Peace and Security Council Report

ISSUE 37
August 2012

Current members of the Peace and Security Council: Angola, Cameroon, Congo, Côte d'Ivoire, Djibouti, Egypt, Equatorial Guinea, the Gambia, Guinea, Kenya, Lesotho, Libya, Nigeria, Tanzania and Zimbabwe

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

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Early warning issues for August 2012

During August, the run-up to the Angolan elections, continuing turmoil and division in Mali and the Sahel, post-revolutionary divisions in Libya and Egypt, developments in Sudan and South Sudan, events in Somalia and neighbouring Kenya, the DRC and Rwanda, and unresolved causes of conflict and potential conflict in Nigeria and Madagascar, are among early warning and ongoing issues that require close attention.

Current PSC Chair

Bio data: H.E. Mr. Mohammed Idriss Farah, Embassy of the Republic of Djibouti

Current posts: Djibouti's Ambassador to Ethiopia, Permanent Representative to the AU and Chair of the PSC

Mali

In Mali, the institutional crisis in the south and security crisis in the north, as well as the humanitarian situation have further deteriorated over the past three months. In the south, the institutions in Bamako remain very fragile, not only because of the ongoing interference in the political process by the 22 March coup plotters, but also because of the lack of inclusiveness and representativeness of the ECOWAS-backed transitional government that was installed on 12 April after heavy economic, financial and diplomatic sanctions.

Libya

The recent elections for a *Constituante,* which are intended to lead to a new Constitution, and the unexpected results, could be perceived as a positive sign. Against all predictions and concerns, the elections went smoothly. However, tension and instability can be expected to prevail in Libya for the near future. The continuing quest for revenge against pro-Gaddafi remnants of the population remains a major issue to be tackled.

Angola

Three recent developments threaten stability in Angola and if left unattended or mismanaged can pose a serious threat to peace and security in the country. These relate to the recent protests staged by ex-combatants in the capital Luanda (since June 2012); the growing wave of protests by the youth and opposition party members calling for reform (since March 2011); and the general risk that national elections pose in a post-conflict country that remains highly divided.

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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.

Somalia

There remain security-related challenges, including threats to delegates and other participants elected to the NCA, given Al Shabaab's ability to strike in Mogadishu itself. There are also many armed groups throughout Somalia, which have not been included in the dialogue or Roadmap process. All these challenges increase the stakes and undermine the prospects for a smooth power transfer.

Country Analysis

MALI

This country analysis deals with the events in Mali since 30 April 2012. Readers interested in earlier events are invited to consult Issue 34 (May 2012) of the Peace and Security Council Report. In Mali, the institutional crisis in the south and security crisis in the north have further deteriorated over the past three months. In the south, the institutions in Bamako remain very fragile not only because of the ongoing interference of the coup makers, the National Committee for the Recovery of Democracy and the Restoration of the State (CNRDRE), in the political process, but also because of the lack of inclusiveness and representativeness of the transitional government. In the North, Ansar Dine and MUJAO, two armed, terrorist and criminal groups with reported connections to al Qaeda in the Islamic Maghreb (AQIM), have consolidated their grip on this part of the Malian national territory after having evicted the MNLA Tuaregs, who had initially launched the separatist uprising. The decisions announced by Interim President Dioncounda Traoré, in his televised address to the nation on 29 July upon his return from France, define the contours of the transition and clarify the centres of power. The challenge now lies in implementing the proposed institutional architecture.

Previous PSC and AU communiqués

The 19th ordinary session of the Assembly of Heads of State and Government of the African Union held in Addis Ababa on 19-20 July 2012 adopted a solemn declaration on the situation in Mali. This declaration endorsed decisions already taken in communiqué PSC/AHG/COMM/1. (CCCXXVII) of the 327th meeting of the PSC, held on 14 July 2012, at the level of Heads of State and Government and chaired by current president of the ECOWAS, Alassane Ouattara, from Côte d'Ivoire. The main addition of the solemn declaration was to ask for the inclusion of Chad as a potential troop contributing country to an envisaged military operation in Mali and as a member of the Support and Follow-up Group on the situation in Mali created pursuant to decision PSC/PR/COMM (CCCXI) taken at the 314th meeting of the PSC held in Bamako before the coup.

During its 327th meeting, the PSC took note of the Report of the Chairperson of the Commission on the evolution of the situation in Mali [PSC/AHG/3 (CCCXXVII)]. The PSC reiterated 'the urgent need to strengthen the transitional institutions' and demanded 'an end to the unacceptable interference of the military junta as well as their civilian supporters in the management of the transition and the effective dissolution of the CNRDRE'. The PSC also urged 'the interim President and the Prime Minister to immediately commence the required consultations with the Malian political and civil society actors, with a view to forming an expanded national unity Government' by 31 July 2012, in accordance with the decision of the ECOWAS Contact Group meeting of 9 July. The PSC further called 'for the early finalization of the list of individuals whose actions were impeding the transition, to allow for the immediate imposition of sanctions by the AU and ECOWAS' and reiterated 'its determination to impose sanctions against terrorist and criminal groups operating in northern Mali'. The PSC furthermore encouraged 'dialogue with groups willing to negotiate on the basis of the respect of the unity and territorial integrity of Mali, and the total rejection of armed rebellion, terrorism and related criminal activities'.

On 23 June 2012, the Commission of the African Union hosted a consultative meeting in Addis Ababa on the development of a strategic concept articulating the political, security and military measures to resolve the crisis in Mali. On 12 June 2012, in communiqué PSC/ PR/ COMM. (CCCXXIII) of its 323rd meeting, the Council authorised ECOWAS, in collaboration with the core countries (including Mauritania and Algeria, which are not ECOWAS-members), to implement the required security and military arrangements to achieve three objectives: (i) ensure the security of the transitional institutions; (ii) restructure and reorganise the Malian security and defence forces; and (iii) restore State authority over the northern part of the country, as well as fight against terrorist and criminal networks.

Crisis escalation potential, key issues and internal dynamics

In Mali, the institutional crisis in the south and security crisis in the north, as well as the humanitarian situation, have further deteriorated over the past three months. In the south, the institutions in Bamako remain very fragile, not only because of the ongoing interference in the political

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process by the 22 March coup plotters, but also because of the lack of inclusiveness and representativeness of the ECOWAS-backed transitional government that was installed on 12 April after heavy economic, financial and diplomatic sanctions. The initial agreement provided for interim President Dioncounda Traoré to lead the government for 40 days. In a 30 April counter coup attempt, an elite unit of paratroopers known as the Red Berets attacked the state radio and television building as well as the airport in Bamako and the military camp in Kati. Soldiers loyal to the junta leader, Captain Sanogo, suppressed the counter-coup and, according to a July 2012 Human Rights Watch report, tortured and eliminated elements they believed had supported the movement.

Tensions rose in Bamako as the end of the 40-day transition period, stipulated in the initial political agreement, approached. Junta leaders argued that Traore could no longer be President after the expiration of this period. Sanogo even attempted to appoint himself as the interim President. As a compromise, the ECOWAS-brokered transitional agreement of 20 May granted Sanogo the status of 'former Head of State' and made provision for Traoré to remain President for a period of 12 months. The following day, Traoré was attacked in his office by pro-junta demonstrators and evacuated to France for medical treatment.

The AU PSC has called for an 'international commission of inquiry to shed light on the assault and to identify its perpetrators and sponsors', although it is clear that the military did not take the necessary measures to prevent the protesters from entering the presidential palace and to protect the president. The transitional government declared, on 9 July, that an independent elite force would be established to protect members of the government. Traoré returned to Bamako on 27 July, more than two months after the attack against him and only four days before the deadline set by the ECOWAS Contact group on Mali for the authorities to form a new transitional government. Traoré's July 29 televised address to the nation, in which he said that he 'fully trusts' the army to assure his security, can be boiled down to three major points. First, he announced the creation of a High Council of State, comprising the president and 2 vice presidents. One vice president will represent the Defence and Security Forces and will be charged with a committee to reform the army and deal with the country's northern half. The other one will be tasked with leading a so-called National Transition Council, comprising all political parties, whether or not they are represented in the National Assembly, as well as representatives from civil society. Second, Traoré sidelined his contested prime minister by announcing he would himself lead talks for the creation of a government of national unity. Third, he announced the creation of a commission to negotiate with the religious groups controlling Mali's north. 'This commission will be charged with engaging in peace talks with the armed groups in the north of Mali, in collaboration with the ECOWAS mediator, with the aim of finding, through dialogue a negotiated political solution to the crisis'. The challenge now lies in implementing the proposed institutional architecture.

This process is likely to create renewed tensions among political stakeholders in Bamako and between the junta and the political opposition. The resolution of the institutional crisis, through the installation of an effective government in Bamako, is, however, widely perceived as an unavoidable step to enable the Malian state to garner the necessary support, both nationally and internationally, to work towards the preservation of its territorial integrity and fight terrorist and criminal networks.

On 10 April, the coup leader, Sanogo, had initially expressed opposition to accepting assistance from foreign troops. By 26 July he appeared to be softening that position. Moreover, in his address to the nation, Traoré said he would send a request to the ECOWAS, the AU and the UN in line with the conclusions of the technical assessment mission sent to Bamako from 6 to 18 July. Those conclusions were also endorsed by the ECOWAS Committee of Chiefs of Defence Staff, which met in Abidjan on 25 and 26 July and called for 'international support for the planned deployment of an ECOWAS Mission in Mali (MICEMA) to help restore the country's national integrity and return constitutional order'. The newly proposed institutional architecture can be seen as a way for Bamako to reclaim its position as the main protagonist of its own crisis and to position itself as a more coherent interlocutor for the international community on both the political and military fronts in order to tackle the issues in the north.

