the SPLA-northern sector, present in South Kordofan and Blue Nile, and the finalization of an effective, transparent and workable disarmament, demobilization and reintegration process. Among these security threats, the proliferation of opposition militias and armed rebel groups poses the most immediate security threat to civilians in South Sudan.

The rebellion affects many of the states in South Sudan. These include Jonglei (where three armed groups led by George Athor, David Yau Yau and Gabriel Tang-Ginye, took up arms against SPLA/M); Unity (where Peter Gatdet Yak and Gatluk Gai had also launched two insurrections); Upper Nile (where Captain Uluak Olony initiated another armed rebellion); and Northern Bahr el Ghazal (where Abdel Bagi Agyii started yet another rebellion). Clashes between these armed groups and the SPLA have resulted in the deaths of thousands of people and the displacement of many more others.

Speaking on the occasion of the independence ceremony of South Sudan on 9 July 2011, the first President of the RoSS, Salva Kiir, announced an amnesty for rebel groups operating in the country. The President said he wanted 'to offer public amnesty to all those who took up arms against the people of South Sudan. Let them lay down these arms and help us in building this new nation'. Not unexpectedly, the offer

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This agreement leaves the final status of Abyei open. This means that the

Another CPA issue not yet conclusively resolved is the demarcation of the North-South Border. The major risks of conflict on the border arise from the interests of both governments in controlling the oil rich territories along

The secession of South Sudan comes at a substantial cost for Khartoum. The Ministry of Information and the Survey Department revealed in a press conference on 4 July, that as a result of the separation, Sudan had lost, about 25% of its area, 80% of its forests, 75% of its oil and 20% of its population. Despite assurances about stability, measures adopted by the

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It is clear from the above that in the context of the two sides taking measures as separate states, there is a danger for unilateral action over unresolved issues leading to confrontation between the two countries.

PSC Retrospective: Post AU Summit Analysis

The 17th Ordinary Session of the Assembly of AU Heads of State and Government was held in Malabo, Equatorial Guinea, from 30 June to 1 July 2011. The summit was, as usual, preceded by meetings of the Executive Council and Permanent Representatives (PRC) in order to prepare for the summit deliberations. Thirty-six Heads of State and Heads of Government were present. All the African Union member states were represented.

Although the theme of the summit was “*Accelerating Youth Empowerment for Sustainable Development*”, the policy organs at various levels also considered peace and security issues currently affecting the continent. Consequently, conflict situations in various regions of Africa, particularly in Somalia, Sudan, and Madagascar, including pre-independence security challenges in South Sudan, the post-election crisis in Côte d’Ivoire and the uprisings in North Africa, particularly Libya, drew considerable attention. Other political, socio-economic administrative and financial issues were also discussed and acted upon.

In his remarks, the AUC Chairperson, Jean Ping, focused on the six-month activity report of the commission, highlighting the uprisings in Tunisia, Egypt and Libya. He drew attention to the decisions of the AU/PSC, and high level engagements with these countries, including the visit of the Panel of the Wise to Tunisia, Libya and Egypt. The Chairperson mentioned the improved governance processes in Africa such as the successful elections that had taken place in Guinea, Niger and Nigeria and also referred to the post-election conflict in Côte d’Ivoire as well as the efforts made by the AU toward resolving the crisis in that country.

Dr Jean Ping further highlighted the role of the AU in Somalia and Sudan, through its involvement in the African Union Mission to Somalia (AMISOM), the United Nations-African Union Mission in

Darfur (UNAMID) and The African Union High-level Implementation Panel (AUHIP). In addition, he drew attention to the RoSS becoming the 54th member state of the AU after independence on 9 July 2011. The Chairperson warmly welcomed South Sudan’s President-designate, Salva Kiir, as an observer, in addition to President Alhassan Ouattara of Côte d’Ivoire and President Youssoufou Mohamadou of Niger, urging them to pursue true reconciliation, transformation and socio-economic development in their countries, following their respective election victories.

