

# Peace and Security Council Report

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Current members of the Peace and Security Council: Nigeria, Tanzania, Uganda, Algeria, Burundi, Chad, Equatorial Guinea, Ethiopia, The Gambia, Guinea, Libya, Mozambique, Namibia, Niger and South Africa

## Peace and Security Council Protocol

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

## Early warning issues for June 2014

The 23<sup>rd</sup> African Union (AU) Summit will take place in Malabo, Equatorial Guinea from 20 to 27 June. The summit will provide an important opportunity for participants to reflect on the fate of the young Nigerian girls kidnapped and abused by Boko Haram terrorists, particularly in light of events at the 22<sup>nd</sup> AU Summit earlier this year, when Nigeria's former president, Olusegun Obasanjo, declared: 'My sisters, I am with you, for the rights of women and particularly for the rights of our children for education and for empowerment.' Obasanjo's comments were in response to a statement entitled 'The future young women and girls want', issued at the 22<sup>nd</sup> Summit by about 50 young women and girls from 14 African countries. The International Day of Innocent Child Victims of Aggression, commemorated on 4 June, should serve as a further timely

reminder of African leaders' responsibility to act quickly and effectively to protect Africa's children and punish those who harm them. Although there are certainly other human security crises requiring the AU's attention, and despite the frenzy of activity this past month initiated on behalf of the abducted schoolgirls (see the country analysis on Nigeria in this issue), it has sadly been par for the course that every month brings fresh atrocities from terrorist groups such as Boko Haram, al-Shabaab or al-Qaeda in the Islamic Maghreb (AQIM). Every passing month reflects the continuing failure of Africa's leaders to effectively subdue and eradicate these inhumane purveyors of ignorance, terror, cruelty and chaos.

## IN THIS ISSUE

Early warning issues for  
June 2014 1

Country analysis: Nigeria 2

Country analysis: Egypt 5

Country analysis: Somalia 8

Country analysis: Libya 11

Country analysis: South  
Sudan 14

Open page: Democracy,  
an instrument for peace in  
Africa 18

Important dates to diarise 20

## ► Current PSC Chair

**Bio data:** HE Mr Mull Sebulja Katende

**Current posts:** Uganda's Ambassador to Ethiopia  
Permanent Representative to the AU and UNECA  
and Chair of the PSC

## 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 PSC Retreat on a mechanism of interaction between the Council and CSOs.

# Country analysis

## NIGERIA

### Previous AU communiqués

The Chairperson of the AU Commission (AUC), Dr Nkosazana Dlamini-Zuma, has condemned Boko Haram's abduction of 230 schoolgirls from their boarding school in the state of Borno in Nigeria on 14 April 2014. In a statement released on 2 May 2014, the AU recognised and supported the efforts of the government of Nigeria in combating terrorist activities in the country and encouraged improved African and international cooperation to comprehensively deal with the problem.

The AUC chairperson's Special Envoy for Women, Peace and Security, Bineta Diop, also released a statement on 8 May 2014, condemning the abduction of the girls. Diop was appointed by the AUC chairperson, at the 22<sup>nd</sup> Assembly of Heads of State and Government of the AU on 4 February 2014. She described attacks against children and their liberties as being in contradiction to international law and reiterated that the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa states: 'Every woman shall have the right to respect as a person and to the free development of her personality.' In light of this, the act by Boko Haram has infringed on the rights of the abducted girls to live free from intimidation, persecution and all other forms of discrimination as stated by the charter. When such incidents take place, the charter stipulates: 'States Parties shall adopt and implement appropriate measures to ensure the protection of every woman's right to respect for her dignity and protection of women from all forms of violence, particularly sexual and verbal violence.'

Consequently, Diop called on the Nigerian government, regional organisations, the AU and the international community to join forces to act urgently and decisively to ensure the safe return of the schoolgirls.

### Crisis escalation potential

On 14 April 2014, the notorious Islamist terrorist group, Boko Haram, struck again in Nigeria, this time kidnapping 230 schoolgirls from a government-run school in Chibok village in Nigeria's Borno State. This action followed a series of violent terror attacks by the group countrywide.

Since the beginning of 2014 Boko Haram has carried out more than 60

attacks, resulting in close to 1 500 deaths. The most notorious of these attacks took place at the Nyanya motor park on the outskirts of Abuja on 12 April, when 200 people were killed and many more injured. An earlier attack, on 25 February, killed more than 50 students at a school in the Nigerian town of Buni Yadi. Sporadic killings have also taken place in remote villages and the country's northern cities of Damaturu, the Yobe State capital, and Maiduguri, in Borno State.

Although there was initially some confusion about the circumstances of the schoolgirls' abduction, the group's motive has since become clearer. Its leader, Abubakar Shekau, declared in a video recording that he would use some of the girls to bargain with the federal government in Abuja for the release of Boko Haram prisoners.

This latest development comes despite Nigeria's military onslaught on the group, with a state of emergency having been declared by the embattled incumbent President Goodluck Jonathan. This leads to questions about the effectiveness of the strategy the state has employed thus far in fighting the group. Nigeria has long regarded the Islamic sect as a domestic issue that warrants domestic action. For almost five years the international community has watched Boko Haram terrorising Nigeria, all in the name of respecting the country's territorial sovereignty. Nigeria does not lack the capacity to anticipate and uproot the movement, but it does not fully appreciate the threat it poses or have a coherent strategy. Nigeria has been relatively successful until recently in preventing major attacks on Abuja, but Boko Haram's tactics have changed while the federal government still focuses heavily on a military response.

Since 2009 Boko Haram seems to have changed its tactics from attacking police stations, banks, military installations, churches and mosques to targeting individuals and young people, particularly girls, and resorting to suicide bombings. This, in a sense, has reinforced the impression that the group has intensified its attacks and become more radicalised in pursuing its agenda.

The abduction of the schoolgirls has attracted international attention, with people from all walks of life supporting the campaign labelled #BringOurGirlsBack and calling for Boko Haram to release its hostages. The global campaign has had two major consequences, without necessarily helping to recover the girls. Firstly, it

has forced the government to acknowledge the seriousness of the kidnapping and, secondly, it has brought Nigerians, Africans and the international community to the realisation that, beyond Twitter and other social media campaigns, decisive action is needed to save the girls. Moreover, Nigeria needs to defeat and eradicate Boko Haram once and for all – the current national response strategy has shown its limitations.

Clearly, Nigeria is unable to deal on its own with the security threat posed by Boko Haram. Boko Haram should not be allowed to relocate to neighbouring countries and grow, as some reports warn, into a regional terrorist powerhouse in West Africa, similar to AQIM, which is active across much of the Sahel. This is due to the porous nature of borders in West Africa, particularly those of Benin, Cameroon, Chad and Niger.

Niger and Cameroon's vulnerability to the spread of Boko Haram is compounded by the fact that they border the northern Nigerian states, where Boko Haram already exerts a strong influence. The Nigerian border with Niger, for example, stretches along Sokoto, Katsina, Jigawa and Yobe states. This proximity to northern Nigeria is a major threat to Niger's already fragile security, given the relative ease with which terrorist elements can cross into the country. So-called 'ungoverned spaces' have become a serious threat to territorial integrity and personal security, particularly in a context where law enforcement agencies are weak or non-existent.

Some citizens of Cameroon and Niger are suspected of having participated in Boko Haram attacks in Nigeria. This alleged involvement implies that Boko Haram's activities may already be spreading across Nigeria's borders. The group may be conducting some of its training and recruitment activities in neighbouring countries, and planning and executing terrorist actions against foreigners in those countries. It could also be using neighbouring countries as safe havens. There is speculation that some Boko Haram militants escaped to Niger and Cameroon after committing attacks in northern Nigeria. Prompt action is required to ensure a national problem does not become a regional one.

Boko Haram, if not contained, also represents a serious threat to Nigeria's 2015 presidential elections and hopes for a peaceful electoral process. The stakes are high for both citizens and

political actors, some of whom have previously benefited from the threat posed by Boko Haram in their own rise to power. In addition, the emergence of a mostly organised opposition, the All Progressive Congress (APC), and the defection of a number of governors from the ruling People's Democratic Party (PDP) could make the contest tense and too close to call. As the 2015 elections draw closer, the rift between the opposition and the ruling PDP is at its worst, and terrorism will become even more of a key issue. The greater the fragmentation or lack of unity in the country, the greater the risk of violence. Boko Haram has already exploited similar divisions in previous elections, when the group carried out almost daily attacks that resulted in hundreds of deaths. The high-profile attacks and abductions carried out in 2014 have sent a chilling warning that the 2015 elections could see even more attacks, particularly given the current tense political atmosphere, which has seen record numbers of politicians and parliamentarians change parties.

### Key issues and internal dynamics

The history of Boko Haram is as illusive as the group itself and studies of the group remain inconclusive about its origins. According to some sources, the group evolved from extremist elements active from the 1940s to the end of the 1990s, which sought to radicalise various segments of northern Nigeria. Its origins have also been traced back to a Cameroonian Islamic leader, Muhammad Marwa, who settled in Kano in the 1980s.

There is also a strong belief that the group's current form evolved from the 'Nigerian Taliban' founded in 2003. The group went underground following a massive security crackdown by the Obasanjo government. Boko Haram, which means 'Western education is profane/sinful', is formally known as Jama'atu Ahlis-Sunnah Lidda'awati Wal Jihad. It re-emerged in 2006 with the aim of establishing sharia law across Nigeria. It opposes secular governments and a Western system of education, which it believes is not founded on moral religious teachings.

The current mayhem in Nigeria was caused when security forces killed Boko Haram's founding leader, Mohammed Yusuf, and hundreds of his followers in 2009, which Boko Haram vowed to revenge. Many analysts believe that the killing of Yusuf led to the rise of radicals within the movement, embodied in its new leader, Shekau. However, Boko Haram is far from being a unified entity with a coherent leadership structure.

Internal dissensions have already led to the creation of Ansaru or Jamā'atu An-āril Muslimīna fī Bilādīs Sūdān (Vanguard for the Protection of Muslims in Black Lands), an equally ferocious militant group operating in north-eastern Nigeria.

Boko Haram's actions have also sought to undermine the government of President Jonathan, and to debunk claims that the organisation was in decline and confined to its bases in the north-east of the country. As with most terrorist groups, the timing, magnitude and targets of these attacks were intended to cause maximum destruction – and to incite anger against President Jonathan's regime as the nation gears up for the 2015 elections.

Boko Haram has become the greatest threat to the Nigerian government, and the most destructive group in the country's history, since the Maitatsine movement of the 1990s. The group thrives in the midst of numerous factors within Nigerian society that make it relatively effective and difficult to deal with.

The first factor in Boko Haram's success is the relative lack of knowledge and information about the group, even within the national intelligence services. Very few, if any, comprehensive and empirical studies have been done on Boko Haram, and the scant intelligence reports have not been able to explain the group. Meanwhile, the terrorist group has created a mystique around itself that perpetuates a sense of invincibility and fear. This has generated various superstitious beliefs about the organisation. For example, in most communities in northern Nigeria people believe that members of the group are everywhere and could even be among one's friends and family.

The second factor is the politicisation of terrorism and counter-terrorism in Nigeria. Despite the horror that Boko Haram has unleashed, Nigerians remain tensely divided about the group. Political actors accuse one another of supporting the group, while the government itself has acknowledged that it has been infiltrated by Boko Haram. This has created an atmosphere of suspicion among the structures responsible for national security. Some have argued that Boko Haram has benefited from the financial support of certain provincial governors. While hard evidence backing these allegations is yet to be made public, Boko Haram has demonstrated a superior tactical capacity over Nigerian

security agencies. Corruption and porous borders, which make fertile ground for arms trafficking in the region, have helped the group to acquire sophisticated weaponry. It is hard to believe that national security agencies have not been able to track down the group's sources of funding, fuel, food and medical assistance for its wounded.