In the North, Ansar Dine and MUJAO, two armed terrorist groups with reported connections to al Qaeda in the Islamic Maghreb (AQIM), have consolidated their grip on this part of Malian national territory. An initial agreement on a merger between the MNLA (*Mouvement national de liberation de l'Azawad*, MNLA) and Ansar Dine led to the proclamation of the Islamic State of Azwad on 27 May 2012. However, fundamental disagreement on religious and political ideology prevented the consolidation of the alliance. While the MNLA initiated its armed campaign in January 2012 and supports the independence of the secular state of Azawad, Ansar Dine, is in favour of the introduction of Islamic Sharia law. The alliance lasted less than a week.

At the end of June, violent fighting between the MNLA and Ansar Dine and its ally, the Movement for Oneness and Jihad in West Africa (*Movement pour l'Unicité et le Jihad en Afrique de l'Ouest*, MUJAO), led to the eviction of the MNLA from Gao, then Timbuktu. Elements of Ansar Dine destroyed mausoleums of the saints

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of Timbuktu, which the UNESCO World Heritage Committee had decided to include on the list of endangered world heritage sites only a few days earlier in response to a request by the Malian Government. Since 12 July 2012, when the MNLA was driven out of its last remaining stronghold, Ansogo, the north has been under the full control of Ansar Dine and MUJAO.

In short, these two Al Qaeda-backed terrorist groups hijacked the separatist uprising launched by Tuareg MNLA rebels and have proceeded to impose Islamic law on the northern Malian population. The UN Office for the coordination of Humanitarian Affairs (OCHA) has also confirmed reports of misappropriation and the distribution of aid by elements of Ansar Dine in Kidal, as well as the lack of access for providing humanitarian assistance in a region already heavily undermined by food insecurity.

While exposing the initial weakness of the movement, the military defeat of the MNLA has highlighted two important dynamics. Firstly, it provides regional and external actors with a clearer vision of the issues at stake, which might no longer include the MNLA's claims of independence. Secondly, the Islamic fundamentalism agenda has become more prominent with the attacks on the heritage sites of Timbuktu. After a meeting held in Ouagadougou on 24-25 July, the MNLA announced that it would not take part in a Government of National Unity in Mali, but that it was ready to start negotiations with the Malian authorities. The MNLA also declared that is was willing to support ECOWAS in fighting against terrorist groups.

This unstable situation contributed to the creation, in mid-July, of the Patriotic Forces of Resistance (*Forces patriotiques de résistance*, FPR), a coalition of six armed self-defence groups, comprising Ganda Koy and Ganda Izo militias, with the aim of 'liberating the North of Mali and uniting the resistance forces'. The emergence of this militia, yet another armed group, increases the risk of violence and human rights violations in Mali and the Sahel.

It is important to stress that Mali has become a collateral victim of the inability of regional and external actors to anticipate the consequences of the NATO military intervention in Libya and the incapacity of the MNLA to rally support and sustain its claims for independence. The MNLA tried to distance itself from Ansar Dine and AQIM by portraying itself as a secular movement. The main objective of this initiative was to mobilise international support for its demand for independence.

As for the much-discussed international military intervention in Mali, it could complicate the situation further. In the face of such a possibility there has been an increased recruitment of combatants in the north. A military intervention alone might not provide a conclusive response to the challenges facing Mali and the Sahel. In addition, the terrain in northern Mali might be something to consider, as most West African soldiers are not familiar with what is now termed 'desert combat'. Any military engagement without proper information gathering, planning, effective logistical support and a clear exit strategy might transform the region into a permanent war zone.

Geo-political dynamics

Africa and RECs

In addition to the increased security threats in the Sahel, two positions have become clear in terms of framing effective response mechanisms. On the one hand, there are calls for military intervention while on the other hand negotiation is seen as the only possible alternative. The interests at stake and their various interpretations fuel the attitudes of key actors with interests in the Sahel.

The initial decision of Algeria, one of the most important regional powers, to remain neutral in the crisis, has been criticised. Algeria not only expressed reluctance to become involved militarily in the Sahel and Mali, but also opposed any foreign military initiative. Algeria's position arises from a number of factors, including the consequences of NATO's intervention in Libya, Algeria's own national doctrine of non-intervention, the seven Algerian diplomats still in the hands of the MUJAO and the country's historical antagonism towards France. Many observers are also of the opinion that the US emphasis on terrorism threats in the Sahel and its military response strategy has diverted attention from a comprehensive regional approach towards addressing the complex security challenges in the region.

Meanwhile, Algeria's position contrasts sharply with that of Niger and a number of other countries in West Africa, including Guinea. Niger has been a vocal supporter of military intervention, fearing the spill-over of the atrocities committed by terrorist groups in the region. Leaders in Niamey have warned about the presence of foreign jihadists in northern Mali and the consolidated threat of terror they might represent.

As for Chad, its President, Idriss Déby Itno, in an interview with *Jeune Afrique* on 5 July, stressed that 'the current management of the Malian crisis by ECOWAS alone did not represent an appropriate response to the situation'. For him, 'the proper solution would be the deployment of an African Union force with UN help, as in Somalia, and with NATO logistical support'.

Since the beginning of the Malian crisis, ECOWAS and the AU have competed for the leadership in the management of the crisis. This situation, which unfortunately benefited some national actors in the conflict at key moments, appears now to have been transcended. It was caused more by institutional rivalry than by divergent approaches to core issues. From a strict West African regionalist perspective, the

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framework for the resolution of the crisis in Mali has progressively evolved towards a continental approach. The Burkina Faso-led ECOWAS mediation effort responded very strongly and pragmatically in the aftermath of the coup. However, controversies surrounding the mediation approach, even within ECOWAS, resulted in delays and disagreement. The new, extended and collaborative framework is perhaps best suited to dealing with the situation at hand in the Sahel as its consequences go well beyond the borders of ECOWAS member states.

Although rivalry between the AU and ECOWAS, concerning the management of the crisis in Mali, seems to have been ironed out, beyond those organisations, a consensual African position is yet to be found, especially regarding a possible military intervention.

United Nations

Contrary to the situation in Guinea Bissau on which the United Nations acted swiftly to pass a resolution (SC/RES/2048), Mali appeared on the agenda of the UN Security Council (UNSC) when ECOWAS requested the UN's approval for military action in Mali. On 5 July 2012, the UNSC unanimously adopted Resolution 2056, which recognised the situation in Mali as a threat to international peace and security.

The UNSC is in line with ECOWAS and AU decisions regarding the restoration of the constitutional order and territorial integrity of Mali, the dissolution of the CNRDRE, the principle of imposing sanctions against rebel and terrorist groups, as well as the necessity for an inclusive national dialogue led by transitional authorities to agree on a roadmap. Moreover, the resolution '(took) note of the request of ECOWAS and the AU for a UNSC mandate authorizing the deployment of an ECOWAS stabilization force' in Mali and 'expressed its readiness to further examine the request' once provided with additional information on 'the objectives, means and modalities of the envisaged deployment and other possible measures'. This position was already expressed in a 18 June 2012 Security Council Press statement on Mali. The UNSC has indicated that there is a need for more clarity on the mandate, resources and capacity of the force to be deployed in Mali as well as clearly defined exit strategy. Moreover, the UNSC members have insisted on the sequencing of the options available to resolve the crisis, including political and diplomatic efforts.

Yet the mediation process is likely to be highly complex. Indeed, the negotiations would need two sets of parameters in order to be successful. The first is related to the coherence of the political transition in Bamako. The second is what is to be negotiated given the fact that the groups present in northern Mali have divergent claims. At the end of July, the presence of a mission in Bamako comprising representatives of the UN, the EU, the AU, ECOWAS, and *La Francophonie,* to support an inclusive transitional process, can be considered a test for a concerted international community mediation effort.

International community

The crisis in Mali is not only an African crisis as it has global implications. The Sahel has been for many years a complex security concern for both regional actors and external partners. In addition to being among the poorest regions of the continent, countries in the Sahel are affected by numerous security threats including food crises, weak governance, corruption, protracted internal conflicts and violence, political and religious extremism, drug trafficking and terrorism. What makes the situation even more volatile is the inability of actors involved, either owing to the lack of necessary resources and means or a shared understanding and the necessary collective mechanisms, to respond effectively to such threats. Regional leaders and external partners have come to realise that the threat goes beyond the national borders of Mali as it has become a concern for global peace and stability. Yet, this realisation has not prevented the revival of old antagonisms and contradictions visible in the responses to the crisis of key actors. Initial sympathy for the rebels of the MNLA might explain the cautious response of some external actors.

The military defeat of the MNLA by Ansar Dine and MUJAO backed by AQIM is likely to see some change in the attitude of the major powers including the US and France on the response options to the crisis. The French Foreign Minister, Laurent Fabius, has toured the region to mobilise support for Mali. At the same time, the US has called upon Mali's leaders to accept offers by African states to send a military force to stabilise the country and help retake control of its northern regions. A joint ECOWAS, AU and UN team of experts also completed a technical assessment on 18 July, to try and improve relations and assess the status of Mali's army. On 23 July, EU foreign ministers asked the EU High Representative for Foreign Policy, Catherine Ashton, to make 'concrete proposals' about support for 'the possible deployment of a well-prepared ECOWAS force in Mali, under a UN mandate and in conjunction with a government of national unity and the African Union'. A global coordinated and comprehensive response mechanism is necessary to eradicate the various armed groups in northern Mali and to lay the foundation for sustainable peace and development in the region.