The specific issue regarding the implementation of Assembly decisions pertaining to the International Criminal Court (ICC) and linkage to the conflict situation in Libya, attracted much attention at the summit, particularly the arrest warrant served on Gaddafi on the eve of the summit. The ICC prosecutor’s decision, described by many summit delegates as “un-strategic,” was criticized for its perceived purpose of sowing further division within the AU. Some delegates in the PRC even proposed a mass withdrawal of African states from membership of the ICC, as a protest. However, some delegates pointed out that individual member states had acceded to the Rome Statute out of choice and had even gone through their domestic ratification processes, and that membership of the Rome States Parties conference was not a collective AU decision. The compromise decision on continued collaboration with the ICC should therefore be understood in the proper context of “not throwing away the baby with the bath water.” Consequently, collaborative efforts by the African Groups in New York and The Hague, were canvassed to exert pressure on the UNSC to activate Article 16 of the Rome Statute in order to defer ICC processes on Libya. The decision to endorse the candidature of Mrs. Fatoumata Bensouda, as the next African prosecutor of the ICC, at the December 2011 elections, was unanimously endorsed by the Summit.

The issue of the ICC was further discussed by the Summit in relation

to Sudan and Kenya. The Summit decision reinforced its existing call for the deferral of the proceedings initiated against President Bashir of Sudan and the intended ICC investigations and prosecutions in relation to the 2008 post-election violence in Kenya.

The AU Summit also discussed and approved decisions on alternative sources for financing the activities of the African Union and expressed concern about the dire financial situation attributed in part to delays by Member States in honoring their contributions. The Summit also considered the complexities of accessing partner funds and stressed the imperative need for Member States to provide the AU with predictable, reliable and sustainable resources to enable the AU to fulfil its mandate. In this respect, the Assembly also examined the progress in the establishment of a High Level Panel of Eminent Personalities with a view to engaging Member States and coming up with definitive proposals on alternative sources of financing for the AU.

On Libya, the consensual statement, *inter alia*, adopted the need for negotiations between warring Libyan parties, based on the AU road map. In addition, the AU Framework Agreement, earlier accepted by the High-Level Ad hoc committee, urged the Libyan parties to immediately negotiate on the basis of the road map with the tripartite engagement of the UN, the AU and the Arab League. The text of the Framework Agreement also made provision for a credible international mechanism to monitor and implement the ceasefire with compliance by all parties, including protection of the civilian population. While the AU decision was promptly welcomed by the rebels, with the proviso that Gaddafi would not be part of negotiations, it is yet to be determined whether the peace plan will be accepted by Authorities in Tripoli.

The Assembly called upon the AU Commission and the Regional Economic Communities/

PSC Retrospective: Post AU Summit Analysis

Regional Mechanisms for Conflict Prevention, Management and Resolution (RECs/RMs), to enhance their efforts and accelerate the operationalization of the African Peace and Security Architecture.

The Summit also commended the signing of the Kampala Accord, between the President of the Transitional Federal Government (TFG) of Somalia, Mr. Sheikh Sharif Sheikh Ahmed, and the Speaker of the Transitional Federal Parliament (TFP), Mr. Shariff Hassan Sheikh Aden, which seeks to end the current transitional period with deferral of elections for one year. The Assembly declared that the expeditious implementation of the Kampala Accord would go a long way in consolidating the important military gains made by the TFG with the support of the African Union Mission in Somalia

(AMISOM).

On the question of UN reform, the Assembly commended the growing support of Member States for the intergovernmental negotiations on UN Security Council reform and for recognizing the compelling need to correct the historical injustice done to the continent. In the UNSC, Africa continues to be unrepresented in the permanent membership category, and remains under-represented in the non-permanent membership category. The decision on UNSC reform emphasized the need for Africa to continue to speak with one voice and cohesively on all issues, whether of substance or procedure or related to the question of UN Security Council reform.

Other important summit decisions taken at Malabo include the adoption

of a one-theme agenda for a whole year, instead of multiple themes chosen at every summit with serious implications for the intended implementation of outcomes. Also, the budget for 2012 was postponed for consideration by a special session of the Executive Council to be scheduled for September 2011. The Assembly discussed Sudan and stated that the Union 'looks forward to welcoming Southern Sudan as the newest Member State of the African Union, immediately upon its independence on 9 July 2011'.

The Assembly agreed that the theme of the January/February 2012 Summit would be: "Boosting Intra-African Trade". The theme will be for the whole year of 2012, including the celebration of Africa Day on 25 May 2012.