The third factor relates to the excessive use of military force, which provides only short-term solutions with the risk of triggering unintended consequences. The government wants to eliminate Boko Haram by destroying everyone associated with it. This is the same approach that was used in the attempt to eliminate the Maitatsine movement, which never truly disappeared but rather transformed or re-emerged as groups such as Boko Haram.

This predominant military response also contributes to the politicisation of counter-terrorism, seen by some as a genocidal campaign against the north. Others have accused the federal government of being behind the Boko Haram killings. These accusations and counter-accusations by politicians significantly undermine counter-terrorism efforts in Nigeria.

### Geo-political dynamics

#### Africa and RECs

Boko Haram has long been regarded as a domestic problem in Nigeria, but recent developments have revealed the transnational nature of the threat. In a region already inundated with weapons from Libya and facing the proliferation of radical groups, Boko Haram is likely to serve as a rallying point for all the jihadists roaming the Sahel region. Hostages are easily taken and imprisoned in any one of the border towns. On 17 May, the terrorist group reportedly kidnapped 10 Chinese nationals after heavy fighting on the northern Nigeria–Cameroon border. Despite a delayed appreciation of the threat, which diminished the response from neighbouring countries, things seem to be moving more quickly in terms of regional collaboration. Recently, the governments of Nigeria, Niger and Cameroon promised to collaborate to strengthen their border security. The Nigerian government closed sections of its border with Cameroon and Niger as part of stricter border control measures. However, the closure of borders is not a permanent solution, as this has various repercussions and socio-economic challenges for those living in border areas. Instead, more efficient border control measures are needed to

prevent the movement of Boko Haram fighters and other criminal elements across borders.

It was only after the Paris Summit for Security in Nigeria in May that countries began to appreciate the need to improve regional collaboration, intelligence gathering and information sharing. Heads of state in Paris agreed to three main resolutions. Firstly, they called for greater regional cooperation, both bilateral and multilateral, to improve intelligence and concerted actions; secondly, they decided to refer Boko Haram, Ansaru and their supporters to the UN Sanctions Committee; and thirdly, the summit promised to give more attention to marginalised and vulnerable groups, mainly female and child victims of violence. The summit also faced criticism over the inability or unwillingness of some leaders to address crisis situations quickly and effectively.

The Economic Community of West African States (ECOWAS) also condemned Boko Haram's attacks on defenceless and vulnerable victims.

#### **United Nations**

The United Nations (UN) has expressed great regret at the targeting of the schoolgirls by Boko Haram, declaring that such activities are against international law and reminding those involved to consider and uphold human rights and international humanitarian law. The Secretary General reaffirmed his commitment to help find solutions to the internal challenges posed to Nigeria by Boko Haram. In addition, the UN is deploying a high-level representative to Nigeria to discuss the UN's possible further engagement in the country.

Following this pronouncement, on 22 May 2014 the UN Security Council's al-Qaeda Sanctions Committee added Boko Haram to the list of individuals and groups to be targeted for financial sanctions in terms of the arms embargo stipulated in paragraph 1 of Security Council Resolution 2083 (2012), adopted under Chapter VII of the UN Charter. The UN believes the al-Qaeda sanctions regime is the best way to fight terrorist activities in Nigeria. Any individual or group found providing financial or material support to Boko Haram will also be added to the list. The UN has urged member states to use the sanctions mechanism and to identify individuals and groups that deserve to be sanctioned.

Other UN organs have also condemned the actions of Boko Haram against the

schoolgirls. The Executive Director of UN Women, Phumzile Mlambo-Ngcuka, described the activities of Boko Haram as un-Islamic and un-African. In supporting Nigerians, the UN has reached out to the government, youth, civil society and the private sector to further condemn the activities of Boko Haram. The Office of the High Commissioner for Human Rights (OHCHR) also warned Boko Haram against breaking international law and committing crimes against humanity.

#### **International community**

The abduction of the schoolgirls in Nigeria has seen the engagement of major powers in Nigeria, such as the United States (US), United Kingdom (UK), China and France. The technical capacity and expertise of these countries could significantly strengthen the rescue efforts of the Nigerian government. The Twitter campaign to find the girls has had a double impact in that it has both shown Boko Haram's capacity to humiliate Nigerian efforts to defeat it and placed Boko Haram firmly on the anti-terrorist agenda of Nigeria and its international partners.

The international community has a vested interest in defeating Boko Haram, as the group's activities have directly affected their business interests and the security of their citizens. For example, a French family was kidnapped in northern Cameroon in 2013, there was an attack against a Chinese work site in the same region on 16 May 2014 and Catholic missionaries were also kidnapped. The presence of Boko Haram in Cameroon is of particular concern as it is an early sign that the group has now begun to operate in this region.

#### **Civil society**

The abduction of the girls has received international attention. Publicity was spearheaded by the #BringOurGirlsBack campaign, which has played out on social media platforms such as Twitter, Facebook and Instagram, driven by astute political leaders, women's rights leaders, celebrities and ordinary citizens. A Nigerian lawyer started the movement on 23 April 2014 to highlight the plight of the kidnapped schoolgirls and their anguished families. While it has drawn attention to the slow response of the Nigerian government, it has also prompted international engagement.

Across the continent and beyond, women's groups have made their voices heard about the abduction. Nigerian women staged a march to the National Assembly in Abuja, Nigeria, to submit a letter of complaint that not enough was

being done to ensure the release of the girls. In condemning Boko Haram, the women of Liberia noted the vulnerability of women and children. They also called on the government of Nigeria to act and on the government of Liberia to speak out against Boko Haram and ensure stability in the region by exerting pressure on the Nigerian government to find a solution. Liberian women have also engaged the Ministry of Gender and Development and various other stakeholders such as churches, mosques, women's rights groups and civil society organisations under the theme 'Call to Action' to further discuss how Liberian women can support the people of Nigeria. This meeting took place on 12 May 2014.

In Ghana, women held a peaceful protest against the abduction of the schoolgirls. Members of Zimbabwean Young Women also stood in solidarity in their condemnation of the abducted schoolgirls. In South Africa, the African National Congress Women's League (ANCWL) and the Department of Women, Children and People with Disabilities also protested against the actions of Boko Haram.

#### **Scenarios**

From the above analysis, three scenarios can be envisaged.

##### **Scenario 1**

The combined efforts of external partners and national actors speed up the rescue process. Borders are sealed; discreet and effective intelligence is set in motion. The girls are located and, through secret negotiations, are freed without violence.

##### **Scenario 2**

External partners find it necessary to first fill in some of the gaps in the country's national strategy. This causes a further delay in the rescue process, allowing Boko Haram to dispatch the girls, possibly dividing and holding them in separate locations, and securing itself to consolidate its bargaining power with the government. This forces the federal government to accede to the demands of the terrorist group to release its jailed members, thereby humiliating the government.

##### **Scenario 3**

The use of technology such as aerial surveillance drones and coordinated ground searches results in the discovery of the girls and their captors. The government and international forces engage in a military offensive to liberate them. This results in the deaths of a number of captors and some

hostages, the capture of some terrorists and the freeing of most of the girls, while some terrorists manage to flee with a small number of girls. Given the dilemma faced by hostage negotiators whether to pay or not to pay, a military option will be a message of zero tolerance towards kidnapping citizens for ransom, but is a high risk.

## Options

### Option 1

The pressure from regional and continental institutions (ECOWAS, the AU and the AU Mission for Mali and the Sahel Region, or MISAHREL) should be sustained in encouraging neighbouring countries to genuinely collaborate with Nigeria. The same pressure is necessary to prevent other countries from allowing Boko Haram to seek refuge or use their territory as a safe haven.

### Option 2

Joint patrols could be set up in areas where there are none. The existing ones could benefit from technical capacity and assistance in terms of information gathering, analysis and

strategic decision-making. The success of the operation depends not only on the military approach but also on the coordination and coherence of intelligence-gathering structures with a view to negotiating a successful outcome.

### Option 3

Coordination between the EU, US, France, UK and African partners is key to the rescue efforts. However, if effective coordination serves the short-term goal of finding the abducted girls, it should also be integrated into the regional and continental strategy against terrorism for a medium- to long-term engagement for sustainable peace and stability. The fight against extremism in Africa needs economic, political, social, cultural and legal remedies.

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# Country analysis

## EGYPT

### Introduction

This analysis focuses largely on developments from February 2014 to the presidential elections of 26–27 May 2014. Readers interested in previous analyses of events in Egypt in 2013 and January 2014 should consult the 55<sup>th</sup> (February 2014), 51<sup>st</sup> (October 2013), 49<sup>th</sup> (August 2013) and 45<sup>th</sup> (April 2013) editions of the PSC Report.

### Previous AU/PSC communiqués

Events in Egypt continue to engage the attention of the AUC and the PSC.

At its 429<sup>th</sup> meeting, held on 16 April 2014, the PSC was briefed by the AUC's Department of Political Affairs on the forthcoming elections in Egypt. The PSC took note of the briefing and recalled all its legal instruments on unconstitutional changes of government, as well as its communiqué PSC/AHG/COMM.3(CDXVI) on the situation in Egypt, adopted at its 416<sup>th</sup> meeting held on 29 January 2014. The PSC agreed to review the overall situation in Egypt following the presentation of the report to be

submitted by the AU High-Level Panel for Egypt.

The Council encouraged the Department of Political Affairs to continue its engagement in support of democratisation efforts in Africa.

### Crisis escalation potential

If the rule of the interim government since July 2013 is any indication of what lies ahead, Egypt's democratic future, at least in the short to medium term, seems far from assured. During the January 2014 referendum the proposed new national charter received 98 per cent approval, a dubious result reminiscent of some of the improbable election figures during the latter years of the Mubarak era. As the EU's foreign policy chief, Catherine Ashton, also noted, the actual turnout was officially recorded at less than 40 per cent. However, some pre-election comments by the winner of the presidential contest, Abdel-Fattah el-Sisi, leave room for optimism.

A week before the elections, *Ahramonline* reported that el-Sisi had told three anchors from the privately owned TV stations *Al-Nahar*, *Dream* and *Al-Hayat* that 'education and health would be at the top of his agenda if he was elected president'. Focusing initially on his anticipated domestic

agenda, he also said he envisioned key changes within the first two years of his presidency that would help to control inflation and alleviate the economic circumstances of poor and middle-class Egyptians, upgrading slum housing by installing electricity and sewage facilities, and repairing roads.

During the interview el-Sisi gave an indication, albeit in a pre-election environment, of his more progressive intentions when he rejected the notion that he represented former President Hosni Mubarak and was trying to restore the pre-January revolution regime. He stressed the crucial role of the news media in trying to raise the awareness of citizens and said that it was necessary that they continued to do so. Significantly, he also highlighted the role of Christians in Egyptian society. He said he was well aware of (the dangers of) sectarianism and believed Egyptians should unite against it.