On 18 July 2012, the government of Mali referred 'the situation in Mali since January 2012' to the prosecutor of the International Criminal Court (ICC), Fatou Bensouda, for investigation. The prosecutor's office will determine at a future date whether it can assume jurisdiction of the situation. On 1 July, the ICC prosecutor stressed that the

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deliberate destruction of the shrines of Muslim saints in the city of Timbuktu might constitute a war crime. Earlier, on 24 April, as instances of killings, abductions, rapes and conscription of children were reported by several sources, Fatou Bensouda warned all actors about ICC jurisdiction over Rome Statute crimes committed in the territory of Mali or by Malian nationals.

Civil society

In the same way as the crisis in the country has polarised Malian political stakeholders, it has also polarised civil society organisations. Some CSOs, such as the National Council of Civil Society (*Conseil National de la Société Civile* or CNSC) have called on all Malians to transcend their political differences and work together to free Mali and support the Government of National Unity. However, other structures, such as the ADR, COPADEM, MP22 and RPDP, under the umbrella of the Coordination of Malian Patriotic Organisations (*Coordination des Organisations Patriotiques du Mali* or COPAM), have taken pro-junta positions.

Beyond the borders of Mali, the Senegalese Feminist Forum, on 4 July, expressed its full support for the Malian people and especially the women, who are woefully underrepresented in these critical moments of the country's political life.

Scenarios

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

Scenario 1

Consensus is reached on the government of national unity and the institutional architecture, which is effectively put in place with a commitment to implement the political roadmap for transition without the interference of the military junta. This would provide the Malian authorities with the opportunity to define the modalities of negotiations with northern armed groups as well as identifying the key actors concerned.

Scenario 2

Delays in restoring coherence to the political transition in Bamako could perpetuate the status quo while the security and humanitarian situation in the north continues to deteriorate. In such a case, citizens could lose confidence in their political and military leaders and independently decide to confront the Islamist groups. Such a development could result in generalised violence without a clear outcome and Mali might need to endure longer instability, detrimental to its democracy and socio-economic development agenda.

Scenario 3

While coherent political normalcy in Bamako is key for the restoration of state authority and the negotiation process, it is highly unlikely that all members of radical armed groups will accept the principle and the outcomes of mediation efforts. Members of the MUJAO and AQIM could show resistance, thereby warranting military intervention to liberate the northern regions. A military action or foreign military presence will also be necessary to protect key state institutions and personalities to allow for a successful completion of the transition.

Options

Option 1

The AU and ECOWAS should strive for a consolidated African position about the way forward for the resolution of the crisis in Mali in close collaboration with the Malian authorities and main developmental partners. The AU and the ECOWAS decision-making organs must maintain pressure on their respective commissions to follow up and implement important decisions taken towards the resolution of the institutional crisis, particularly regarding the restoration of state authority in Mali. Once an inclusive and representative Malian government is in place, it will be possible to identify modalities and actors for eventual negotiations, which should be supported by the AU, the ECOWAS, the UN, the EU, and other important players such as the US and France.

Option 2

In parallel with mediation efforts, the AU and ECOWAS, in collaboration with the Malian authorities, and with the support of the international community, should continue the detailed preparation of a contingency plan in case a regional or continental military intervention becomes necessary. Countries such as Algeria, Mauritania, Niger and Chad should also play an active role in the process. Moreover, the UN should grant the AU and ECOWAS the necessary mandate for an eventual use of force in case there is resistance towards the outcomes of the negotiated settlement.

Option 3

For the Malian army to fully play its role alone or along external troops, it needs to be reinforced. Rebuilding the capacity of the Malian armed and security forces through training and the provision of equipment should be a priority for the international community. The July announcement of the creation of an independent elite force is an important step towards guaranteeing the security of members of the transitional government. The AU and ECOWAS should support this initiative through the provision of training and the contribution of staff.

Documentation

Relevant AU Documents

Solemn Declaration on the Situation in Mali, 19th Ordinary Session of the Assembly of Heads of State and Government of the African Union, Addis Ababa, Ethiopia, 15-16 July 2012.

PSC/AHG/3(CCCXXVII) Report of the Chairperson of the Commission on the Evolution of the Situation in Mali, 327th PSC meeting at the level of

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Heads of State and Government, Addis Ababa, Ethiopia, 14 July 2012

PSC/AHG/COMM/1.(CCCXXVII), Communiqué of the 327th PSC meeting at the level of the heads of State and Government, Addis Ababa, Ethiopia, 14 July 2012.

PSC/PR/COMM(CCCXI), Communiqué of the 314th PSC meeting, Bamako, Mali 20 March 2012.

ECOWAS Documents

Final Communiqué of the 41rst ordinary session of the ECOWAS authority of Heads of state and Government, Yamoussoukro, Côte d'Ivoire, 28-29 June 2012.

UN Documents

Security Council Resolution 2056, July 5 2012.

OCHA, Mali, Complex Emergency, Situation Report No. 11, 11 July 2012,

Other Documents:

Human Rights Watch, Mali: Security Forces 'Disappear' 20, Torture Other, 25 July 2012.

International Crisis Group, Mali: Avoiding Escalation, Africa Report no189, 18 July 2012

Crime de guerre au Nord Mali, Association malienne de défense des droits de l'Homme (AMDH)-Fédération internationale de défense des droits de l'Homme (FIDH), 11 juillet 2012

Post-Election Analysis

LIBYA

Previous PSC and AU communiqués

The African Union (AU) has endorsed Libya's request to put on trial in Libya its own citizens charged with committing international crimes [Decision on the implementation of the decisions on the International Criminal Court (ICC) Doc. EX. CL/731(XXI) Assembly/AU/ Dec.419(XIX)]

AU/OAU Declaration on the Principles Governing Democratic Elections in Africa (AHG/Decl. 1 (XXXVIII) adopted by the Assembly of the African Union in July 2002, the AU Guidelines for Election Observation and Monitoring Missions.

Crisis escalation potential

Almost a year since the removal of Colonel Muammar Gaddafi, the country remains highly unstable. Profound divisions exist not only between the three regions of Cyrenaica, Fezzan and Tripolitania, but also among the numerous tribes who comprise the Libyan population.

The recent elections for a *Constituante,* which are intended to lead to a new Constitution, and the unexpected results, could be perceived as a positive sign. Against all predictions and concerns, the elections went smoothly. However, tension and instability can be expected to prevail in Libya for the near future. The continuing quest for revenge against pro-Gaddafi remnants of the population remains a major issue to be tackled.

Mahmud Jibril's National Forces Alliance (NFA) obtained 39 out of 80 reserved seats. In comparison, the Muslim Brotherhood, against all expectations, only obtained 17 seats. Jibril drew support because of his role in garnering international support for the rebels who fought against Gaddafi. He is also perceived as a unifying figurehead acceptable to both the pro- and anti-Gaddafi forces. There were also 120 independent candidates who took their places alongside the 80 party candidates who were elected to the 200-seat *Constituante*.

Key issues and internal dynamics

Since the fall of Gaddafi, Libya has faced many socio-political and economic challenges. Despite the recent elections, Tripoli's central authority will still face challenges by the many militia leaders who control their respective cities and urban strongholds. These militia leaders not only enjoy the support of their respective tribes but, during recent months, have also managed to stockpile ample quantities of arms to enable them to effectively impose their own authority in the areas they currently control.

The call by residents of Benghazi (Cyrenaica) for the establishment of an autonomous region will continue. This could be followed by similar demands emanating from the region of Fezzan. Such a situation can only weaken the central government, but if the demand for increased autonomy is sustained, it may also become a major impediment to the political and economic reconstruction of the country. It is important to recall that a strong historical distrust and animosity exists between Benghazi and Tripoli. Benghazi is known to be a city of dissent where opposition movements flourish.

Furthermore, despite 80% of all Libyan oil being located under their soil, Benghazi and the Cyrenaica region remain economically less developed and poorer than Tripolitania. This situation is explained by the deep neglect experienced by the region when it was a victim of Gaddafi's discriminatory practices. By seeking semi-autonomy for their region, Libya's eastern leaders therefore intend to prevent their economic and developmental deprivation

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from continuing. It is also for this very reason that Tripoli is likely to react strongly against any quest for regional autonomy emanating from either Cyrenaica or the Fezzan region.

Compounding the many difficulties facing Libya are the growing personal ambitions of those currently in charge of the country and regions within greater Libya for whom the unity of Libya may not be a priority.

It is important to underline that the ongoing power struggle which has erupted between Tripoli and Benghazi may not end soon. In the absence of a strong mutually acceptable agreement leading to a viable constitution, a tough political and perhaps military battle or schism may occur that will eventually decide the respective fates of Tripolitania, Cyrenaica, the Fezzan region and, ultimately, Libya.

Indeed, Benghazi's decision may encourage the Fezzan region to also demand autonomy. In the short to medium term this development could dramatically weaken Libya by placing the geographical integrity of the state at risk. A poll last February indicated that 16% of the Libyan population was prepared to resort to violence to achieve political ends. Not only is this poll alarming, but in the event of profound and growing disparities across the country many more Libyans might be prepared to regard violence as the perceived key to their improved social, political and economic gains.