COUNTRY ANALYSIS

Libya

Previous AU/PSC Communiqués and Recommendations

Under the chairmanship of the Republic of Benin, which is the chair for the PSC for the month of July 2011, the Peace and Security Council received a briefing on the situation in Libya from Ramtane Lamamra, Commissioner for Peace and Security at its 285th meeting on 13 July 2011. The council also followed up on the progress of the decision passed by the 17th Ordinary Session of the Assembly of the Union, held in Malabo, Equatorial Guinea, from 30 June to 1st July 2011.

In a press statement that followed the session **PSC/PR/PS/2(CCLXXXV)**, the Council reaffirmed the existing stance of the Union on the Libyan crisis, stressing that 'only a political solution will make it possible to fulfil the legitimate aspirations of the Libyan people to democracy, good governance and respect for human rights, achieve sustainable peace and preserve the unity and territorial integrity of the country'. The

Council further called for progress in the Proposals for a Framework Agreement on a Political Solution to the Crisis in Libya, as endorsed by the Assembly in Malabo within the context of the AU Roadmap and the relevant United Nations Security Council resolutions. The council encouraged AU led interactions between the Government of Libya and the National Transitional Council (NTC) to find a lasting solution to the conflict in Libya, within the context of its Proposals for a Framework Agreement, as well as to provide any clarification that may be needed on these Proposals. The Council further urged the Libyan parties to give priority to the will and interest of the people of Libya and to show their commitment by extending support for peace initiatives.

The 17th Ordinary Session of the Assembly of the Union, held in Malabo, Equatorial Guinea from 30 June to 1st July 2011, discussed the situation in Libya. The Assembly adopted the report of the AU High-Level *ad hoc* Committee on Libya and endorsed the Proposals for a Framework Agreement on a Political Solution to the Crisis in that country, as presented by the *ad hoc* Committee, within the context of the AU Roadmap and the relevant United Nations Security Council resolutions.

The Assembly also passed Decision **Assembly/AU/Dec.385 (XVII)** which commended the efforts of the *ad hoc* Committee and further requested the body to submit its proposals to the Government of Libya and the National Transitional Council (NTC). The Assembly requested the Committee to engage the Libyan parties and urge them to support the convening of negotiations under the auspices of the AU and the United Nations, and with the support of the League of Arab States, the Organization of the Islamic Conference and the European Union. The assembly also requested the *ad hoc* Committee to report regularly to the PSC, including to its 18th Ordinary Session to be held at the beginning of 2012, about its efforts towards achieving a political solution to the crisis in Libya.

Crisis Escalation Potential

On 17 July, Gaddafi once again made a vow to the Libyan public and the international community that he would never leave Libya, the 'land of his ancestors,' in the hands of the rebels whom he referred to as 'worthless traitors'. In a remark that came a day after the US recognition of the opposition forces as Libya's

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Heavy fighting is still taking place in efforts to control the town of Brega, a frontline town known for its oil and gas resources and refineries. It was reported that most opposition fighters were about 20 kms outside the town. The rebels announced that minefields planted by Gaddafi's forces had slowed their advance. On 19 July, Libyan government forces, using trucks disguised with rebel flags, reportedly attacked opposition fighters near Brega, killing 13 rebel fighters and wounding dozens more. However, reports that came a day later stated that the rebels had overrun positions 10kms east of the oil port, and were working to clear the mines so they could move forward. According to a rebel spokesperson, the rebels had encircled the eastern oil hub of Brega and were in control of suburban parts of the town.

On 13 July 2011 the New York based international human rights organisation, Human Rights Watch (HRW), accused the Transitional National Council of looting, arson and the abuse of civilians. The group said that rebels who had been fighting government forces for the past five months also often violated the rights of individuals. The report said that staff of HRW had witnessed incidents themselves, and had interviewed witnesses to such abuses in territory recently seized by the rebels. These latest allegations focus on four towns recently seized by rebels in the west of the country, al-Awaniya, Rayayinah, Zawiyat al-Bagul and al-Qawalish. According to Fred Abrahams, a special adviser to Human Rights Watch, rebel conduct has been disturbing. They are also accused of widespread looting of

Apart from the reports of HRW documenting incidents of violations, the World Federation of Human Rights (FIDH) also released a report documenting serious and systematic abuses, including murder, inflicted by the rebels on African migrants, alleging that sub-Saharan Africans were supporting Gaddafi's forces.