On the foreign policy front, el-Sisi highlighted the 'heroic' role of former Egyptian President Anwar Sadat in the October War of 1973 and the subsequent peace treaty with Israel, a clear acknowledgement that Egypt would not deviate from its diplomatic commitments in regard to Egyptian–Israeli relations. On the subject of

Egypt's relations with the Nile riparian states, particularly Ethiopia, el-Sisi said that the negative effects of the Renaissance Dam had to be communicated 'with clarity' to the Ethiopian government and that there was a need for further negotiation. Questioned about the deterioration of Egyptian-US relations, el-Sisi said he would deal with all foreign countries in the same way.

Significantly, he also stressed that he did not make promises he could not fulfil.

After President Mohamed Morsi's ouster, the interim government under el-Sisi came down hard on Muslim Brotherhood followers and other Islamist opponents, as well as selected secular democrats. In December 2013, founders of the April 6 Youth Movement Ahmed Maher and Mohamed Adel, as well as an unaffiliated activist, Ahmed Douma, were fined and sentenced to three years in jail for organising an unauthorised protest and attacking security forces in November. Subsequently, Mahienour el-Masry, Loai Mohamed Abdel-Rahman and six others were convicted of organising an unlawful protest, obstructing the roadway, assaulting a police officer and destroying a police vehicle early in December 2013. Morsi himself is on trial for crimes that could bring the death penalty, while more than 1 400 of his supporters have been killed and some 16 000 have been arrested. During the past 11 months more than 500 police officers and soldiers have reportedly also been killed by anti-government activists.

Given the extent of el-Sisi's campaign against the Muslim Brotherhood, it is likely that the nature of Egypt's future relations with Libya will depend to a great extent on whether the latter is governed by Muslim Brotherhood supporters.

### **Key issues and internal dynamics**

On 26 and 27 May 2014 the first presidential elections took place in Egypt since the overthrow of Morsi on 3 July 2013. The only two candidates contesting the election were el-Sisi, the former army chief and head of the interim administration, and the Nasserist politician Hamdeen Sabahi. Significantly, both candidates made it very clear that under their leadership there would be no place in Egyptian society for the Muslim Brotherhood. There are also credible hypotheses indicating that el-Sisi had demanded that Sabahi run for the presidency to bolster el-Sisi's credibility and allow

him to 'sell' the elections to Egypt's foreign partners, mainly the US and members of the EU. If these claims were to be proven true, it would indicate the flawed nature of the elections. This arrangement could also have been part of a deal between the two men to guarantee Sabahi's appointment as prime minister or to a key ministerial portfolio.

A week before voting took place in Egypt, el-Sisi had reportedly already won more than 90 per cent of the votes cast by some 300 000 expatriate Egyptians voting in 25 cities in 21 countries, including the US, Russia, China, Ghana, Nigeria, South Africa, Zimbabwe, the Philippines and New Zealand.

Although the official election results will not be available until 5 June, opinion polls indicate that el-Sisi will win over 50 per cent of the first-round vote, thereby ensuring that a run-off second-round election, scheduled for 16–17 June, will be unnecessary. However, it is important to note that according to surveys, 45 per cent of Egyptians have a negative image of el-Sisi, which will inevitably undermine his probable victory. Moreover, if el-Sisi is to rally more support during his presidency, he will have to manoeuvre very cleverly in order to satisfy the majority of Egyptians and, importantly, avoid opposition from those who either did not vote for him or abstained from voting.

The polarisation of Egyptian society, exacerbated by radical elements trying to overthrow the elected government and heavy-handed responses by state agencies and the military establishment, threatens the future stability of the country. Apart from the number of public protests mounted against the state since Morsi's overthrow and the harsh sentences subsequently imposed on opposition leaders and their supporters, there have been a number of attacks by rebels in the Sinai Peninsula. These actions threaten political and economic stability in the country. As recently as 20 May 2014, militants blew up a gas pipeline in north Sinai.

### **Geo-political dynamics**

#### **Africa and RECs**

The AU suspended Egypt's membership of the organisation following Morsi's removal from office in 2013. In January 2014 the AU High-Level Panel (AUHLP) for Egypt, under the leadership of Mali's former President Alpha Oumar Konaré, affirmed Egypt's suspension. The panel also comprises Botswana's former

President, Festus Gontebanye Mogae, and the former Prime Minister of Djibouti, Dileita Mohamed Dileita. The main point of contention between the AU and Egypt's interim government was that the latter regarded Morsi's ouster as indicative of a popular revolution, whereas the AU saw it as evidence of an unconstitutional coup d'état. However, the recent presidential elections are likely to pave the way for Egypt's restored AU membership. Confirmation to this effect is expected during the upcoming AU Summit in Equatorial Guinea, where the AUHLP will also deliver its final report on the Egyptian crisis to the AUC. The country's president, Teodoro Obiang Nguema, has already announced that he will be inviting Egypt's newly elected president to attend the Malabo Summit.

The AU Election Observer Mission (AUEOM), under the leadership of former Mauritanian Prime Minister Mohamed Lemine Ould Guig, comprised 45 trained AU observers from the Pan-African Parliament (PAP), election management bodies, human rights institutions and civil society organisations from various African countries. The AUEOM was one of six international organisations that monitored Egypt's presidential elections.

The Economic Community of Sahel-Saharan States (CEN-SAD) and the Common Market for Eastern and Southern Africa (COMESA) were also invited to observe the elections.

### **United Nations**

On 25 March 2014, Rupert Colville, the spokesperson for the UN High Commissioner for Human Rights, said:

We are deeply alarmed by the imposition of the death penalty against 529 people in Egypt yesterday after a cursory mass trial in which the majority of defendants were not present in court ... reportedly 398 individuals were tried in absentia.

The 529 defendants were convicted of various charges, including membership of an unlawful organisation [the Muslim Brotherhood], incitement to violence, vandalism, unlawful gathering and the killing of one police officer. All the charges relate to events in August [2013] ... after the government of President Mohammed Morsi was ousted. This was several months before the Muslim Brotherhood was declared by the Egyptian authorities to be an

unlawful organisation. The exact charges against each defendant remain unclear as they were not read out in court.

Defence lawyers said they had insufficient access to the defendants and that the court did not consider relevant evidence presented by the defence. According to sources present at the trial, among other procedural irregularities, the judge did not call on each defendant by name; some of the defendants who were in detention at the time of the trial were not brought to the court; and the judge did not ask about the legal representation of the defendants.

For those countries which have not abolished the death penalty, article 6 of the International Covenant on Civil and Political Rights (ICCPR), which has been ratified by Egypt, applies. This states that the *sentence of death may be imposed only for the most serious crimes in accordance with the law, and not contrary to the provisions of the Covenant*. The UN Human Rights Committee has interpreted this to mean that the death penalty should only be applied for the crime of murder or intentional killing. Membership of a political group or participation in demonstrations certainly does not meet the threshold of *most serious crimes*.

On 28 April 2014, a spokesperson for UN Secretary-General Ban Ki-moon, expressed alarm that another mass death sentence now followed the earlier one handed down by an Egyptian court. The spokesperson said the sentences did not appear to meet the basic standards of a fair trial and were likely to undermine prospects for Egypt's long-term stability.

On another issue, concerning the implementation of justice in Egypt, the spokesperson said that the Secretary-General was concerned about the banning of the activities of the April 6 Youth Movement and the continued imprisonment of three leaders of the 2011 uprising, including two founders of the youth movement.

#### **International community**

Soon after the July 2013 coup, the US Ambassador to Egypt, Anne Patterson, left Cairo to return to Washington DC. Some Egyptian leaders regarded her as having been too supportive of Morsi and the Muslim Brotherhood. She was not replaced for almost a year. The appointment of her successor, Stephen

Beecroft, was only announced shortly before the May presidential elections took place.

After initial confusion about the participation of an EU Election Observation Mission (EOM), Egypt's *Daily News* newspaper reported on 25 May that a total number of 150 observers, including representatives from the 28 EU member states and some observers from Canada and Norway, would be monitoring Egypt's presidential elections.

In addition, the League of Arab States (LAS) also participated in the monitoring of the election, with Dr Haifaa Abu Ghazaleh, Assistant Secretary General of the Arab League, leading the LAS mission. Expatriate voting took place from 15–19 May in 141 embassies and consulates in 124 countries, and her observers were able to monitor a sample of the voting in 16 of those countries. A total of 100 LAS observers, comprising 18 Arab nationalities, monitored voting in 22 Egyptian governorates during the two days of voting.

#### **Civil society**

The African Press Organisation (APO), quoting German Foreign Ministry sources, reported on 20 May 2014 that journalists from the news agency Al Jazeera had been in detention since 2013. Peter Grete, Baher Mohamed and Mohamed Fahmy, held since December 2013, are accused of conspiring with the Muslim Brotherhood. Their trial was recently rescheduled for the eighth time. Abdullah el-Shamy was detained in August 2013. He was arrested while reporting on the violent clearance of a Muslim Brotherhood protest encampment. To date no charges have been brought against him. According to his family he has been on a hunger strike for four months, as a result of which he is now said to be in solitary confinement.

Egypt's Supreme Elections Committee approved 79 domestic organisations to observe the two-man run-off vote for Egypt's next president.

On 16 May the Carter Center expressed concern about the state of Egypt's political transition and announced it would send a small contingent of observers to the presidential elections, which would focus on the broader political and legal aspects and would not be deployed 'to observe election day procedures'.

On 23 May, Amnesty International declared in a media briefing that,

Egypt's presidential elections [will] not wipe the country's human rights record clean after 10 months of gross violations [and] ... the results of Egypt's elections [will] reverberate beyond the country's borders ... Whoever emerges as the winner, Egypt's authorities have made it clear that they will cooperate with the other states in the Middle East and North Africa, and beyond, to uproot those they claim are responsible for 'terrorism', including the Muslim Brotherhood.

#### **Scenarios**

From the foregoing analysis, developments in Egypt could result in any one of a number of possible scenarios, depending on the actions of or responses by a variety of role players.

##### **Scenario 1**

In the absence of the government demonstrating its sincere commitment to justice and democratic inclusivity in Egypt, political polarisation and marginalisation could lead to the escalation of violence and unrest, thereby damaging the economy and any discernable prospects of peace and security.

##### **Scenario 2**

Dissident groups, including those driven underground such as the Muslim Brotherhood, seek external support for a militant rebellion against the newly elected government, thereby promoting continuing uncertainty and instability in Egypt with predictably harsh responses from the military and judiciary.

##### **Scenario 3**

The new Egyptian government introduces draconian security laws, metes out harsh punishments to political opponents and further entrenches the power of the military establishment, in response to threats from domestic dissidents and external rivals, and, over the long term, collaborates with Libya to suppress the Muslim Brotherhood and its supporters.

##### **Scenario 4**

The new Egyptian government, while deferring to the security concerns of the military establishment, makes a sincere effort aimed at political reform, including allowing greater democratisation and inclusivity, fair and equal justice and a sustained attempt to encourage peaceful diversity of language, religion and political expression in the country and, in terms of foreign policy, plays a more active and positive role in the affairs of

North Africa, Africa, the Middle East and on the wider international stage.

### Options

Given the above scenarios the following options could be considered by the PSC in support of the Egyptian people.

#### Option 1

After the elections are declared to have been free and fair by international observers such as the AUEOM, the EOM and the Arab League, the PSC could follow the developments in Egypt closely and recommend that its AU membership be reinstated immediately, formally confirming this at the AU Summit at the end of June 2014.

#### Option 2

The PSC could request the new government to consider implementing a bridge-building peace and reconciliation enquiry mechanism that could also encompass an inquiry into the violence that resulted in the deaths of a number of peaceful protesters in the lead-up to the new national charter and the most recent presidential elections, and to consider pardoning, or commuting the sentences of, those convicted of purely political offences.