It is estimated that 700 militias currently operate in Libya without being subject to any legal or constitutional authority in the belief that they are above the law. Most of these militias, who continue to harass the local Libyan population, have so far refused to be disbanded and are therefore a threat to national stability. With an unknown number of arms circulating across the country and thereby adding to the current instability of Libya, this lawless and volatile situation could well spill across borders to affect the entire region. All known arms and munitions that were shipped from Qatar and other Arab and European countries to the NTC in Benghazi, in the early days of the Libyan uprising for use against Gaddafi's forces, still present a real danger for both the Libyan population and the country as a whole.

In addition, the NTC has so far been somewhat incompetent in governing the country, a situation that has led to growing dissatisfaction by the general population. Furthermore, the failure of the NTC to govern effectively has led to human rights abuses and atrocities occurring across Libya as well as a failure to adequately and promptly address the need for political reforms. These developments are crucial to any useful understanding of the ongoing unstable situation in Libya.

Libya, more than any Arab country in North Africa, is a country where tribal cleavages and loyalties are ancestral and historical. One of the reasons Gaddafi managed to remain in power for more than forty years was due to his shrewd manipulation of the Libyan tribes. This is an important political consideration that the leader of the NTC appears to have neglected. Also, the future government and Constitution will have to take into account this strategic and political imperative in order to avoid future clashes and disagreements with the country's numerous tribal leaders. Clearly, individuals in Libya are more likely to be loyal to their fellow tribesmen than the representatives of any central government. The rebellion and civil war in Libya has sown further division in terms of respective tribal identities, which can only render difficult any attempt to create and sustain a strong Libyan nation. Following the fall of Gaddafi, most major Libyan cities now have their own TV stations and newspapers. Despite the smooth electoral process that took place recently, tensions will remain between tribes and regions. This condition may be explained by the fact that in the absence of national cohesion and consensus about the nature of government, elections can effectively serve to fuel conflict, as happened in Iraq following the new dominance of Shi'a Muslims; dominance that was subsequently violently rejected by the Sunni minority. Such a situation is rendered even more complicated in countries like Libya, where political influence and power is organised along tribal, ethnic, racial or sectarian grounds, and where weak or excluded communities begin to see themselves as effectively disenfranchised.

Additionally, divisions between pro-Gaddafi and anti-Gaddafi forces and communities remain deep. The inhabitants of Sirte, birthplace and former stronghold of Gaddafi, have been stigmatised by the rest of the population, who regard Sirte's inhabitants as pro-Gaddafi Libyans who benefited from their allegiance to Gaddafi during his long political reign. Furthermore, the level of destruction waged on this city is immense. Thirst for revenge against anti-Gaddafi militias remains strong among the general population who perceive the former as opportunists, thieves and gangsters.

The fate of Saif-Al-Islam is also worrisome. Gaddafi's son and former heir apparent waits to be judged. In addition, he waits to be handed over to the national judicial authorities. Indeed, Saif-Al-Islam, since his capture last year, remains in the custody of the local authorities of Zintan, who appear to be negotiating fiercely with the government of Tripoli to maintain their control over his fate. The jailing of some Libyans indicted by the International Criminal Court (ICC) together with Libyans accused of subversive collaboration with the remnants of the former regime, is a clear indication of how local leaders and militias across Libya intend to govern their respective regions.

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Taking advantage of the country's instability, illegal trade is taking place in Libya. Black markets are flourishing, especially on the eastern border with Egypt and western border with Tunisia. The impact on the national economy of growing trafficking in contraband has yet to be assessed. However, it is undeniable that if such trafficking persists, it will have a dramatic and negative effect on the Libyan national economy. Already, clashes between different tribes and groups have occurred as a result of their attempts to control this illegal, but lucrative, economic niche.

Nearly a year since the fall of Gaddafi, arms continue to circulate across the country with alarming ease. Kalashnikovs, Russian anti-aircraft guns and other arms are easily accessible to anyone who wants to buy them. There is an urgent need to disarm the population of illegal weapons in order to bring stability to the country.

Geo-political dynamics

Libya's territorial stability and integrity is at a high risk. There remain strong disparities among the population, political, economic and social, which could lead to serious armed clashes in the near future.

NATO's intervention in Libya has had major repercussions for the region. The current crisis in Mali is a direct result of the instability of Libya. Since the fall of Gaddafi, arms have easily been disseminated across the country and the Sahel region, providing more ammunition for terrorist groups such as Al Qaeda in the Islamic Maghreb (AQIM). Moreover, members of the Ansar Dine rebel group or the National Movement for the Liberation of the Azawad (MNLA) are former soldiers of the Gaddafi regime. In addition, those migrants who previously lived in Libya and fled the country in the wake of Gaddafi's defeat, have now returned to Mali to find themselves jobless, adding even greater strain to the debilitated Malian economy.

The question of migrants and refugees is another complex problem to be urgently tackled by the Libyan government. Many of Libya's internally displaced migrants have yet to return to their homes in other parts of Libya. In June 2012, there were nine refugee camps in Benghazi, fourteen in Tripoli and four in Taourgha, East of Tripoli. Prior to its bombing in August 2011, Taourgha was a city of 40 000 people. Since then, the entire population has been displaced across the country and few former inhabitants, if any, have returned to that city yet.

Africa and RECs

The African Union Commission (AUC) welcomed the successful conduct of the 7 July 2012 elections in Libya to elect a General National Congress as part of the transition process towards democratic and accountable institutions. The AUC commended the people and Government of Libya for this great achievement and milestone. The AUC stressed that the peaceful conduct of the elections and the high voter turnout were testimony to the commitment of the Libyan people and political stakeholders to pluralism and democracy. The AUC encouraged Libyans to stay the course in order to successfully complete the ongoing transition and address all related challenges. The AUC renewed its continued support of Libya, mindful that a democratic and stable Libya would be a tremendous asset for the entire African continent.

As part of the AU's support for the transition in Libya, and in response to the invitation extended by the Libyan High National Electoral Commission, the former Chairperson of the Commission, Dr Jean Ping, dispatched an Election Observer Mission to Libya on 4 July 2012. The Mission was led by Essam Sharaf, former Prime Minister of the Arab Republic of Egypt, and comprised 35 members drawn from the Pan African Parliament, African Ambassadors to the AU in Addis Ababa, election management bodies and a variety of African civil society organisations.

The European Union (EU) stated that it was necessary to boost the Maghreb Arab Union (UMA) as it was a prerequisite to reinforcing the region and its economic growth. Poor and low intra-Maghreb trading relations have tended to hobble the region's economic growth. The potential for collaboration and cooperation is huge in the Maghreb. The president of the EU Parliament, Martin Schultz, underlined the efforts made by the Maghreb countries to revive the UMA.

United Nations

Ian Martin, the top United Nations envoy in Libya, said that the country's elections were an 'extraordinary achievement' and praised electoral authorities for organising them efficiently. He however highlighted challenges ahead that the incoming government will face, and more precisely, those related to the building of security institutions. Martin also cautioned that the election euphoria should not hide the enormous challenges that still lie ahead in Libya.

The UN Special Envoy to Libya stressed the fact that the African Union, European Union, and Carter Centre, which fielded election observers, had all made positive preliminary statements praising Libya's High National Election Commission, not just for its transparency, but for its flexibility given some of the security threats in eastern parts of the country.

International Community

The Arab League, which deployed an election team for 7 July, delivered a positive assessment. For the Arab League, the elections of the Libyan National Congress took place in accordance with international standards in an atmosphere of credibility, transparency and integrity, which

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allowed the Libyans to exercise their right to choose their candidates without hindrance or pressure.

The Arab League deployed a team headed by Ambassador Mohammed Khamlish, assistant secretary general of the League, along with 15 other observing members from nine different Arab countries. The team was spread across six of the 13 constituencies and was present in 140 polling stations.

Civil society

The future of Libya remains uncertain. Despite the encouraging electoral results, the political and geographical stability of the country is a continuing preoccupation for observers and decision makers alike. The country is becoming fragmented into numerous and different entities more inclined to pay allegiance to respective individual tribes than any central government authority. Moreover, militia leaders who refuse to lay down their arms can be expected to retain strong political influence at the regional levels. Consequently, such leaders will likely have more *de facto* power in their respective regions than any elected deputies in Parliament. This situation will undeniably result in further instability, whereby neither the peacemakers nor the promoters of internal violence will prevail. Such a situation could also facilitate increased lawlessness in the form of petty crime and trafficking in arms, narcotics and people across the country and the region which would surely worsen the socio-economic conditions of the Libyan population.

Although the call by Benghazi in March 2011 for regional autonomy and administrative independence was followed by a communiqué indicating that neither independence nor separation were on the agenda of local leaders, there remain legitimate concerns for the future territorial integrity of Libya. A large fringe of the Cyrenaican population is dissatisfied with the current situation and intends to pursue a return to the old days of federalism. The election results and the allocation of seats, which facilitated the *de facto* domination of Parliament by Tripolitania, can only exacerbate tensions between both regions. Furthermore, in this bilateral dispute, the Fezzan region may sooner or later also claim its share of the national wealth, which would only worsen the already complicated geo-political dynamic of the country.