The Interim National Transitional Council (NTC), established in March 2011, aims to provide political and military leadership, organise basic services in rebel-controlled areas and represent Libyans abroad. Its leaders say the council is not a government, but aims to lead Libya during the interim period that will come after the complete liberation and destruction of Gaddafi's oppressive regime. The NTC seeks to guide Libya through a post-Gaddafi era, to free elections and the establishment of a constitution for Libya. The council consists of thirty-one members, representing the various cities of Libya from east to west and from north to south. Some council members have been named, while those representing Ajdabiya, Kufra, Ghat, Nalut, Misrata, Zintan and Zawiya prefer to remain anonymous. Five seats on the council are held by women and five by young people.

The NTC, which claims to derive its legitimacy from the decisions of local councils set up by the people of Libya on 17 February, is facing many challenges. Some reports have disclosed rifts in the movement. Recently, Abdel Jalil, who heads the Council, said the Libyan opposition movement needs more than \$3 billion to cover the salaries and other expenses of the transitional government for the next six months. The rebel fighters are poorly trained and disciplined and the council is still facing serious problems in mounting a coordinated and disciplined campaign against Gaddafi's forces in Tripoli.

However, after more than six weeks of stalemate and despite rocket and mortar fire, the rebels have recently pushed back Gaddafi's

forces on several fronts. Opposition fighters in western Libya made their most significant advance against government forces in mid-July. The fighters, whose stronghold is in the Nafusa Mountains (or Jebel Nafusa), are part of the loose coalition of opposition forces headquartered in the eastern city of Benghazi. The rebels of Jebel Nafusa have taken the village of Gualish, about 90km south of Tripoli, following a fierce battle. Libyan rebels are also continuing to make progress as they battle west from Misrata towards the key town of Zlitan, on the road to Tripoli. The rebels are now only 200 km away from the capital. Rebels in the Libyan city of Misrata, which is still surrounded by government forces, have also announced that they are preparing for a fresh offensive. The possible control of Brega, by rebel forces, would be a major victory for the opposition as it would boost their morale if they were to recapture the oil and gas infrastructure that is so important to Libya's economic future.

Reports from Tripoli have shown that the institutional, technological and human capacity of the Gaddafi regime is weakening, but is still far from being destroyed. A Libyan colonel that defected to the rebel side in June 2011 recently revealed that the regime has had to use soldiers from the elite fighting force under the command of Qaddafi's son, Khamis, to train and command popular militias after suffering months of desertions.

Recent reports indicate that the NTC based in Benghazi has created a network of contacts in the capital and has close contact with an underground network of opponents of Gaddafi in Tripoli. A member of the NTC revealed that they were holding secret talks to prepare for the regime's fall. He said the talks were being held via Skype and satellite phones. The communications, according to the source, focused on assessing the impact of pressure from NATO air strikes and low morale in Tripoli. The Council also aims to use the Tripoli underground group to mobilize and coordinate protests and demonstrations against Gaddafi. The network of more than 100 people in the capital reportedly has daily contact with the NTC. The rebel leadership hopes that its contacts with the Tripoli underground

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The militarization of the popular uprising, coupled with heavy international involvement, has made the Libyan crisis hard to resolve. Various peace initiatives have proved to be ineffective as there is deep mistrust and suspicion between the major parties involved in the conflict. The international community and regional organizations like the AU

Subsequently, the Committee held another meeting in Malabo, Equatorial Guinea, on 29 June 2011. In a press release following the meeting, the Committee announced its adoption of the Pretoria proposals for a Framework Agreement on a political solution to the crisis in Libya for submission to the AU Assembly for approval. When the

Given the apparent inevitability of

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- 'legitimate political interlocutor' in Libya;
- local *de facto* government of parts of Libya;
- legitimate representation of the Libyan people;
- legitimate representative of Libya; and
- *de jure* or *de facto* government of Libya.

The UN has continued to emphasise its leading role in efforts to resolve the crisis in Libya. Speaking in Geneva, UN Secretary General Ban Ki-moon stated that, 'there are many actors and the United Nations is playing a coordinating role. My special envoy is playing a central coordinating role.' Accordingly, parallel to the AU's process for a political solution, the UN Special Envoy, Abdul Elah al-Khatib, is pursuing a UN political process. While briefing members of the UN Security Council during informal consultations on 9 June, the Special Envoy stated that there were signs that both sides were willing to negotiate a political transition. Following the recent meeting of the Contact Group on Libya, Abdul Elah al-Khatib was tasked to use the outcome of the Istanbul meeting towards a political transition without Gaddafi.