#### Option 3

The PSC could urge the new government, in partnership with other North African

states, to take the lead in establishing a new and effective North African Regional Economic Community to replace or reform the ineffective and relatively dormant Arab Maghreb Union, thereby improving relations with its neighbours and restoring stability to the wider region.

#### Option 4

The new Egyptian government should consider urgently re-opening talks with the Muslim Brotherhood and seek a way to build a basis for collaboration, in the interests of the Egyptian people. The Muslim Brotherhood is deeply rooted in Egyptian society and represents around 30 per cent of the population. Good governance will be very difficult to achieve without interaction with the Muslim Brotherhood and, more importantly, is unlikely to be sustainable in the long term.

### Documentation

#### AU Documents

PSC communiqué PSC/AHG/COMM.3(CDXVI), dated 29 January 2014, adopted at its 416<sup>th</sup> meeting (*situation in Egypt*)

PSC press statement PSC/PR/BR. (CDXXIX), dated 16 April 2014 (*Egyptian elections*)

### United Nations

Rupert Colville, Spokesperson for the UN High Commissioner for Human Rights (UNHRC), Geneva, video interview, United Nations Television (UNTV), 2 February 2014 (*Egyptian death sentences*)

<http://www.unmultimedia.org/tv/unifeed/2014/03/geneva-egypt-death-sentences/>

### Other

*African Press Organisation*, Human Rights Commissioner Strässer on the detention of journalists in Egypt, German Foreign Ministry, Berlin, 20 May 2014

<http://appablog.wordpress.com/2014/05/20/human-rights-commissioner-strasser-on-the-detention-of-journalists-in-egypt/>

Carter Center, Press Release, Carter Center expresses concern about the state of Egypt's political transition, 16 May 2014

Amnesty International, Media Briefing (MDE 12/028/2014), Egypt: Key human rights concerns ahead of presidential elections, 23 May 2014

## Country analysis

### SOMALIA

#### Introduction

Readers who are interested in recent country analyses and related articles about Somalia are directed to issue 53 (December 2013), issue 51 (October 2013), issues 46 and 47 (May and June 2013) and issue 42 (January 2013).

#### Previous PSC and AU communiqués

The 425<sup>th</sup> meeting of the PSC on 24 March 2014 discussed the situation in Somalia. Discussions focused on briefings by the Commissioner for Peace and Security, the Special Representative of the Chairperson of the Commission for Somalia, as well as the Head of the AU Mission in Somalia (AMISOM). Other briefings were received from representatives of the Intergovernmental Authority on Development (IGAD), the UN and the government of Somalia. Among other

developments, the Council noted the progress made in the implementation of the provisions of UN Security Council Resolution 2124 of 2013 in the areas of increasing troop strength for AMISOM and the expansion of logistical and other support to the Somali army in its joint operations with AMISOM against al-Shabaab. In this regard, the joint operations between AMISOM and the Somali army in the liberation of key strategic towns and the commitment of the Somali government to peace were commended.

The PSC reiterated the need for logistical support to AMISOM by the UN Support Office for AMISOM (UNSOA) in the areas of vital life support, facilities and engineering to meet the operational requirements of the mission as per the dictates of on-going operations. Member states of the AU and international partners were also enjoined by Council to try to contribute to the Trust Fund to enable the Somali national army (SNA) and AMISOM to conduct joint operations.

AU members with the capacity to provide air support to on-going AMISOM operations were welcomed. While being appreciative of the progress made by the Somali government and the actors involved, the Council also encouraged the government to establish local administrations and increase security in liberated areas. The government was also urged to develop a political road map to facilitate the completion of key outstanding issues, particularly federalism and the constitutional process. AU member states were encouraged to support the Somali government with the necessary finances for this project.

#### Crisis escalation potential

Despite commendable progress, the implementation of federalism remains an obstacle with enormous escalation potential. In 2013, the biggest challenge was the implementation of the Jubaland administration and the eventual realisation of the Interim Juba Administration (IJA). Since the Juba

crisis has been resolved, South-West State has become the next hurdle. There are two key challenges associated with the state formation process in the area. The first area of contention is the demarcation of the regions that make up South-West State. Currently there are two competing views about which territories should comprise South-West State. One group of leaders advocates the creation of a state comprising six regions (Bakool, Bay, Lower Shabelle, Gedo, Middle Juba and Lower Juba). The contentious aspect of this proposition is the proposed inclusion of the Juba regions. Proponents of this view argue that the IJA, headed by Ahmed Madobe in Kismayo, was only valid for six months; that this period has now expired; and that, consequently, the IJA does not legally exist any longer. As such, the Juba regions can be added to the new state without any legal ramifications. This group of leaders subsequently elected Madobe Nunow Mohamed, a former member of the transitional federal parliament, as its president in March.

A rival group, led by the former Speaker of the transitional federal parliament, Sharif Hassan Sheikh Adan, wants South-West State to be made up of three regions – Bay, Bakool and Lower Shabelle. This group believes that there is no need for creating tension by including the Juba regions, especially since there was a state formation process in 2013. This group has elected Mohamad Abdi Noor 'Madeer' as its president and appears to enjoy the support of those who believe that the 'six regions' option conflicts with the IJA.

The two opposing viewpoints on the creation of the state has been the basis for tension in Baidoa. During President Hassan Sheikh Mohamud's visit to Baidoa in March 2014, he was met by hundreds of protestors opposed to his lack of support for the 'six regions' initiative. A similar visit by Sheikh Aden in support of the 'three regions' option led to protests in which two people were killed and two injured.

Despite ongoing efforts by the UN office to address the situation, tensions still exist and could escalate. Coming after the friction that surrounded the IJA process in Kismayo, the Baidoa situation presents a major test of the commitment of President Mohamud's government to bottom-up federal state construction in Somalia. Despite the popular support for the 'three regions' option, it is clear that the forces pushing for the formation of the

six-region South-West State will not tolerate opposition. This has already been evident from the protests that greeted President Mohamud's visit to Baidoa in March 2014. The Baidoa process is increasingly becoming another major measure of the popularity of the government. The biggest challenge, however, is that with the split in the leadership in the region, any mistake can easily increase tensions and lead to the deterioration of the security situation in Baidoa. There is thus an urgent need for the Somali government and the international community in Somalia to achieve a peaceful solution to the crisis.

Success in addressing the Baidoa challenge is particularly important because, after almost two years at the helm, the government needs to make visible progress in consolidating its presence in the liberated areas. It has to improve security and become more actively involved in the implementation of federalism in preparation for elections in 2016. This is the most potentially volatile challenge facing the government. Since the launch of Operation Eagle in early March 2014 to liberate more areas from al-Shabaab, the joint AMISOM–SNA operation has succeeded in liberating several strategic towns in the Bay and Gedo regions. However, in places such as Gedo's Burdhubo and Garbaharey districts, food prices have risen sharply due to al-Shabaab's strategy of blockading the liberated towns from receiving goods brought in by truck. This strategy threatens to worsen the humanitarian situation in the affected areas. Food insecurity is thus rising in these areas, with dire implications for winning the hearts and minds of the inhabitants. Unless the government is able to establish itself quickly in the liberated areas and contribute to effective service delivery, including improved security, the local population may equate the presence of the government with suffering. Al-Shabaab could exploit such a situation to fuel local negative sentiment against both the international presence and Somalia's weak central government.

#### **Key issues and internal dynamics**

When taking office, the government of President Mohamud enjoyed enormous popularity among Somalis. Almost two years later, the popularity of the government is fast waning. This is principally because of the government's weaknesses, rising insecurity in liberated areas such as Mogadishu, and the inability of the president to establish himself as a strong leader. Many Somalis blame the

president for failing to lead the fight against corruption, for embarking on extensive international travel at the expense of domestic visibility, and for the infighting in his government. Of these, the insecurity in Mogadishu has been a key issue. Following increasing al-Shabaab operations in the first quarter of 2014, culminating in the assassination of two Members of Parliament (MPs) and attacks on the parliament and Villa Somalia (the presidential palace), the government has come under intense criticism for having failed to fill the security vacuum that emerged after the liberation of new areas. Consequently, more than 100 MPs tried to force the president to resign in May 2014. The MPs submitted a petition to parliament demanding his resignation, failing which he would be impeached for not having improved security.

The move by the MPs is significant for a number of reasons. The attempt to depose the president through constitutional means is an important indication of the institutional aspect of the conflict. This is a sign of progress and provides hope for the future of the country. It is also indicative of the commitment of the current crop of leaders to addressing issues in a non-violent way in their efforts to achieve peace. The ability of the petitioners to persuade more than 100 MPs to sign the petition is perhaps the most important aspect of the move, since it demonstrates the increasing fall in the popularity of the Somali government and is an express wake-up call to the president. According to Article 92 of the provisional constitution of Somalia, the president can be impeached if accused of 'treason, or gross violation of the constitution or the laws of the Federal Republic of Somalia'. Within the provisions of the constitution, a motion that demands the dismissal of the president must have the support of at least one-third of the members of the federal parliament and may require the constitutional court to determine its legal merits. If approved by the court, the president can then be dismissed on the basis of a two-thirds majority vote by the federal parliament.

From the start the attempt to impeach the president faced several challenges. The first challenge is the nature of the constitutional provision about the constitutional court. Article 109b of the constitution empowers the president to appoint the judges of the constitutional court, which still has to be done. With a key role in the establishment of the court and the

appointment of its judges, the president will not be in a hurry to institute a court that could be used in judgement against him. The second challenge is political. Many Somali MPs understand the circumstances under which the president operates and will surely lobby against a vote against him, since such an occurrence would have huge ramifications for the credibility of the entire government. About 100 of these MPs have formed another bloc, campaigning against the impeachment proceedings. Apart from calling on those who support the petition to appreciate the difficult times in which the country finds itself, they also argue that pushing the president out will amount to jeopardising the gains made since the transition. In the context of these hurdles, the significance of the impeachment process is not its ability to oust President Mohamud, but its overall potential damage to the political reputation and credibility of his government and the questions it raises about the governing elite.

Since coming to power, many moderate and secular Somali politicians have been concerned about the influential role of the Damul Jadid ('new blood') faction of the al-Islah sect to which the president belongs. Despite the president having distanced himself from al-Islah, many stakeholders and political actors still acknowledge the ties between him and the group. The appointments and influential roles of people such as Abdikarim Hussein Guled, Abdullahi Abyan Nur and Abdullahi Ilmooge Hirsi in various ministerial positions have raised questions about the influence of this faction in the current political arrangements of the country. While this affiliation, and its influence in the government, is not in itself an issue, it partly explains the suspicions of a section of the political actors in the country.

The petition has also entrenched the conviction in Somalia and the international community that the president is not really the leader he was believed to be. This perception has enormous implications for international support for the government as well as domestic perceptions about the government's performance. The overall impact of this perception is that it undermines the battle for the hearts and minds of people in advancing the government's fight against al-Shabaab and the confidence with which the international community engages with the Somali government.

## Geo-political dynamics

### *Africa and RECs*

Following rising insecurity in Kenya since October 2011, the Kenyan government made plans to repatriate the estimated 500 000 Somali refugees living in the Dadaab refugee camp. According to the Kenyan government, this was necessary because the refugee camp is a major haven for extremists targeting Kenya. Getting rid of Dadaab would therefore serve to reduce the security risk associated with it. Due to pressure from the international community and human rights organisations, the move was not implemented. However, the government ordered all refugees in the country to report to the camp in March 2014. This was followed by an extensive screening of thousands of Somalis picked up mostly in the Eastleigh suburb of Nairobi. Of the thousands who were screened at the Kasarani sports stadium, several dozen without the requisite documentation were repatriated, in collaboration with the Somali government. However, the operation has strained relations between Somalia and Kenya because of the way Somali refugees were treated by Kenya's security forces, and because of the arrest of a Somali diplomat. Somalia subsequently recalled its ambassador to Kenya for consultation and has demanded an apology from Kenya for the violation of the envoy's diplomatic immunity. Kenya is yet to offer any apology.