Libya's transition has been assisted to a large extent by the fact that the new leaders in Tripoli have not had to dismantle the kind of strong state apparatus that generally made the transition in Egypt so difficult, where entrenched interests have sought to preserve their power, immunity and financial assets. However, and despite positive signs arising from the recent Libyan elections, the situation in the country is far from stable. It will take a great amount of patience, wisdom and political maneuvering for Libya to avoid or resist being divided or following the path of Iraq, where extreme instability and regular killings continue to take place. With a weak central government, strong regional feelings and competing armed militias, Libya is undoubtedly in the midst of a very delicate transition.

Scenarios

The high turnout for the July elections can be perceived as a positive sign towards some normality. However, Libya remains unstable and deep discrepancies prevail between the different regions and the population.

Scenario 1

Libya will for many months remain caught in a 'no war, no peace' situation of uncertainty and instability.

Scenario 2

Strong demands from tribal leaders to gain more influence in regional and local decision-taking, which overpower the central government of Tripoli. This could lead to further clashes and divisions across the country.

Scenario 3

The numerous armed militias refuse to lay down their arms, which could result in further divisions, but also lead to exactions against the pro-Gaddafi population.

Options

Given the above scenarios, the following options could be considered by the PSC to consolidate democracy in Libya.

Option 1

The PSC could encourage the Libyan authorities to work toward a unified Libya and engage in a thorough dialogue with tribal leaders.

Option 2

The AU should prolong the appointment of Mondher Rezgui as Special Representative and Head of the AU Liaison Office in Libya, who is currently resident in Tripoli.

The AU Peace and Security Council (PSC), at its 297th meeting held on 20 October 2011, authorised the opening of a Liaison office in Tripoli. In conformity with all the decisions of the relevant organs of the African Union, the mandate of the Office is to support the efforts to stabilise the situation, promote national reconciliation and facilitate the transitional process towards democratic institutions, in cooperation with the United Nations and the other international partners.

Option 3

The African Union should renew its efforts in support of the transitional process in Libya and the strengthening of relations between Libya and the rest of the continent, in particular with neighbouring countries. The AU may also clearly indicate that a new era is beginning in its relations with Tripoli.

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Country Analysis

ANGOLA

Previous PSC and AU communiqués

At its 191st meeting held on 5 June 2009, the Peace and Security Council of the AU received the report, PSC/PR/2(CXCI), of the Panel of the Wise (PoW) on consolidating the role of the AU in the prevention, management and resolution of violent conflicts and election-related disputes in Africa. The report envisaged strategic intervention by the PoW at pre-voting and post-voting stages of the electoral process to prevent or resolve election-related disputes. In particular, it stated that 'in fragile and volatile situations acting at the behest of the Peace and Security Council … the Panel … could propose measures to preempt the escalation of conflict.'

Following its 311th meeting held on 16 February 2012 about elections in Africa and the implementation of the report of the PoW, the PSC issued a press statement, PSC/PR/BR(CCCXI) in which the PSC 'agreed to hold, every two months, a session to review the electoral processes on the Continent.' This statement underscores the particular attention the PSC gives to election related crises.

Crisis escalation potential

Three recent developments threaten stability in Angola and if left unattended or mismanaged can pose a serious threat to peace and security in the country. These relate to the recent protests staged by ex-combatants in the capital Luanda (since June 2012); the growing wave of protests by the youth and opposition party members calling for reform (since March 2011); and the general risk that national elections pose in a post-conflict country that remains highly divided.

Angola will hold its second post-conflict national elections on 31 August. The previous elections in 2008 saw the ruling Popular Movement for the Liberation of Angola (MPLA) (*Movimento Popular de Libetação de Angola*) secure a crushing victory of 82% over the opposition, rendering large political parties a residual force unable to influence change and reform in the country. In 2010 the constitution was changed to remove the need for presidential polls and instead enabled the leader of the party with the largest amount of votes to become the next Head of State.

There was resistance to this change within the ruling party and in Parliament. Protests between MPLA supporters of the National Union for the Total Independence of Angola (UNITA) (*União Nacional para a Independência Total de Angola*), the main opposition party, have occurred throughout the year with several casualties being reported. This is a worrying trend given the lack of reconciliation between communities after the war and the continued sense of disenfranchisement and marginalisation of large segments of the population, in particular UNITA's sense of humiliation following its military defeat in 2002. In mid-May 2012 UNITA held nation-wide protests that saw hundreds of thousands of protestors take to the streets demanding free and fair elections, and by consequence democratic change. While these protests were peaceful and the state security apparatus did not interfere, the result of such an unprecedented rally of opposition voices challenging the governing MPLA has led to increased repression. These protests/rallies also point to a new trend of mass mobilisation and a level of organisation within the opposition that was absent in the past.

There has been a substantial increase in repression by state security forces in an attempt to crack down on protests held by civil society, youths, ex-combatants and members of the opposition. Beatings, kidnappings, arbitrary arrests, torture, disappearances, and the use of militias to instil fear and intimidate protesters are becoming common phenomena in Angola as reported by Human Rights Watch and Amnesty International over the last few months. Since early 2012, members of civil society, the opposition, and youth groups have been attacked in their homes, kidnapped and intimidated, and have faced serious harassment by the police or unofficially by groups linked to the government (militias and information services agents).

The opposition, but in particular UNITA, the Social Renewal Party (PRS) (*Partido de Renovação Social*) and the National Front for the Liberation of Angola (FNLA) (*Frente Nacional para a Libertação de Angola*), have in a unified stance fought measures to influence the electoral process in a manner that guarantees its transparency and integrity. This campaign began by contesting the appointment of the head of the National Electoral Commission, which resulted in court actions, but also nationwide mass protests, on the grounds that the appointment was illegal and biased. Opposition parties and civil society organisations in Angola have never previously been as vocally opposed as they are now to government measures or actions that might hinder the democratic process. They seem determined to mobilise on the streets to ensure that the fraudulent and irregular practices of the 1992 and 2008 elections are not repeated. It must be noted that the flawed 1992 elections led to the resumption of conflict that saw a rise in ethnic- related violence. Although the 2008 polls were peaceful, the opposition initially cried foul, but decided to accept the results to safeguard peace and stability in the country. The leaders of the various opposition parties have already stated clearly that this consensual stance will be abandoned if there is evidence of widespread rigging and other

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fraudulent practices. Consequently, the probability of post-electoral violence could be quite high.

The opposition has also pointed to various illegalities and infringements that both the Constitutional Court and the Electoral Commission have made. These include allowing 'advanced voting' that would see the armed forces, the police and other segments of the population vote before the official opening of the polls. The opposition also points to the lack of transparency in the process, given that the electoral register (compiled by the Ministry of Territorial Administration) has not been audited, that the electoral lists are yet to be published, and that the same ballot printing company *I*ndra (which participated in the 2008 elections) has been hired. Indra is a Spanish company suspected of having been complicit in fabricating the 2008 result that gave the MPLA an overwhelming majority. The company also stands accused by UNITA of having supplied the government in 2008 with 26 million ballots instead of the required 10 million, following an investigation launched by the opposition party into how the 2008 elections were rigged. An additional statistic has emerged that is causing apprehension within the opposition: since the last elections (when there were 8.3 million voters) the electoral register has increased by 11 457 671 voters, causing the total number of Angolans registered to vote in these elections to exceed 9.7 million voters.

Key issues and internal dynamics

Emerging from a highly destructive civil war that lasted decades and only ended in 2002, Angola has experienced significant economic achievements and managed to hold post-conflict elections, for only the second time since independence, in 2008. The ruling MPLA has gone to great lengths to secure its unchallenged rule and until early 2011 was successful in determining the path and timing of reforms. In 2011, youthful protestors connected to the ruling political elite began demanding more reforms and better government. The pressure that these protests brought to bear on the MPLA and the Presidency only became politically consequential months later, as popular discontent increased and opposition parties began mobilising on the streets. Protests were unheard of in Angola for many years after the 1977 incident that saw tens of thousands being killed by the security forces, and since fear of government reprisals made popular protests and rebellion more dangerous for ordinary Angolans. However, the actions of young Angolans in 2011 signified a new era of protest that has since spread to other dissatisfied segments of the population.

In early June, thousands of demobilized soldiers, belonging to the armed wings of the MPLA, UNITA and FNLA, began to march on the Presidential palace, demanding the immediate payment of their arrears retirement packages. They were stopped by Angolan soldiers, but solidarity with the cause of these demobilised forces now threatens to divide one of the key pillars of stability in the country and a crucially important source of regime security: the Angolan Armed Forces (FAA) (*Forças Armadas Angolanas*). The Presidential Guard has been ordered to shoot future protestors although it is unclear what the reaction of the Angolan people would be if some of these protesting former soldiers were to be killed. The situation is very dangerous and can easily escalate, given the large number of small arms in the hands of civilians and the fact that the country has over 200 000 ex-combatants that have never been properly reintegrated into civil or military society. In addition, dissatisfaction among other demobilised groups, such as former members of the Presidential guard and SINSE (*Serviço de Inteligência e Segurança de Estado de Angola*) information services, is also beginning to emerge in the form of protests.