The Contact Group opted for pursuing a parallel process to be led by Elah al-Khatib, and premised on Gaddafi's departure. Accordingly, the Contact Group discussed a post-Gaddafi Libya and endorsed the principles that should guide the transition, which the UN Special Envoy is mandated to take forward. At the meeting, US Secretary of State, Mrs Hillary Clinton, announced her country's decision to recognize the NTC as the legitimate governing authority in Libya. The NTC also received a promise of Libyan funds frozen in foreign countries, to be released for humanitarian and basic

As the military option has proven slow and its outcome remains unpredictable, NATO member states have also shown an increasing shift away from reliance on military force and bringing about regime change to a preferred negotiated settlement. NATO officials have publicly discussed a possible pause in airstrikes, out of respect for the month-long Muslim holiday of Ramadan, which would begin in early August. If there is a temporary halt to NATO air strikes the measure will give further impetus to emerging discussions for launching negotiations for transition. However, negotiations remain dependent on a mutual understanding about the fate of Gaddafi after his departure from power. Short of such an understanding, it is unlikely that Gaddafi will peacefully relinquish power. It is thus important that the various international actors, actively involved in Libya, consider all plausible options on the fate of Gaddafi in exchange for his departure from power, in order to achieve a negotiated settlement. In this regard, the offer made by the NTC chairperson for Gaddafi to retire within the country is a useful initiative. A similarly important

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development is a concession by the UK and France concerning Gaddafi's future. During a joint press conference on 25 July 2011, William Hague, UK Foreign Secretary, and his French counterpart Alain Juppé announced that Gaddafi could stay on in Libya if he gives up power and retires quietly.

Scenario Building:

Given the above analysis the following could take place:

Scenario 1:

The rebel forces will continue to make advances against Gaddafi forces with the support of NATO air strikes. This will further weaken the position of Gaddafi, forcing him to accept the conditions for negotiation of a political transition or face military defeat.

Scenario 2:

Despite the military loss that the rebels and NATO continue to inflict

on government forces, the military path will continue to prove uncertain as a means for removing Gaddafi from power, let alone for creating conditions conducive to the future stability of the country.

Scenario 3:

The emerging shift in focus from the military option to the path of a political solution and nascent discussions towards a negotiated settlement will result in some form of agreement accepted by all parties on the future of Gaddafi, as a basis for launching further negotiations about a political transition.

Early Response Options:

The following are the early response options that the PSC could consider:

Option 1:

If the current efforts of the AU High-Level *ad hoc* Committee do not yield any outcome, the PSC could request the Committee to articulate

a proposal on the fate of Gaddafi to clear the way for a negotiated transition.

Option 2:

The PSC could initiate a summit level meeting of the *ad hoc* committee, involving all relevant actors, for outlining a common approach to the crisis in Libya on the basis of respect for the sovereignty, territorial integrity and peace of Libya.

Option 3:

The PSC could issue a statement welcoming NATO's announcement that it is considering a pause in its military operations and emphasizing the need for relevant actors to seize the opportunity for achieving a negotiated political settlement.

Documentation:

Relevant AU Documents:

PSC/PR/BR.1 (CCLXVIII)
(19 March 2011) Press statement
on the Situation in Libya

AU Commission
(25 MARCH 2011) Consultative
Meeting on the Situation
in Libya Addis Ababa

AU Commission
(19 MARCH 2011) Meeting of the
African Union *ad hoc* High-Level
Committee on Libya Nouakchott

Press Release

(17 March 2011) the African Union
ad hoc High-Level Committee on
Libya Meets in Nouakchott on
19 March 2011 Addis Ababa

PSC/PR/COMM.2 (CCLXV)
(10 MARCH 2011) Communiqué
on the situation in Libya
Addis Ababa, Ethiopia

Assembly/AU/Dec.385 (XVII)
Decision of The 17th Ordinary
Session of the Assembly of the
Union on Libya. Malabo, Equatorial
Guinea 30 June to 1st July 2011,