### *International community*

The New Deal Compact remains the most important international commitment to the reconstruction of liberated areas in Somalia, beyond the UN and AU engagements on the ground. Despite having been launched, the new deal is yet to be operationalised in practical terms. Donors have also not honoured their pledges. At the time of writing, a donor meeting targeting Puntland was taking place. The real impact of the new deal is yet to be felt.

### *Scenarios*

The petition by the MPs to depose President Mohamud was motivated primarily by the rising insecurity in Mogadishu and other liberated areas. At the time of writing, al-Shabaab gunmen had attacked the parliament, forcing the resignation of National Security Minister Abdikarim Hussein Guled. This is an indication that the way forward will be dictated largely by the security situation, particularly in Mogadishu.

### *Scenario 1*

The security situation continues to worsen and there is increasing pressure on the president, prime minister and cabinet. The government is unable to address the situation effectively and further pressure culminates in the president's removal or resignation before 2016.

### *Scenario 2*

After making some progress in terms of the constitution, security and service delivery, albeit under mounting international, regional and domestic pressure, President Mohamud's government survives up to 2016, but with enormous challenges. Evidence of progress helps the government win the hearts and minds of increasing numbers of Somalis and encourages more positive engagement with the international community.

### *Options*

The PSC could consider the following policy responses.

#### *Option 1*

The PSC could ask AMISOM to increase its control of, and patrols in, the liberated areas. This would help improve the security situation in those areas and ease the pressure on the government.

#### *Option 2*

Given the troubles emerging around federalism, the PSC could ask the government to become more involved in the state formation processes. This is particularly important in terms of defining the territory of each state as well as guiding the grass-roots state formation to ease tensions and prevent additional conflicts. Regarding the ongoing tensions in Baidoa, the AU should throw its weight behind the UN process to try to defuse the tension.

# Country analysis

## LIBYA

### Introduction

This analysis focuses mainly on developments in Libya during 2014. Readers interested in previous analyses of events in Libya during 2012–2013 and the first quarter of 2014 are invited to consult the 57<sup>th</sup> (April 2014), 41<sup>st</sup> (December 2012), 37<sup>th</sup> (August 2012) and 33<sup>rd</sup> (April 2012) editions of the PSC Report.

### Previous AU and PSC communiqués and statements

Following the 436<sup>th</sup> meeting of the PSC (PSC/PR/BR.(CDXXXVI)) on 23 May 2014, the PSC issued a press statement expressing 'deep concern at the prevailing situation in Libya, marked by a proliferation of armed militias that continue to undermine security, weaken state authority and impede economic recovery, as well as by escalating violence since the launching, on 16 May 2014, by military figures, of an offensive code-named "Operation Dignity", with the stated aim of freeing the country from extremist and terrorist groups'.

The Council also expressed its 'deep concern at the increasing political and regional polarization in Libya [and] ... strongly appealed to all Libyan stakeholders ... to resolutely commit themselves to [settling] their differences through peaceful means and [embarking] upon the path of national reconciliation, in fulfilment of the legitimate aspirations of their people to democracy, the rule of law and socio-economic wellbeing'.

The PSC 'welcomed the 10-point crisis exit plan submitted by the Government on 19 May 2014, which provides a viable basis for a consensual way out of the crisis'. In addition, it 'encouraged the Chairperson of the Commission to urgently appoint a special Envoy who would undertake consultations with the Libyan authorities and other relevant stakeholders, as well as with the countries of the region, with the view to submitting to it a comprehensive report on the situation, including concrete recommendations on how best the AU can further support the stabilization process in Libya and the early completion of the current transition'.

### Crisis escalation potential

Much has happened in the two years since elections took place in July 2012

for the establishment of a 200-seat National Assembly, the first elections in the country for 40 years. The National Transitional Council (NTC), Libya's then de facto government, handed over power to the new General National Congress (GNC) in August 2012. Since September 2012 the country has had a string of aspirant, interim and actual prime ministers, beginning with Mustafa Abushagur, followed by Ali Zeidan a month later, and 17 months later by Defence Minister Abdallah al-Thinni, who served a short but troubled spell as a caretaker prime minister before being succeeded by Ahmed Maiteeq in May 2014, a succession that al-Thinni now disputes. Maiteeq is reputedly a close ally of Libya's Muslim Brotherhood, and therefore unlikely to be favoured by the governments of Saudi Arabia, the United Arab Emirates (UAE), Bahrain and Egypt. Despite these attempts to bring political order to Libya's disorderly landscape, violence and civil unrest have continued unabated. The murder in Benghazi of the US ambassador and three other Americans during the attack on the US Consulate and annex in September 2012; the brief abduction of Prime Minister Zeidan in October 2013; the assassination of Deputy Trade Minister Hassan al-Drowi in January; the kidnapping of the Jordanian ambassador in April 2014; the unsuccessful attack on interim Prime Minister al-Thinni and his family a few weeks ago; and the subsequent assassination attempt that wounded Libya's navy chief, Brigadier General Hassan Abu-Shanaq, in Tripoli on 19 May, are stark reminders that virtually anyone in Libya can be a victim of the violence that has beset the country. During the past two years, renegade militias have killed about 200 prominent figures, including senior police officials, prosecutors, judges and activists, mostly in the eastern part of the country.

Given the obvious difficulty of creating order from chaos, the question arises whether the various prime ministers since 2012 failed to bring stability to Libya because they were individually not up to the task, or whether the existing government structures in Libya are so fundamentally flawed that their design makes it almost impossible for any prime minister to succeed in pacifying and uniting the Libyan people. Whatever the answer may be, it may require an Atatürk to fix what Muammar Gaddafi and then NATO neglected, at least in the short term. As Abdelkader Abderrahmane has pointed out,

It is important to recall that in Libya, more than in any Arab country in the region, tribal cleavages are ancestral. One of the reasons Gaddafi managed to remain in power for more than forty years [was] due to his shrewd manipulation of these tribes – an important aspect the leader of the NTC appears to have neglected. Indeed, once the latter came into power, Mustafa Abdeljalil (and all who have succeeded him) should have rapidly brought together all the tribal leaders, to not only strengthen the NTC's central position, but also to put an end to these militias which put Libya at a risk of implosion, as indeed, individuals in Libya would be loyal to their [tribes] before any central government.

Libya was formed in 1951 as a federation of three distinct regions – the Emirate of Cyrenaica, the Republic of Tripolitania and Fezzan – and many Libyans still cherish the idea of returning to this original state of independence. It will require a sophisticated system of government and exceptional leadership to maintain the integrity of the Libyan state and ensure the general satisfaction of its people. Libyans desperately need a leader they can trust and who can build consensus, encourage debate and promote inclusivity. Unlike neighbouring Tunisia, Libyans lack not only an active civil society but also a culture of political debate. The 40 years of Gaddafism have stifled and smothered potential opposition. Consequently, Libyans no longer listen to one another, or exchange views. Libya has become a country where the loudest voice receives the most attention, at least temporarily.

A viable constitution is certainly somewhere on the elusive Libyan road toward peace, stability, justice and security and, if current obstacles can be temporarily overcome, would provide a secure foundation upon which to construct the future Libyan state.

The 2012 elections resulted in the representation of more than 20 political parties and over 100 independents in Libya's parliament, the 200-seat GNC. The leading National Forces Alliance (NFA) gained 39 seats (48 per cent) and the second-most popular Justice and Construction Party (also known as the Justice and Development Party) gained 17 seats (10 per cent). The latter is the Muslim Brotherhood's party in Libya.

Three years after Gaddafi's overthrow, Libya still has no national army and no

constitution. The continuing political instability, constitutional uncertainty, lack of personal security, impossibility of effective service delivery, economic stagnation, high unemployment, weak central government (weakened further by the growing uncertainty about who is in charge), usurpation of political autonomy and threats of geographical secession, and the dangerous absence of legitimate military authority, have made Libya a more vulnerable and fragile state.

### Key issues and internal dynamics

In the post-Gaddafi era, Libya is awash with unsecured and easily accessible weapons, rebel fighters searching for new *raison d'être*, divided and disjointed police and security services, and a consequential vast security vacuum that militias, organised terrorist groups and other hostile foreign entities have been, or will be, more than eager to exploit. This situation is also of great concern to Egypt's presidential contenders, who would not wish to see radical Islamic militants allied to the Muslim Brotherhood gain access to Libya's oil wealth and finance a counter-revolution in Egypt.

In the meantime, the successive Libyan governments have struggled to impose order. Their lack of success has been caused largely by the efforts of hundreds of heavily armed former rebel militias, who have succeeded in carving out their own fiefdoms and thereby effectively undermining the authority of the state's central governmental structures. These heavily armed groups, often formed around ethnic identity, hometowns and religion, grew primarily out of anti-Gaddafi rebel factions. Bringing the militias under central control has been one of the government's overriding challenges and one that became a spectacular governmental failure when rebels seized oil terminals, briefly kidnapped the Prime Minister (Zeidan), attacked prominent government leaders and diplomats, and occupied the parliamentary building in March 2014.

The latest escalation in the seemingly unending violent conflict in Libya began on Sunday, 18 May, when a militia allied to General Khalifa Hifter, a one-time rebel commander who claims the US backed his efforts to topple Gaddafi in the 1990s, attacked and ransacked Libya's parliament in Tripoli. The militia hit the building with anti-aircraft guns and rockets, causing MPs to flee in panic as parts of the complex caught fire. A commander in

the military police in Libya then read a statement announcing the suspension of parliament on behalf of a group led by Hifter.

General Mokhtar Farnana, speaking on a Libyan television channel on behalf of Hifter's group, said a 60-member constituent assembly had been assigned to take over parliament, but that Libya's current government could still act on an emergency basis. He did not elaborate. Farnana, who is in charge of prisons operated by the military police, then said: 'We announce to the world that the country can't be a breeding ground or an incubator for terrorism.'

When legislators tried to hold a session two days later at an alternative location to vote in a new prime minister, they came under rocket fire, which quickly ended the session. The Libyan parliament, comprising Islamist and non-Islamist lawmakers, has been attempting to extend its mandate, which expired in February. These attempts have prompted mass demonstrations by disappointed and angry Libyans, denouncing the lawlessness and incompetence of their first elected council. Parliament is also split between Islamists and non-Islamists over the election of the new Prime Minister, Maiteeq.

Scores of Libyan military units and commanders have apparently made a series of loyalty pledges to Hifter's 'Libyan National Army' and his offensive, which effectively began on 16 May, against Islamist militias in Benghazi.

The attack in Tripoli followed three days of fighting in the eastern capital, Benghazi, between Hifter's forces and pro-government militias that left 70 dead. Fighting later spread to other areas of the capital with tank and anti-aircraft fire heard in the western districts. The most intense fighting in Libya since the Arab Spring uprising of 2011 soon spread across the country as army and militia units declared their support for the rebels or the government. In eastern Libya tribal units and some defecting army formations clashed with Islamist militias, and the government responded by closing Benghazi's international airport.