On 31 August voters will indirectly elect the President and Vice-president of the Republic of Angola, as well as legislators in the parliamentary race for the 220 seats of the National Assembly. In these elections only nine parties and electoral coalitions were cleared by the Constitutional Court to participate, sidelining three important political forces, an FNLA faction, the Democracy and Progress Party-National Alliance for Angola (PDP-ANA) and the Democratic Bloc (BD), that will now probably be disbanded for failing to participate in two consecutive polls (as stipulated in the new Electoral Law). If the nine parties contesting these elections, MPLA, UNITA, PRS, FNLA, ND, CPO, FUMA, PAPOD and the newly formed CASA-CE, fail to secure 0,5% of the vote they too will have to be dissolved. The emergence of the new political coalition, CASA-CE (Broad Consensus for National Salvation), led by former UNITA senior member, Abel Chivukuvuku, is also causing some tensions among the other political forces. The formation of CASA has already resulted in defections of key political figures within the MPLA and UNITA. CASA-CE is expected to pose an electoral threat, particularly in the capital of Luanda and some UNITA constituencies. However, the two main contenders in these elections will continue to be the MPLA and UNITA, although it is expected that the more unified and organised opposition will be able to mount serious electoral challenges in several provinces, including the PRS's stronghold among the Chokwe populations in the diamond areas of Lunda Norte and Lunda-Sul; the FNLA Bakongo-dominated provinces of Uige, Zaire and Cabinda; and UNITA's traditional Ovimbundu areas, which comprise the provinces of Huambo, Bie,

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Benguela and Moxico. This means that if there is a transparent process, eight of the eighteen provinces in Angola, if not more, could be won by other opposition parties.

The President has also managed to create dissatisfaction within segments of his party by nominating, as the second name and future Vice-President on the party list, former Sonangol CEO, Manuel Vicente, who does not possess the kind of party credentials demanded by the core MPLA group and is mired in controversy over allegations of corruption. The consequent sidelining of the current Vice-President, Fernando Dias dos Santos, 'Nandó', could cause problems for the President as the Vice President retains the loyalty of the police and is a political heavyweight within the MPLA party. Continued ostracisation and marginalisation of influential party members by the President can only lead to further dissent, and create another probable source of instability that the President will need to address.

Geopolitical dynamics

Africa and RECS

The AU and SADC are expected to send electoral observation missions, although no long-term observers have been dispatched to the country. No communiqués have emerged regarding these missions and no mention was made in the Heads of State SADC extraordinary summit in Angola on 1 June 2012. Although the SADC Electoral Advisory Council (SEAC) inaugurated last year was mandated to advise member states on the advancement of democracy and elections, it has not made any pronouncement on the upcoming elections despite the fact that Angola currently chairs the regional body.

International Community

The European Union has stated it will not send an observation mission to Angola, a decision announced by the President of the EU Commission, Manuel Barroso, a decision that was met with some dissatisfaction by some member states. The EU will however send logistical support and contribute funds to the process, a position the United Nations has also taken. The CPLP (Community of Portuguese Speaking Countries) has however announced that it will send a mission to observe the polls, though it is unclear when the mission will actually arrive in the country. The National Democratic Institute (NDI) recently stated that the US had also withdrawn its intention to send observers, pointing to the fact that the delay in appointing the new head of the Electoral Commission had caused inconvenience and hindered preparations for the mission. This means that key international electoral observation missions will not be present for the polls when they are most needed, despite rising tensions in Angola.

Civil Society

Civil society has become very vocal in calling for free and fair elections and has shown concern over the recent violence against activists. Issuing public statements, several civil society organisations have denounced the lack of transparency in the run-up to the elections and have requested that these polls be postponed until all the irregularities are overcome.

Scenarios

Scenario 1

The MPLA wins with a reduced margin and the opposition accepts the results. This could see entire provinces fall under the opposition and as such warrant local elections in a much more pressing manner to determine the composition of the local administration and counter the possibility of the president continuing to select the Governors. In this scenario the opposition would win key provinces and see their seats increase in Parliament, although the race for Luanda would be problematic and contentious. All this occurs also because the rifts within the MPLA widen and there is serious division among the members of the Politburo and Central Committee; in addition the military may express an opinion on certain matters and as a result become an additional pressure point.

Scenario 2

The ruling party replicates or even enhances its result of 2008 (securing this time over 82%) through a clearly opaque and fraudulent process. The opposition cries foul and demands a re-run and the international community has difficulty in pressing the government to hold another election within 30 days. Protests erupt in several provinces but are quickly silenced by the police force and information services that have greater authority to break up public gatherings, imprison without access to representation, and make key elements 'disappear'. Militias are also used to intimidate and threaten particular groups that could pose threats. The country enters a difficult phase and repression increases.

Scenario 3

The election occurs with some problems but is declared valid by all sides after intense negotiations between the main opposition parties and the President – this occurs as the results are being counted and there are serious delays in bringing out the final tally. CASA-CE, the greatest threat to the MPLA, is completely marginalised in this process – a situation that also suits UNITA, and other parties are made redundant. PRS participates in the talks but all the other opposition parties are clear stooges and instruments of the MPLA. Patronage is extended beyond the Presidency and Executive and promises of reform are secured by the opposition. The country remains calm yet tense and there is general disappointment by key

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constituencies that the opposition has sold out to the MPLA. Other parties like the BD, PP and PDP-ANA are dissolved and the political space for the opposition shrinks.

Options

Option 1

As part of the implementation of the Report of the Panel of the Wise and its decision to review the electoral processes of member states, the AU PSC could review the conditions for the upcoming elections in Angola and request the AU Commission to deploy a large independent and capable electoral observation mission to begin a pre and post- electoral assessment and mobilise to enter the country in the coming weeks.

Option 2

The PSC could issue a press statement stating that only free and fair elections will be accepted in Angola and that any concern raised by the opposition, civil society, and electoral observers will be considered and investigated through independent mechanisms.

Option 3

The PSC could request the PoW to undertake a visit to Angola to hold consultations with all relevant stakeholders on the conditions for holding of a free and fair election and recommend ways of addressing issues that may unduly affect the elections.

Country Analysis

SOMALIA

Previous PSC and AU Communiqués

In its communiqué of 5 January 2012, the PSC endorsed the jointly elaborated AU-UN Strategic Concept for future AMISOM operations in Somalia. This Strategic Concept had been recommended a day earlier by the Ministers of Defence of the Troop Contributing Countries (TCCs) to AMISOM and other interested countries and its aim was to strengthen AMISOM both in terms of troop numbers and the support package to enhance the Force's effectiveness. The PSC also welcomed the progress made in the constitution-making process, in the context of the Roadmap for Ending the Transition in Somalia. This progress was also acknowledged by the Special Representative of the Chairperson of the African Union Commission for Somalia, Ambassador Boubacar Gaoussou Diarra. In his Statement to the 21st meeting of the International Contact Group (ICG) for Somalia (ICG-S) in Djibouti (held between 5-6 February 2012), the Ambassador expressed concern at the crisis in the Transitional Federal Parliament (TFG) which he said threatened to reverse the military progress realised by TFG, AMISOM and regional forces. He called for support from the United Nations and the rest of the international community to ensure the implementation of the Strategic Concept for AMISOM, particularly the provision of force enablers and multipliers, logistical support and other critical requirements. The Chairperson of the African Union Commission (AUC), Jean Ping, expressed similar sentiments in his statement of 11 February 2012, when he reiterated the AU's appeal for a greater mobilization and support for AMISOM on the basis of the new strategic concept.

On 2 June 2012, the Commissioner for Peace and Security, Ambassador Ramtane Lamamra, on behalf of the AU, commended the Government of Kenya for its continued support to the AU and, in particular, for contributing troops and resources to AMISOM. This was at the signing of the Memorandum of Understanding (MoU) between the AUC and the Government of the Republic of Kenya in Addis Ababa at which Commissioner Lamamra highlighted developments in the implementation of the Strategic Concept for AMISOM operations. He also elaborated on the United Nations Security Council Resolution 2036 (2012) of 22 February 2012 that expanded AMISOM's Support Package and the outcomes of the London and anticipated Istanbul Conferences on Somalia. He noted that such developments were promising testimony to the ever-growing support of the international community in favour of a peaceful, stable, democratic and prosperous Somalia.

Crisis escalation potential

Al-Shabaab's fortunes have continued to dwindle after losing control of the capital Mogadishu and parts of southern Somalia. Losing territory, especially, strategic towns, has meant that al Shabaab faces reduced sources of income from taxes and other forms of imposed contributions. It has also weakened the group's propaganda rhetoric about external forces (AMISOM) going into Somalia allegedly to harm its people and religion. However, an anticipated key test for AMISOM is the anticipated offensive on Kismaayo's port city, the militant group's only remaining stronghold. With indications that al Shabaab fighters have re-grouped around this city and are vowing to defend it at all costs, AMISOM could be faced with a difficult urban warfare operation, especially if al Shabaab resorts to its hit-and-run tactics. There are, however, other reports that some of the group's fighters have fled from Kisimayo northwards towards Puntland fearing an imminent

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attack by AMISOM forces. Nonetheless, al Shabaab, still retains the capability to escalate its asymmetric warfare in liberated areas within Somalia and neighbouring countries.