PSC/PR/PS/2. (CCLXXXV),
(13 July 2011) Press statement
on the situation in Libya

UN Documents:

S/RES/1973 UN Security Council
Resolution 1973 (March 17
2011) on the situation in Libya

S/RES/1970 UN Security Council
Resolution 1970 (26 February)
on the situation in Libya

Towards a Common African Position on the Arms Trade Treaty

During the 17th summit of the Assembly of Heads of State and Government of the AU held in Malabo, Equatorial Guinea, the Assembly adopted a decision, **Assembly/AU/Dec.7/XVII**, requesting the AU Commission to elaborate a common African position on the Arms Trade Treaty, including the convening of member states experts ahead of the scheduled UN meeting on the subject in 2012. In this context, it is important that issues such as the current state of the negotiations and the position of African states on various aspects of the treaty are looked at closely.

Over the past twelve months, Member States of the United Nations (UN) have been discussing the formulation of a treaty to regulate the international conventional arms trade. To date, three preparatory committee (prepcom) meetings have been held as precursors to negotiating this Arms Trade Treaty (ATT), namely in July 2010, in February 2011, and more recently in July 2011. As the regulation of global arms transactions is a contentious issue, the rationale of these prepcoms has been to build consensus among Member States on the range and scope of an ATT. A final prepcom will be held in February 2012, with the actual text of an ATT being negotiated in mid-2012.

African governments have been represented at all three prepcoms and have expressed a variety of views on the content of a future ATT. However, on average, less than a third of African States have presented a prepared statement to each of the prepcoms. Added to this, with some exceptions, many of the statements have not included sufficient technical detail to have a measureable impact on the content of a future ATT. This can largely be attributed to under-resourced Member States not having the funds to cover the costs of government arms control

experts' attendance at the prepcoms, as well as a possible lack of technical expertise on ATT issues.

Nonetheless, the Africa Group, represented by Nigeria, has been vocal, and has called for an “equitable ATT, which takes into account, specific regional dynamics in line with the principles of the UN Charter on the sovereign equality among nations and the right of every nation to legitimate self defence”. In addition, the Group suggests that an ATT should “take due cognizance of the responsibilities of major arms producers and the special rights of importing Member States” (but has not defined these responsibilities and rights), and has recommended the prohibition of arms transfers to “unauthorised non-State actors”. The Group has also advocated the “training and building of institutional and human resources in developing States” in relation to implementing the provisions of an ATT. The Africa Group statements have been broad in nature as discerning viewpoints of all African States need to be taken into account.

The UN process on an ATT originated in 2006 with General Assembly Resolution 61/89 titled: *'Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms'*. This Resolution called on the UN Secretary-General to canvas Member States' views "on the feasibility, scope and draft parameters for a comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms"; and to establish a group of governmental experts (GGE) to determine the viability of such an instrument. The subsequent reports by the Secretary-General and the GGE informed General Assembly Resolution 63/240 (2009), which led to the establishment of an Open-ended Working Group towards an ATT. The report of the Open-ended Working Group led to General Assembly Resolution 64/48 which stipulated the process by which an ATT would be negotiated. The only State to vote against this Resolution was from Africa, namely Zimbabwe.

There were also 20 abstentions, including China and Russia, as well as three from Africa (Sudan, Egypt and Libya).

The July 2011 prepcom resulted in considerable progress towards achieving further consensus on the content of a possible ATT, with some countries that had previously not been in support of an ATT constructively interacting in the plenary discussions. Furthermore, the permanent five members of the UN Security Council presented a joint statement to the prepcom indicating their support for the process to date. However, it was apparent that some diverging views among States remain concerning key areas of the content, especially with regard to scope; arms export criteria; victim assistance; and the role of an implementation support unit.

On scope, there appears to be general agreement that an ATT should regulate the trade in tanks; military vehicles; artillery systems; military aircraft and helicopters; naval vessels; as well as missiles and missile systems. The vast majority of States support the inclusion of small arms and light weapons, but some, such as China and Iraq, have voiced objections. In the recent prepcom, Canada, responding to pressure from domestic pro-gun lobby groups, advocated the exclusion of firearms associated with hunting and sport shooting. This position was supported by a handful of Member States, but was dismissed as impractical by numerous others, including South Africa. A significant majority of Member States has also been seeking the insertion of ammunition into the treaty text, but this has been opposed by China, the United States, India, Iraq, Syria, Belarus, Indonesia, Vietnam and the Philippines. In Africa, Ethiopia and Egypt are the only States that have expressed opposition to the inclusion of small arms, light weapons and ammunition within the scope of an ATT.