Indications of support for Hifter and his Operation *Karama* ('dignity') soon became clear. Libya's permanent representative to the UN, Ambassador Ibrahim al-Dabashi, issued an announcement on 21 May, saying Hifter's move was 'not a coup ... but a

nationalist move'. The ambassador also supported Hifter's demands for the suspension of Libya's Islamist-led parliament and the transfer of all power to a caretaker government.

He said Libya should be purged of militias, on which the government has depended for the imposition of law and order. These militias should hand over their weapons, materiel, infrastructure and bases to the military. Although al-Dabashi, who posted this announcement on his official Facebook page, gave Hifter a significant boost, he also appealed to the general and his loyalist supporters not to interfere in politics, but to restrict themselves to building a cohesive military establishment.

The ambassador's announcement came after Colonel Goma al-Abbani, the chief commander of Libya's air force, also gave his support to Hifter in a televised address on 20 May. Al-Abbani promised to make 'a new Libya a vital player in combating terrorism and violence', while urging the Libyan people to support the military. Not all Libyans agreed, as al-Abbani's speech resulted in several rockets being fired at military bases in Tripoli while attackers looted and set fire to offices belonging to the air force.

Zeidan, Libya's former prime minister, now living in exile, and the country's elite Special Forces in Benghazi, which have been engaged in fighting al-Qaeda-inspired Islamic militants from the Ansar al-Shariah group for several months, have also pledged their support for Hifter.

The largest political bloc in parliament, the NFA party, which is led by Mahmoud Jibril, Libya's first premier after the civil war that toppled Gaddafi, also gave its support to Hifter. The NFA declared in a statement that Libyans found themselves 'drowning in a swamp of terrorism, darkness, killing and destruction'.

Hifter, who had served under Gaddafi before defecting to the US in the 1980s, insists he is fighting to save Libya, and has vowed to continue his offensive. 'This is not a coup against the state, we are not seeking power,' he said. 'Terrorism and its servants want it to be a battle, so [let] it be a legitimate one.' Hifter has also vowed to crush government militias that he believes are dominated by 'terrorists'. Sections of the armed forces have defected to the general, including the pilots of air force jets pounding militia bases in Benghazi.

In the meantime, Libya's interim government released a statement early in the morning on 20 May, through the country's Justice Minister Salah al-Marghani, who said that Libya 'condemns [the] expression of political opinion with armed force'. He also said that Hifter's offensive in Benghazi had nothing to do with the attack on parliament, but did not elaborate further.

Latest developments reflect a confusing situation in Libya, with two governments and two Prime Ministers (al-Thinni and Maiteeq) claiming to be in charge of the country. While Maiteeq was elected by the parliament, supported by the Islamists if not imposed by them, al-Thinni argues that he is waiting for the court to determine the legitimate Prime Minister of Libya. Meanwhile, both men gather their respective ministers in different venues.

## Geo-political dynamics

### Africa and RECs

Egypt's presidential candidates have expressed their concern about developments in Libya and are particularly worried about the possibility of Libya's oil wealth, and its abundance of weapons and Muslim Brotherhood adherents, being turned against Cairo's current and future political, economic and social endeavours. In addition, Tunisia has reportedly deployed 5 000 additional troops to its border with Libya.

### United Nations

On 19 March 2014, the 15-member UN Security Council unanimously adopted Resolution 2146 (2014) under Chapter VII of the UN Charter, which bans illicit crude oil exports from Libya, authorising states to inspect vessels on the high seas, using all measures commensurate with the specific circumstances.

On 19 May, the UN Support Mission in Libya (UNSMIL) again expressed its deep concern about the escalating violence in Libya, stating:

UNSMIL condemns the grave security deterioration in the Eastern region resulting in the high number of civilian casualties. The Mission calls on the authorities to immediately and quickly address the lawlessness, including the series of assassinations targeting the army, police and judiciary personnel, and to develop and implement a comprehensive security plan with the participation of political, security and social actors.

UNSMIL emphasizes the importance of holding parliamentary elections, agreed upon by all Libyans, to ensure the peaceful transition of power. The Mission is working to ensure Libyan agreement on a political roadmap for the transitional phase, rejecting the use of force and exclusion in resolving political differences. UNSMIL will spare no effort to facilitate dialogue in the national interest of Libya and civil peace.

### International community

In May 2014 the Arab League denounced the repeated attacks on Libyan officials, military personnel and police officers. The organisation's Secretary-General, Nabil el-Arabi, expressed the desire to see Libya achieve stability and reiterated the League's availability to provide Libyans with all forms of assistance to overcome the challenges they faced in their difficult period of transition.

On 17 May the Kuwait News Agency (KUNA) reported that, according to Libya's Foreign Minister, Mohammad Abdulaziz, the Arab League would be sending a senior delegation to Libya to help it achieve national reconciliation. Abdulaziz, who was on an official visit to Cairo, the headquarters of the Arab League, said that the delegation would be headed by former Palestinian Foreign Minister Nasser al-Qudwa.

'It will visit Libya soon and hold consultations with different political powers, government bodies as well as representatives of the civil society organizations to pave the way for a constructive national dialogue and a real reconciliation,' he said.

The Foreign Minister disclosed he was also in Cairo as head of a senior delegation of representatives of national security agencies and the ministries of defence and interior to discuss with their Egyptian counterparts the bolstering of cooperation on border security. 'Egypt and Libya represent strategic depth for each other and they have a shared responsibility towards each other.'

On 19 May, Saudi Arabia reportedly closed its embassy and consulate in Tripoli and withdrew its staff, in view of the deteriorating security situation. They are expected to reopen when the situation stabilises. Turkey has shut down its consulate in Benghazi. As a mainly preventive measure, Algeria has decided to close its embassy and consulate in Tripoli for the moment and repatriate its diplomatic staff. The Algerian national oil company,

SONATRACH, has also withdrawn its staff (about 50 people) from Libya.

The US has stationed 250 marines and additional aircraft in Sicily, Italy, as a precautionary move should the US State Department call for the evacuation of staff from the US embassy in Tripoli.

A US State Department spokesperson recently announced that Ambassador David Satterfield, who also directs the international monitoring force in the Sinai Peninsula, would be visiting Libya. 'Secretary of State [John] Kerry requested that Ambassador ... Satterfield travel to Libya to offer to help build political consensus at this challenging time in Libya's transition.' Kerry had apparently alluded to the ambassador's new role during a press conference on 15 May when he spoke about international efforts to help the political transition in Libya. 'We are working collectively through a number of different envoys. The Arab League has an envoy ... Great Britain has an envoy, we have an envoy ... we will work in concert, and [we have tasked] them, literally, to [work] as one entity,' Kerry said.

According to *EUbusiness*, the EU said on 19 May that it was 'deeply concerned' about developments in Libya after the armed groups attacked parliament and an air base in the east. The attacks left nearly 80 people dead and more than 140 injured. Witnesses said the attackers in Tripoli belonged to the *Zintan* brigades, known for their opposition to Islamist groups. They have attacked parliament before. A spokesperson for Catherine Ashton, the High Representative of the EU for Foreign Affairs and Security Policy, said the EU was concerned about the 'continuing deterioration' in Libya.

'The EU renews its commitment to support the Libyan people ... and calls on all parties to build consensus so as to ensure a transition to a stable democracy,' spokesperson Michael Mann said.

EU member states, especially Italy and its southern neighbours, are also apparently very concerned about the recent sharp increase in the influx of refugees from Libya, partly as a result of the deteriorating security situation in the country.

According to an Associated Press report, France has appointed Denis Gauer as special envoy for Libya as part of an effort to address growing violence in the country and to deter Libya-based terrorism from spreading in Africa. The French President, François

Hollande, has identified Libya as a primary source of weapons for the Jihadist terrorist group Boko Haram.

### Scenarios

From the foregoing analysis, the following scenarios are possible:

#### Scenario 1

The June legislative elections result in the election of a prime minister who quickly moves to gain the confidence of the Libyan people and the leaders of the country's many disparate, rebellious and marginalised factions. The new prime minister sets out a public timetable for progress in consultation and collaboration with all key role players aimed at developing a new constitution that promotes inclusivity, democratisation, justice, human security, good governance and national pride for all Libyans.

#### Scenario 2

The June legislative elections are accompanied by and exacerbate further violence and controversy, resulting in the election of a prime minister whose government sows more division through increasingly heavy-handed responses to dissent, leading to the termination of the democratic and constitutional process, widespread rebellion, civil war, the destabilisation of neighbouring states and the disintegration of the Libyan state.

#### Scenario 3

The leadership issue between Maiteeq and al-Thinni is not resolved and, with different militias supporting each of these claimants to the prime ministership, armed opposition escalates with civil war in Libya becoming more likely in the short to medium term.

### Options

The PSC could consider one or more of the following options.

#### Option 1

During the coming AU Summit there should be an ad hoc meeting on Libya, to allow the AU and PSC to come up with a short- to medium-term strategy to help Libya to exit the dangerous impasse in which it currently languishes, including a mediation mechanism to resolve the leadership issue between Maiteeq and al-Thinni to the general satisfaction of the Libyan people. The foreign ministers of the North African region should also be encouraged to meet urgently to discuss the issue. Tunisia cannot afford to be swamped by the instability in Libya, and Egypt also has legitimate security concerns.

#### Option 2

The PSC could encourage the Libyan government, in collaboration with external partners, to develop a comprehensive strategy, including all relevant factions, communities and role players throughout the country, aimed at the development of a constitution that provides a system of governance and administration that can realistically bring peace and stability to Libya while ensuring national unity and security, and the well-being of the majority of the country's population.

#### Option 3

In the event of positive moves away from violence toward dialogue and debate, the PSC could consider urging the AU, in collaboration with the League of Arab States, the UN and the EU, to arrange an international investment conference that will focus on (1) infrastructure development, (2) job creation, (3) small business development, and (4) rural development in Libya.

#### Option 4

Given that RECs such as CEN-SAD (largely a creation of Gaddafi that has been moribund since his fall) are either

too exclusive, too large and unwieldy, or simply ineffective, the PSC should consider encouraging Libya, together with Algeria, Tunisia, Egypt and other North African states, to consider forming a more compact inclusive community that can work together more closely to address common problems that are relevant to their region in terms of history, culture, geography, demography, economics, governance and security.

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## Country analysis

### SOUTH SUDAN

#### Previous PSC and AU communiqués

The AUC chairperson, Dr Nkosazana Dlamini-Zuma, issued a communiqué on 8 May 2014, a day before the meeting in Addis Ababa between South Sudan's President Salva Kiir Mayardit and former Vice President

Riek Machar, in which she urged the two leaders to seize the opportunity to agree to concrete measures to respect commitments under the 23 January 2014 Cessation of Hostilities Agreement and move the political process forward.

She stated that the people of South Sudan, the region, Africa and the broader international community were troubled by the appalling violence and deteriorating humanitarian situation in South Sudan and reiterated the

urgency of finding a lasting solution to the crisis. Noting that the meeting was taking place against the backdrop of the signing of the Recommitment on Humanitarian Matters and Cessation of Hostilities Agreement between the two conflicting parties in Addis Ababa on 5 May 2014, the chairperson underscored the need for commitments to be fully implemented, including the provision for a month of tranquillity starting from 7 May 2014, to enable the

unhindered, unrestricted and safe delivery of humanitarian assistance to those in need.

The communiqué reaffirmed the AU's support for the mediation process under the auspices of IGAD and its special envoys, and commended the Ethiopian and regional leadership and international actors involved in efforts to resolve the crisis in South Sudan.