Current political and security challenges in Somalia are not likely to end with the expiry of the TFG's mandate on 20 August 2012. Aside from localised conflicts between AMISOM and TFG forces and the extremist group, al Shabaab who still control some territory and resources in southern and central Somalia, there is a latent danger from spoilers and sections of the Somali political leadership who, for selfish interests, are said to have hijacked the transition process and are bent on retaining power. There are also individuals and groups who have benefited economically from the lawlessness and who are likely to resist an effective and legitimate national authority. Indeed, Somalia's problems have, for some time now, been caused by the political and commercial 'elite' that often undermines peace building processes for its own purposes. With the TFG accused of pervasive corruption, it is unlikely that these individuals will relinquish power, unless the transition process is in their favour. Indeed, the Roadmap for Ending the Transition has been delayed on various occasions, often due to disputes among the signatories and stakeholders, such as objections by traditional leaders over the question of interest. One area of dispute has revolved around the demand by Elders for an official role in the new government. They argued at some point that unless they could be assigned that role, they would emasculate the selection of the National Constituency Assembly (NCA). Such disputes could easily become more pronounced in the context of a Presidential election, thus risking the possibility of renewed conflict and a revival of the fortunes of al Shabaab or other extremist groups.

For Somalia, there are also competing interests at play that are likely to continue exerting diverse effects on Somalia. There is also the influence of neighbouring countries and external actors who have security related concerns or geopolitical objectives. These concerns and competing interests, unless contained, could easily threaten the smooth running of the transition and post transition regime especially if these actors have ambitions to influence the transition outcome.

On the humanitarian front, the adverse impact of the 2011 famine continues to be felt in various parts of Somalia. This situation could worsen should there be renewed conflict in the country. Overall, Somalia's immediate and medium term future remains unpredictable. It subsumes complex internal, regional and international dimensions, including aspects of piracy, extremism and terrorism. Ultimately, however, promoting stability and peace may mean that the post-transition government succeeds in balancing the need for inclusiveness vis-a-vis ideological affiliations and related sensitivities.

Key issues and internal dynamics

Among the Roadmap's key requirements for Ending the Transition is the adoption of the new constitution and the election of parliamentary representatives and the president. For some time now, this process has been plagued by disagreements and delays with the Somali traditional elders only approving the draft constitution in mid-July. This new law is expected to be ratified by the NCA, which convened at the end of July 2012. A national plebiscite is expected after the formation of the new government with the intention of rendering the Constitution permanent.

While the selection of delegates for the NCA, which comprises 825 members mandated to vote on the proposed constitution, is complete, the transition process, including the selection of members of Parliament and the election of the President by 20 August 2012, remains precarious. Despite the optimistic view that the transition will end on schedule, Somalia remains a deeply divided society with continuing disagreement about constitutional issues such as federalism and the relationship between the state, religion (Islam) and clan identities. There are those who contest various provisions of the constitution including the process, which they criticise as not being sufficiently inclusive. However, the UN Political Office for Somalia (UNPOS) and the TFG have been promoting this constitution to avoid the possibility of a political vacuum after 20 August when the TFG's mandate expires. Some of the contested issues, if not well handled, could have a direct knock-on effect and negative ramifications for the post-transition constitutional era.

As observed earlier, there remain security-related challenges, including threats to delegates and other participants elected to the NCA, given al Shabaab 's ability to strike in Mogadishu itself. There are also many armed groups throughout Somalia, which have not been included in the dialogue or Roadmap process. All these challenges increase the stakes and undermine the prospects for a smooth power transfer.

The post-transition government is likely to face legitimacy challenges, particularly if the current TFG leadership succeeds in capitalising on the expectation that the incumbency could remain in power. The TFG has largely been quite unresponsive to people's needs during its term in office (regardless of the related structural challenges) and is widely accused of abetting corruption with many Somalis seeing it as part of Somalia's problem. It is because of corruption-related accusations that a new government composed of sections of the current TFG leadership could find it difficult to enjoy international goodwill. The

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skepticism is even more compounded by the fact that the new government will be expected to turn around institutions and spread the government's presence across the country, something the TFG has failed to do while in office. The fact that the Somali Security Forces are currently inadequate, both in terms of human and resource capacities, means that the new regime will not solely depend on them to guarantee the security of the country in the immediate post transition era. Given the danger of a possible re-emergence of warlordism, should the new government not move fast enough to consolidate its presence across the country, AMISOM's mandate, which expires in December 2012, will probably have to be renewed to assist the new regime with pre-emptive defence measures and actions.

Despite the inadequacies of the TFG, its main adversary, the extremist group al Shabaab has suffered dramatic losses recently and is currently weaker than ever before. The international community will need to seize the opportunity by showing a sense of anticipation and proactiveness in giving the post transition government sufficient support, especially in terms of capacity building and resources needs commensurate with the country's challenges. In other words, the main challenge for Somalia may be to ensure that the post transition government is effective

Meanwhile, on 23 July, Somaliland's deputy education minister, Ali Hamud Jibril, reiterated what has been known publicly for some time, that Somaliland desires to be an independent state and does not intend to initiate negotiations or advocate compromise with Somalia over its independence.

Geo-political dynamics

Africa and RECs

Among the RECs that have been quite proactive on the Somalia issue are the Intergovernmental Authority on Development (IGAD) and also the East African Community (EAC). In January 2012, the Council of Ministers of IGAD not only welcomed the progress made on the Roadmap, but also underscored the gains made against al Shabaab. IGAD condemned 'negative elements and spoilers' of the peace process, specifically, the members of parliament that decided to nominate a new Speaker of Parliament, something the IGAD Council of Ministers said was not only illegal, but also undermined the implementation of the Kampala Accord of June 2011 and the political road map of September 2011. The Council of Ministers recommended strong action against those bent on undermining the peace and reconciliation process.

The EAC, on the other hand, joined the International Contact Group (ICG) on Somalia on 9 February in Djibouti to discuss modalities for the peaceful end of the Transitional Federal Government (TFG). It discussed issues of reconciliation, extension of state authority and stabilisation in the newly recovered areas as well as ways of recovering areas that are still controlled by al Shabaab and other warlords. The EAC Deputy Secretary General in charge of Political Federation, Beatrice Kiraso, emphasised the need for local ownership in the area of reconciliation. At its 10th Extraordinary Summit of Heads of State, the EAC also issued a Communiqué that, among other acknowledgements, welcomed the London conference of February 2012 on Somalia and commended AMISOM for working with the TFG to restore a semblance of peace to large areas of Somalia.

The AU report of 20 March (S/2012/176) detailed AMISOM's current strength and future deployment plans, and the progress made in implementing Resolution 2036 (2012). The report pointed out that a key benchmark was met with the establishment of the Military Operations Coordination Committee.

United Nations

On 1 May 2012, the UN, AU and IGAD issued a joint statement, invoking Security Council Resolution 1844 (2008), and warning those who wanted to obstruct peace and progress in Somalia of 'specific measures and restrictions'. Then on 19 July the UN Security Council held consultations on Somalia at which the chair of the Sanctions Committee, Ambassador Hardeep Singh Puri of India, presented two reports by the UN Monitoring Group on Eritrea and Somalia. The report on Somalia detailed rampant corruption within the TFG and contained recommendations regarding the establishment of a Joint Financial Management Board (JFMB), among other recommendations. This issue was to be raised with Somali representatives during meetings with the UN Sanctions Committee towards the end of July. On 24 July the UN Security Council welcomed developments including the selection of the 825 members of the NCA. However, it also expressed serious concern over missed deadlines and reiterated that the transition had to end on 20 August 2012.

International community

The 21st meeting of the ICG on Somalia, held on 5-6 February 2012 in Djibouti, emphasised the need for an enhanced AMISOM capability to seize the opportunity to improve the security situation and for the TFG to extend its authority and reach out to the population of Somalia in newly recovered areas. The Group acknowledged that this would require adequate, sustainable and predictable funding, including funds for an expanded logistical support package, and called for 'uncaveated contributions to the AMISOM Trust Fund, including from potential new donors, and for additional troop contributors'. The Group observed that there was a need to 'converge both bottom-up (i.e. community-led) and top-down

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(TFG-facilitated) processes' in order to politically occupy the territorial space left by al Shabaab.

The Communique emanating from the London Conference of February 2012, expressed hope that a new era of Somali politics, supported by the international community, would bring peace to Somalia. The Second Istanbul Conference on Somalia, that took place on 31 May and 1 June 2012 also emphasised the need for all Somalis to contribute towards a new phase of peace building with the election of a new government in August 2012. The Conference commended the UN, the AU, IGAD, the EAC, the EU, the OIC and League of Arab States, and other bilateral partners for their continued efforts to stabilise Somalia.

Civil society

Over 120 leaders representing Somali civil society gathered at the Imperial Beach Resort Hotel in Entebbe, Uganda, from 23-27 March 2012, among other purposes to strategise on uniting Somali civil society in contributing toward Somali dialogue and the development of a Transition Roadmap. The group also aimed at creating a forum through which Somalia's civic actors and organisations could contribute to guiding nominations and the selection of members to join three roadmap institutions: a) the Interim Independent Electoral Commission; b) the NCA; and c) the New Federal Parliament. The group emphasised the issue of the accountability of the political leadership and urged signatories to use the Transition Roadmap to strengthen civil society capacities and the resources required for transitional tasks.

Civil society groups, consisting of Somalia's traditional elders, religious scholars, academics, organised polities, activists, women, youth, business people and diaspora representatives, met on 31 May 2012 in Istanbul, Turkey, at a conference convened by the Turkish Government to discuss a wide range of issues concerning Somalia, including security, the constitution, economic reconstruction, social development, transitional justice and reconciliation. Their resultant resolutions emphasised the need to establish an inclusive and effective national security force, the development of an effective, transparent, mutually accountable, and coordinated foreign aid policy to reduce Somalia's dependency, and the assurance of a vital role in the reconciliation process for traditional elders, the abolition of the 4.5 clan formula in selecting participants for political processes in Somalia and the eventual replacement of the 4.5 formula by a one person one vote system. They insisted that the transition had to end on 20 August 2012 and needed to be replaced by a durable and democratic state that was based on Islam.