There has been considerable discussion on the inclusion of a human rights parameter within the arms export criteria in an

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ATT. Advocates of prohibiting or restricting arms transfers when there is substantial risk that the arms will be used in serious violations of international human rights law, include the majority of States in Latin America, Western Europe and Australasia, with support from some States in Southern Africa, East Africa, West Africa and North America. However, there has been strong opposition from China, India, Pakistan, Cuba, Thailand and Algeria. The US and Russia have not yet expressed a view on this matter, as well as close to half of the African States.

There have also been discussions on prohibiting and restricting arms transfers that could hinder, undermine or adversely affect socio-economic development, with strong promoters being the UK, France, Australia, Chile, Norway, New Zealand and Japan. In Africa, advocates include Senegal, Mali, Nigeria, Niger, Gambia, Togo, Burkina Faso, Côte d'Ivoire and Zambia. However, the majority of African, Western European and North American States have suggested that socio-economic development could be included as a component of the arms transfer

criteria, but have not indicated that it should be a basis on which arms transfers are denied. Objections to the inclusion of socio-economic development within the arms transfer criteria have been made by India, China, Pakistan, Brazil, Argentina, Indonesia, Ecuador, Syria and Egypt.

At the July 2011 prepcom there was considerable discussion about the functions, responsibilities and structure of an ATT implementation support unit and the provision concerning victim assistance. Many of the arms producing Member States held the view that the implementation unit should be small, have a technical and administrative function, and should not be a significant cost burden. A number of African States recommended that the implementation support unit should fulfil a capacity building function. No consensus was reached on the future location of this unit, with some States suggesting that it should be established within UN structures, while others supported the setting-up of an entirely independent entity.

Some Member States, particularly from Africa, have suggested that an ATT should allow for Member States to offer or receive assistance for the care and rehabilitation of victims of

armed conflict. This issue has also been strongly advocated by civil society organisations. Nonetheless, victim assistance has not generated much traction among many key Member States, who have argued that such a provision is misplaced in a treaty that is designed to regulate the arms trade.

The ATT negotiation conference is set to take place in less than 12 months at the UN Headquarters in New York. In order for African States to engage more actively, and in a more coordinated and effective manner at this conference, the African Union (AU) will host a meeting of Member States to draft an AU Common Position on an ATT in Togo in late-September 2011. This Common Position is likely to influence the drafting of the final text of an ATT, but only if it provides sufficient practical and technical recommendations.

Important Forthcoming Dates

9 August	International Day of World's Indigenous People
12 August	World Youth Day
8 September	World Literacy Day
9 September	African Union Day
21 September	International Day of Peace and Security

Country	Election	Date
Cape Verde	Presidential	6 August 2011
Liberia	Referendum on Constitutional amendments	23 August 2011
Egypt	Parliamentary	September
Cameroon	Presidential	October
Lesotho	Local elections	1 October (postponed from September)
Liberia	Presidential, House of Representatives and Junior Senator	11 October
Tunisia	Constitutional Assembly	23 October (postponed from July)
The Gambia	Presidential	24 November
DRC	Presidential and National Assembly	27 November

Contributors to this Volume:

ISS PSC Report Programme, Addis Ababa: Dr. Duke Kent-Brown, Dr. Solomon Ayele Dersso, Mr. Hallelujah Lulie and Mr Abebe Aynete

ISS Addis Ababa: Amb. Olusegun Akinsanya, Office Director

ISS-Pretoria: Guy Lamb, Senior Research Fellow.

Donors:

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Contact

Programme Head
Peace and Security Council Report Programme
Institute for Security Studies
P.O. Box 2329
Addis Ababa, Ethiopia

Tel: +251-11-515 6320/24/67/98

Fax: +251-11-515 6449

Email: addisababa@issafrica.org

website: www.issafrica.org



PSC Report Programme, Institute for Security Studies, Addis Ababa, T: +251-11-515 6320/24/67/98; F: +251-11-515 6449; addisababa@issafrica.org; www.issafrica.org