The AUC Chairperson had also previously released a statement, on 22 April 2014, in which she expressed deep concern at the continued deterioration of the security and humanitarian situation in South Sudan. In that statement, she strongly condemned the deliberate and criminal attack on civilians in Bentiu, Unity State, on 15 April 2014, when over 200 civilians were reportedly killed and more than 400 wounded while sheltering in a mosque. This atrocity was followed by another attack on 17 April 2014 against civilians sheltering at the UN Mission in South Sudan (UNMISS) camp in Bor, Jonglei State. Over 40 people were killed and many more wounded. Calling these acts 'dastardly', the chairperson reminded both the government and the SPLM-in-Opposition of their responsibility to fully abide by the agreements they had signed in January 2014 and their obligations regarding the protection of all civilians, including those who were under the protection of the UN. She urged both parties to fully cooperate with the IGAD-led Monitoring and Verification Mechanism (MVM), in order to investigate the attacks and bring their perpetrators to justice.

Earlier, on 29 January 2014, the PSC at its 416<sup>th</sup> meeting held at the level of heads of state and government, revisited its earlier communiqués and press statements on the situation in South Sudan. These were notably communiqué PSC/AHG/COMM.1(CDXI), adopted on 30 December 2013 at its 411<sup>th</sup> meeting in Banjul, The Gambia, and its press statement PSC/PR/BR.2(CDXIII) issued on 16 January 2014 at its 413<sup>th</sup> meeting, in which the PSC restated its position on the total rejection of unconstitutional changes of government and attempts to seize power by force, in line with the AU Constitutive Act and the African Charter on Democracy, Elections and Governance.

Expressing the AU's deep concern over the outbreak of violence on 15 December 2013 and the subsequent

fighting between the forces of the South Sudanese government and those loyal to Machar, as well as the accompanying humanitarian suffering, the PSC strongly condemned the attacks on innocent civilians, including the targeting of ethnic groups and specific communities. It emphasised the need to bring to account all perpetrators of human rights abuses in line with the AU's instruments against impunity. The PSC also welcomed the formation of a Commission of Inquiry into violations of human rights in South Sudan and underlined its determination, in cooperation with IGAD, to hold those responsible accountable, and to ensure the protection of civilians and humanitarian access.

### **Crisis escalation potential**

South Sudan has witnessed violence of tragic proportions over the past few months. From what was ostensibly an internal party tussle for political power, the situation descended quickly into brutal violence that seemed headed for the disintegration of the nascent state. Uganda's subsequent military intervention in support of President Kiir tipped the balance in favour of the latter's government, but also raised new geopolitical concerns and questions about the neutrality of the mediation process led by IGAD, of which Uganda is a member.

While the violence was underpinned by issues of history, power politics and structural problems of governance at both party and state level, intertwined with ethnic divisions, the actual trigger was the collapse of the Sudan People's Liberation Movement's (SPLM) National Liberation Council meeting in December 2014. It was at this meeting that political differences between President Kiir and Machar played out and drew in sections of the military. These differences were not new, as demonstrated by earlier statements by both Machar and former SPLM Secretary General Pagan Amum that they would run against President Kiir for the presidency in the 2015 elections (which are now uncertain). It was these statements, among others, that led to the reshuffling of the cabinet in July 2013, after President Kiir had dismissed Machar and the rest of the cabinet. However, the dismissed politicians continued to challenge the president on a number of issues, including his heavy handedness and 'dictatorship' at both party and national level. These entrenched positions, compounded by a history of conflict within the

ruling party, played out at the National Liberation Council meeting in December 2014. There were also allegations that the situation had become polarised when the Presidential Guards, in an effort to root out 'rebels', targeted Nuer neighbourhoods, leading to retaliatory violence in other parts of the country. Wrongly presented by some as a tribal conflict between President Kiir's Dinka and Machar's Nuer ethnic groups, the conflict escalated quickly. This was to some extent because of entrenched struggles for political power, mobilisation along ethnic lines, the availability of arms and a lack of institutional means for seeking proper redress of grievances. Violence in South Sudan is seen as a way to resolve political differences due to a history of impunity, where there has been little or no accountability for human rights abuses.

There is also the question of South Sudan's army, which is known for factionalism and loyalty to individuals rather than central command. It is alleged that at the outbreak of violence in December 2013 and subsequently, some soldiers either deserted or failed to follow instructions (on either side of the conflict), resulting in ghastly events such as those of 15 April 2014 in Bentiu, Unity State. It has also been reported that radios have been used in some areas to spread hate messages and incite violence, including calls for sexual violence against opponents (especially in the Bentiu case, where the targets were those deemed to be supporting the government). There is also a risk that particularly the Dinka and Nuer people will become increasingly and systematically victimised because of continued prejudice and discrimination along ethnic lines.

The lack of commitment by the South Sudanese government and the SPLM-in-Opposition to ceasing hostilities remains a source of frustration among sections of the South Sudanese population, mediators and the broader international community. Both sides seem to be seeking a political advantage by continuing to fight. The SPLM-in-Opposition has targeted oil production facilities in the hope of gaining leverage in the negotiation process, while the government seems to believe that it can gain a military victory, or at least limit the influence of the opposition, with external support, particularly from Uganda.

There are also unproven allegations of external groups, especially from Sudan, fighting on either side of the conflict, thus exacerbating the situation. However, unless the South Sudanese leadership can overcome the struggle for personal power it will be difficult to cease hostilities or address the many structural problems that underpin the conflict.

### Key issues and internal dynamics

The problems and political differences between President Kiir and Machar have deep roots. The narrative about Machar defecting from the Sudan People's Liberation Army (SPLA) in 1991 and forming a splinter group that sided with Khartoum to fight the SPLA is alive and well in the current political discourse. The splinter group, largely composed of Nuers, was involved in the massacre of ethnic Dinkas in the town of Bor in 1991 and some see the current differences between Kiir and Machar as dating back to that incident. Akshaya Kumar, a South Sudanese policy analyst with the Enough Project, says, 'President Kiir has been drawing on those memories and referencing them, even in his public statements,' with the aim of making the incident a striking reminder about Machar's destructiveness. At independence in 2011, Kiir became President with Machar as Vice President in the hope of eventually uniting the two communities.

However, it appears that individual agendas have replaced the quest for unity, with several South Sudanese political figures seeking to exploit ethnic identities to advance personal interests. There are those who argue that the current political differences, while underpinned by structural problems of poor governance, have been worsened by personal differences, where Machar probably sees himself as better educated and a better leader than President Kiir. Those sharing this view observe that this is what motivated Machar and Amum to challenge the president on various issues and consider running for presidential office in 2015.

Structurally, however, South Sudan is in need of a serious state-building exercise. South Sudan does not have strong, functional institutions or effective governance, which has led to the personalisation of political power, widespread corruption and impunity, and limited service delivery. Other challenges include the SPLM's disastrous political transition, which did not promote checks and balances,

a lopsided constitutional order bordering on dictatorship, and a dysfunctional military with allegiances to different commanders. The continued dominance of the SPLM and the resultant feeling of entitlement have served to skew political power and the distribution of the country's resources, particularly oil revenues; and have promoted selfish interests, power struggles and ethnicisation.

On the whole, the fissures of violence have built up over time, resulting in the intense competition for political power within the ruling SPLM in December 2013 that spilled over into the army. The ongoing conflict is therefore, first and foremost, a governance and political issue with ethnicity being used as a mobilising factor. It may be true that President Kiir has shown his limitations in attempting to transform a fragile country into a stable state, but Machar is not beyond reproach. He was largely in charge of South Sudan during the interim period from 2005–2011 and there are suggestions that he too promoted and benefitted from the system's ills in the post-independence era. There are arguments that the two leaders might not be the best candidates for fashioning a polity that will confront and reverse the country's structural legacy and prejudices, and replace it with a state that ensures inclusiveness and fairness. This requires leadership that can carefully unpick the deeply embedded structural problems and transform them to serve the needs of the majority of South Sudanese.

Diplomatic efforts have so far failed to end hostilities and secure a peace agreement. Neither side seems willing to back down or accept losing face, as both seem to believe they can turn the tide in their favour. January to May 2014 saw two dishonoured agreements, first the 23 January Cessation of Hostilities Agreement, which provided for an end to the fighting and a monitoring and verification mission; and the 9 May 2013 peace deal between President Kiir and Machar that called for an immediate truce and the formation of a transitional government ahead of the drafting of a new constitution and new elections. These came and went, largely ignored by both parties. Both sides have traded accusations and counter-accusations with suggestions that neither was wholly in charge of its forces, thus leading to continued violence.

On the whole, the mediation process in Addis Ababa is important, but in itself it may not eliminate the underlying forces and factors that are causing the political violence. The process requires a reform road map with clear timelines and mechanisms for implementation and greater regional and international involvement to create the conditions for meaningful reforms. However, indications are that the mediation process will remain slow and that the conflict may linger for some time.

### Geopolitical dynamics

#### Africa and RECs

During the past five months there have been a number of diplomatic initiatives by the AU and IGAD aimed at securing a lasting ceasefire. Following the outbreak of violence, IGAD responded by sending a Council of Ministers to Juba on 19 and 20 December 2013, accompanied by the AU Commissioner for Peace and Security and the UN special envoy to the AU, with the intention of securing a de-escalation to the violence. The visit was followed by that of the IGAD chairperson and the Ethiopian Prime Minister, Hailemariam Desalegn, as well as the East African Community (EAC) head and Kenya's President Uhuru Kenyatta. They met President Kiir, his cabinet and 11 individuals detained after the outbreak of the violence. Among other issues, they discussed how to resolve the crisis while encouraging both parties to engage in dialogue. The situation culminated in an extraordinary session of the IGAD summit on 27 December in Nairobi, where three special envoys, namely Ambassador Seyoum Mesfin from Ethiopia, Ambassador General Lazaro Sembeiywo from Kenya and General Mohamed Mustafa El Dabi from Sudan, were appointed to lead the mediation process.

The Nairobi summit also called on the parties to resolve their differences through peaceful dialogue and the cessation of hostilities by 31 December and to ensure the protection of civilians and humanitarian workers. The three special envoys, together with the IGAD secretariat, started engaging the parties in early January in Addis Ababa with the initial discussions dominated by disagreements on who was responsible for the violence, the release of political prisoners in detention over an alleged coup d'état and options for

the cessation of hostilities. The presence of Ugandan troops in South Sudan was also a divisive issue. The mediation's second phase resulted in the signing of the cessation of hostilities agreement and the agreement on the questioning of detainees on 23 January 2014. It also provided for an all-inclusive Joint Technical Committee based in Juba to operationalise and oversee the monitoring and verification mechanism. The ceasefire, however, had barely come into being before both parties began engaging in mutual accusations about violations.

IGAD and its partners succeeded in expediting the release of seven of the 11 detainees on 28 January, while the remaining four were freed on 27 April 2014. Subsequent frameworks for dialogue focussed on social and humanitarian issues, security and safety, governance, democracy and human rights, the judiciary, the economy and development and party issues. On 9 May 2014, President Kiir and Machar met under the auspices of IGAD and with the support of the AU and the Troika (the US, Britain and Norway). President Kiir and Machar then signed a peace deal that included providing for an end to military operations against one another, opening humanitarian corridors for delivery of basic services, and an interim government with the full participation of all stakeholders concerning institutional reforms. This agreement, like the 23 January agreement, was violated not long afterwards, amid accusations and counter-accusations.