Scenarios

Scenario 1

Ideally, the transition process in Somalia runs smoothly and a new regime is installed in office on 20 August. With the support of the international community and military support from AMISOM, the new government consolidates power and maintains peace. The government becomes more inclusive and representative and provides services to the people, thereby undermining the motivation for insurgency and the power of the warlords. In this case, the post-transition government immediately crafts a legitimate and viable strategy that reforms the functioning of institutions and transforms Somali society politically, socially, and economically.

Scenario 2

The transition process is either not accomplished fully or is undermined by political fall-out leading to another round of renewed anarchy and civil war perpetrated by defeated politicians, groups such as al Shabaab and self-proclaimed administrations across the country. In other words, the transition worsens Somalia's situation.

Scenario 3

More realistically amid existing habitual obstacles, the transition process endures with international support and pressure. A new regime is installed on 20 August, comprising a mixture of the current political elite and a few new faces. The new regime is not totally acceptable across Somalia, but assumes office amidst the existing state of political and security affairs. There is no new insurgency because Somalis are tired of the war of attrition and the new government, with the support of AMISOM, takes time to assert its presence even in liberated areas. It faces significant challenges in establishing a unitary security structure because of a lack of resources and the presence of enemy militia groups such as Ahlu Sunnah Wal Jama'ah (ASWJ), the Ras Kamboni, Azania, and others, some of which are better militarily equipped than the national security apparatus.

Options

Option 1

The PSC should request the AU to call on IGAD, the Somali ICG and the international community to demonstrate a sense of positive anticipation and pro-activeness, evaluate possible strengths and weaknesses, opportunities and risks supporting or threatening the transition and post-transition period, in order to consolidate the achievements realised and to provide the new regime with sufficient support, especially in terms of capacity building and the building of political and institutional structures that promote national reconstruction.

Option 2

The PSC should urge Somalis and possible losers from the transition process to exercise restraint. It should also caution the new regime

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against the vices of the TFG and urge it not to focus more on military solutions than the need to seek to extend its political presence and service delivery.

Option 3

The PSC should ask the AU Commission to liaise with Somali partners to promote humanitarian and quick impact projects in order to secure the stabilization process and help rebuild the economy of Somalia.

OPEN PAGE:

SINO-AFRICAN PARTNERSHIP ON PEACE AND SECURITY

In a press release dated 23 December 2011 the African Union Commission announced that it had signed an agreement with the Chinese government to support the AU Mission in Somalia (AMISOM). The AU stated that China agreed to provide equipment and material worth US$ 4.5 million to AMISOM. The Chinese also provided AMISOM with some supplies valued at an equivalent amount on July 2012 and promised to continue their support for the AU-led peacekeeping and peace building processes in Somalia. Signing the agreement, AU's Commissioner for Peace and Security, Ramtane Lamamra, noted that China and Africa had clearly reached a 'very important level of understanding and solidarity' and the donations heralded the consolidation of the Sino-African partnership on peace and security and were an indication of bigger future prospects.

The two donations by the Chinese government to the AU's peace and security efforts is very modest compared with the EU's continued support to the African Peace and Security Architecture (APSA) in the past ten years. However, such contributions by Beijing are a significant indication of China's growing and changing involvement and increased interest in African peace and security issues.

In July 2012, eight African heads of state, including the current chair of the African Union, Boni Yayi of Benin, and other leaders like the South African President Jacob Zuma and Côte d'Ivoire's President Alassane Ouattara, were present at the 5th Forum of China Africa Cooperation (FOCAC) in Beijing. The event, held under the theme, 'building on past achievements and opening up new prospects for the new type of China-Africa strategic partnership,' evaluated the implementation of the follow-up actions to the Fourth Ministerial Conference of the Forum held in Sharm El Sheikh, Egypt in November 2009. It took decisions that can be expected to have significant implications for Africa-China relations and China's future engagement with the AU in its peace and security efforts. The issue of a partnership on peace and security was one of the topics for discussion on the agenda. In a statement considered by some as a departure from Beijing's 'non interference' policy, the Chinese President, Hu Jintao, stated that involvement in peace and security would be one of his government's five priority engagement areas in Africa in the years to come.

Three years ago, at the Fourth FOCAC held in Egypt, the Chinese Premier, Wen Jiabao, stated that China was willing to increase involvement in the settlement of issues concerning peace and security in Africa. Building on that declaration, President Hu stated that China would play a much more visible role in supporting the continental peace and security architecture, including financial assistance to the African Union's peacekeeping missions. He said that China would launch the 'Initiative on China-Africa Cooperative Partnership for Peace and Security,' to strengthen cooperation with the African Union (AU) and African countries in maintaining peace and security in Africa, provide financial support for AU peacekeeping missions and the development of the African Standby Force, and train more security officials and peacekeepers for the AU. China is perceived as a development partner having a huge interest in economic and strategic interests on the continent with little visible involvement in continental peace and security initiatives. These developments are set to change that image.

China's direct institutional engagement with the Peace and Security Council and other organs of the African Union dealing with peace and security issues is also improving. In September 2011, a delegation of the Peace and Security Council and members of the AU Commission visited China to participate in an AU-China workshop on peace and security and discuss shared security interests and ways China could support the continental peace and security initiatives of the AU. However some analysts argue that China's foreign policy of non-interference appears to contradict two of the core assertions associated with the AU's 'responsibility to protect' in terms of which interference may be appropriate in grave circumstances where genocide and mass atrocities are taking place and

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where force may be the necessary last resort of those who seek to protect besieged populations.

China claims to view its involvement in peace and security issues as a means to create a secure environment for Africa's development. Perceptive critics might add that China also seeks to create a secure environment to advance China's goals in Africa. In his speech at the 5th FOCAC, President Hu stated that Beijing's support and engagement to promote peace and stability in Africa envisioned a 'secure environment for Africa's development'. Traditionally China's involvement in African peace and security issues was focused on an indirect peacebuilding role as it saw its developmental and economic engagement with member states of the Union as a post-conflict reconstruction development effort and a way of preventing future conflicts.

Among the five permanent members of the United Nations Security Council, China alone has contributed peacekeepers to six of the seven most recent UN peacekeeping missions. Besides supporting AMISOM, China has also been supporting the hybrid United Nations AU Mission in Darfur (UNAMID).

The hybrid bilateral-multilateral China-Africa relationship swiftly changed after the 2006 meeting of African leaders in Beijing. In June 2006, Chinese President Hu Jintao and Premier Wen Jiabao visited ten African countries to promote China-Africa relations and in November of the same year, the famous Sino-African summit took place with an attendance of African Heads of States and Government surpassing any AU Summit in recent memory. Currently, China-African Union relations are developing very rapidly and have already established a key position in China's foreign policy. The newly built Africa Union headquarters in Addis Ababa, fully funded by the Chinese government, is an example of the growing relations between Africa and China.

China has become one of Africa's biggest trading partners whereas Africa's trade with partners such as the United States is declining. China has also been active in providing loans to African countries. China's increasing investments in Africa's oil fields, roads, and telephone networks appear to have helped the currencies of a number of African nations to rise in value. Most Chinese security interests in Africa have been focused on safeguarding China's economic interests as evidenced by its role in fighting piracy off the coast of Somalia.

Nonetheless, some observers question China's record on human rights and the fact that previously China flouted UN arms embargoes and supplied weapons to belligerent groups in the Sudan, Zimbabwe, Nigeria, and the DRC, causing the already fragile peace in those countries to deteriorate.

One of the areas where China could possibly contribute more in terms of peace and security is in efforts at conflict resolution between South Sudan and the Sudan due to its relatively good relations with both sides. Consequently, China can lend its support to the African Union and other African actors that are trying to deal with this crisis, but lack the necessary leverage over the parties involved in the conflict. It is widely acknowledged that China can and should play a major role to ensure peaceful resolution of the contentious issues between South Sudan and the Sudan and should be able to do so without compromising its traditional adherence to non-interference. China's increasing diplomatic and political presence and influence at international and continental level could also help resolve and prevent conflicts in Africa. China's support for African liberation movements and its status as a non-Colonial power are considered by some observers to be a source of legitimacy for any Chinese involvement in peace efforts in Africa.

Important dates to diarise

12	August	International Youth Day
23	August	International Day for the remembrance of the Slave Trade and its Abolition
15	September	International Day of Democracy
21	September	International Day of Peace

Country	Election	Date *
Angola	Presidential National Assembly	31 August 2012 31 August 2012
Somalia	Presidential	August 2012
Togo	National Assembly	October 2012
Sierra Leone	Presidential House of Representatives Local	17 November 2012 17 November 2012 17 November 2012
Ghana	Presidential 1st Round Presidential 2nd Round National Assembly	7 December 2012 28 December 2012 28 December 2012

**could change, dependent on circumstances*

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This Report is published through the support of the Humanity United Foundation, the Government of New Zealand and Hanns Seidel *Stiftung*. In addition, the Institute for Security Studies receives core support from the Governments of the Netherlands, Norway, Sweden and Denmark.

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