Regionally, there have been many concerns, including suggestions of the possible start of proxy wars between Sudan and Uganda and between Ethiopia and Eritrea, for instance, emanating from geostrategic interests in South Sudan.

#### **United Nations**

The UN Secretary-General, the UN Peace and Security Council, the Special Representative of the UN Secretary-General for South Sudan and the UNHCR have variously released statements expressing deep concern over the wave of violence in South Sudan and the deteriorating humanitarian situation, while urging the immediate cessation of hostilities. They too have expressed political support for the mediation process led by IGAD.

#### **International community**

The international community has been exerting pressure on the conflicting actors to pursue a mediated settlement. The US has even threatened sanctions against those who remain intransigent. The Troika countries have provided technical support for such a mediated settlement, while the EU has provided much of the financial support.

#### **Civil society**

While civil society organisations (CSOs) have been excluded from the peace process in Addis Ababa, CSOs have met variously and urged the cessation of hostilities. They have also lobbied the US and UK envoys in Addis Ababa, among other diplomatic missions, as well as IGAD representatives, urging that consideration be given to their participation or inclusion in the peace negotiations. CSOs have lobbied for a more inclusive peace process taking the form of a national dialogue.

#### **Scenarios**

##### **Scenario 1**

The parties agree to an interim government headed by a neutral person. The interim government provides for a national dialogue focussing on reforms and a new constitutional order. This leads to an election and the formation of a government that is more accountable and inclusive.

##### **Scenario 2**

The mediation process leads to an interim government and a power-sharing arrangement. The interim government pursues a semblance of political dialogue and introduces piecemeal reforms followed by a vicious election between the two current protagonists. The losing candidate refuses to concede, citing an unfair process and vote rigging, followed by intermittent violence in parts of the country.

##### **Scenario 3**

There is an escalation in violence, drawing in other ethnic groups and initiating proxy wars by regional actors. The rebel group captures the oil production facilities, thus denying the government its main source of revenue. This leads to a Somali-style situation where the government controls only portions of the country.

#### **Options**

In addressing the above scenarios, the AU PSC and RECs could consider some of the following options.

##### **Option 1**

Push for an end to violence by exercising leverage over the parties to adhere to the signed Cessation of Hostilities and Peace Agreement (with the support of external partners) and expedite the deployment of a force with a clear mandate to make and maintain peace.

##### **Option 2**

Ensure urgent humanitarian access throughout the country.

##### **Option 3**

With the support of the international community, support the creation of conditions for meaningful reform with a clear road map and timelines and mechanisms for implementation. Support local, traditional and any other mechanisms that could conceivably promote a balance between accounting for past atrocities and reconciliation.

## Open page

# DEMOCRACY, AN INSTRUMENT FOR PEACE IN AFRICA

Following the 432<sup>nd</sup> meeting of the PSC in April 2014, the Council's press statement [PSC/PR/BR (CDXXXII)] on unconstitutional changes of government included the observation that,

unconstitutional changes of government and popular uprisings were deeply rooted in governance deficiencies ... [and] ... that in situations of greed, selfishness, mismanagement of diversity, mismanagement of opportunity, marginalization, abuse of human rights, refusal to accept electoral defeat, manipulation of [the] constitution, as well as unconstitutional review of [the] constitution to serve narrow interests and corruption, among other factors, [were] potent triggers for unconstitutional changes of government and popular uprisings.

In addition, the PSC's press statement recorded the need for AU Member States

to deepen the culture of democracy, accountability, inclusiveness, participation, reconciliation and good governance to foster peace and stability on the continent.

According to the 2014 African election calendar of the Electoral Institute for Sustainable Democracy (EISA) in Africa, by the end of this year major elections will have taken place in over a dozen countries, including Algeria, Botswana, the Central African Republic (CAR), Egypt, Guinea-Bissau, Malawi, Mauritania, Mozambique, Namibia, South Africa and Tunisia.

Although the number of multiparty elections taking place in 2014 does not necessarily represent an indication of democratic accomplishment in Africa, it does indicate progress. Yet, as the 2013 Economist Intelligence Unit (EIU)

noted, in terms of its assessment criteria only 25 countries out of a total of 167 could be called 'full democracies'. The island state of Mauritius was the only African country to be classified by the EIU as fully democratic.

Although the EIU's *Democracy Index* expresses the view that 'the condition of having free and fair competitive elections, and satisfying related aspects of political freedom, is clearly the *sine qua non* of all definitions [of democracy]'; it also notes, in the wider context, that 'there is no consensus on how to measure democracy, definitions of democracy are contested and there is an ongoing lively debate on the subject'.

No doubt the variety of opinions about an agreed definition can be attributed in part to the influence of subjective personal factors, such as democratic experience and democratic ideals, that are often merged with more objective factors, such as universally agreed fundamental characteristics, in conceptualising various definitions of democracy.

Given these basic characteristics, democracy might be broadly defined, at least in the normative sense, as a form of government

characterised by the rights of all citizens, irrespective of ethnicity, gender, race, ideology, religion or any other unfair cause of discrimination, to exercise a personal and private choice between at least two alternative possibilities, in electing their political leaders;

that makes it possible for adult citizens to vote and participate in regular, fair and free election processes;

comprising elected representatives committed to serving the greater good of the general population and thereby functioning in the best interests of the nation within legal and constitutional restraints;

displaying impartiality in administering to the needs of the governed, irrespective of party political loyalties;

constantly subject to the rule of law, epitomised by the country's democratically legislated constitution; and

always accountable to the electorate.

In addition it is conceivable that, in an advanced democracy, the government should be prepared to lead, direct and administer the state temporarily and eschew engineering the indefinite perpetuation of its leadership; and should effectively and unambiguously demonstrate its willingness to surrender political power, peacefully and without rancour, to a successor opposition administration that achieves political power through a free and fair democratic election process.

Some countries fall short of qualifying as even moderately advanced democracies, depending on the criteria used by researchers to assess their progress. The EIU's 2012 *Democracy Index* refers to flawed democracies and lists 54 of them, including 10 in Africa. However, some flawed democracies, despite their potential for progress, might not achieve the status of full democracies for many years. This is because, ideally, a full democracy should be able to demonstrate its democratic credentials by its actions, not merely through promises and good intentions.

Therefore, a government that is willing to relinquish power peacefully to a triumphant opposition party or coalition through free and fair democratic elections, through its actions would demonstrate its commitment to basic democratic principles, even in the presence of flaws that might make it less than fully democratic in terms of the EIU's criteria.

Although the *Democracy Index* does not address this issue specifically, a significant failing of some flawed democracies (in 2013 the EIU included Botswana, South Africa and Namibia in this category) would seem to be that the parties in power are consistently re-elected, despite changes in political leadership. Therefore, their willingness to peacefully surrender power in the

event of a democratic electoral defeat remains unproven. Unfortunately, but necessarily, this poses a catch-22 situation whereby an elected government needs to demonstrate political weakness, by losing an election, in order to demonstrate the strength of its democratic principles, by peacefully surrendering power to the opposition.

Ultimately, democracy is about freedom of choice. In the absence of an effective opposition party there is no choice. In the absence of the opportunity to freely and fairly elect an opposition party to power, without the possibility of violence or disputes that cannot be settled in terms of the law, there is also no choice. Without freedom of choice, effective institutions of government and effective opposition, dialogue becomes monologue; debate becomes decree; and leaders become impervious to accountability.

In Africa a number of political leaders have spent between 23 and 34 years in office. These include Teodoro Obiang Nguema Mbasogo of Equatorial Guinea (34 years), José Eduardo dos Santos of Angola (34 years), Robert Mugabe of Zimbabwe (34 years), Paul Biya of Cameroon (31 years), Yoweri Museveni of Uganda (28 years), Blaise Compaoré of Burkina Faso (26 years), Omar al-Bashir of Sudan (25 years) and Idriss Déby of Chad (23 years). The *Democracy Index*, which lists 26 African states as authoritarian, ranks all of the above countries as authoritarian regimes, apart from Uganda, which is ranked as a hybrid regime. None of these countries has held, or will hold, elections this year.

People who live in countries that are not democracies have little if any opportunity to assume more control. Violent confrontation is often a consequence of an unpopular or oppressive autocratic rule. Therefore, sustained pre-emptive pressure from democratic neighbours, RECs and the AU to encourage autocratic states to democratise or improve democratic quality would arguably be in the best interests of domestic and regional security and would also be

a positive early warning response to the prevention of future coups, civil wars and revolutions. Peace in Africa requires good governance; good governance in Africa requires sustainable democracy; and sustainable democracy in Africa requires freedom of choice.

Some African governments, in order to avoid handing over power to a victorious opposition party but where failure to do so might result in civil war, have entered into governments of national unity. Unfortunately, when two rival parties unite because they have to rather than because they want to, the ability to govern effectively is reduced to the lowest common denominator, where the implementation of hybrid, often ill-constructed policies becomes the norm. A government of national unity invariably becomes the dominant political force and is usually not counter-balanced by an effective opposition party. In effect, the state ruled by a government of national unity is often not noticeably different from a one-party state. Zimbabwe, where the president is now no longer criticised by the 'opposition' leader, the country's prime minister, is an obvious example. Clearly, in this situation dissent becomes diluted by an absence of choice, to the detriment of the electorate and democracy itself.

Angola, Botswana, Burkina Faso, Cameroon, Chad, Djibouti, Ethiopia, Equatorial Guinea, Namibia, the Seychelles, South Africa, Sudan, Uganda and Zimbabwe are among more than 20 African countries that are currently governed by dominant parties (some have changed their names) that have wielded political power continuously for over two decades. The EIU classifications of such countries tend to vary between 'flawed democracies' that do have opposition parties and autocratic states that are generally intolerant of opposition.

In advanced democracies, the key to limiting the terms of office of incumbents, particularly those that govern badly, must reside in less intimidated, better-informed, more sophisticated and confident voters

who hold real power to determine who should govern them and for how long. Ultimately, democracy should be treated as an indispensable instrument for peace, because in a functioning democracy, intolerant, incompetent or ineffective political leaders can be removed from power, not by soldiers with guns, but by those who gave them power: the voters.

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Economist Intelligence Unit (EIU), Democracy Index 2012, Democracy at a standstill

Electoral Institute for Sustainable Democracy in Africa (EISA), African Election Calendar, 2014

## Important dates to diarise

|       |      |  |
|-------|------|--|
| 4     | June | International Day of Innocent Child Victims of Aggression  |
| 5     | June | World Environment Day  |
| 12    | June | World Day Against Child Labour   |
| 17    | June | World Day to Combat Desertification and Drought  |
| 20–27 | June | 23 <sup>rd</sup> AU Summit, Malabo, Equatorial Guinea (theme: Agriculture and Food Security in Africa) |
| 20    | June | World Refugee Day  |
| 26    | June | International day Against Drug Abuse and Illicit Trafficking   |
| 18    | July | Nelson Mandela Day   |

| Country             | Election                                    | Date *          |
|---------------------|---|-----------------|
| Egypt               | Presidential (2 <sup>nd</sup> round)        | 16–17 June 2014 |
| Libya               | House of Representatives                    | 25 June 2014    |
| Mauritania          | Presidential                                | 21 June 2014    |
| São Tomé & Príncipe | National Assembly                           | July 2014       |
| Tanzania            | Constitutional referendum                   | August 2014     |
| Botswana            | National Assembly                           | October 2014    |
| Liberia             | Senate (half)                               | 14 October 2014 |
| Mozambique          | Presidential, National Assembly, Provincial | 15 October 2014 |

*\*could change, dependent on circumstances*

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