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UNIÃO AFRICANA

Addis Ababa, Ethiopia, P.O. Box: 3243 Tel.: (251-11) 5513 822 Fax: (251-11) 5519 321
Email: situationroom@africa-union.org

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**REPORT OF THE CHAIRPERSON OF THE COMMISSION ON THE
SITUATIONS IN GUINEA BISSAU, MALI AND BETWEEN
THE SUDAN AND SOUTH SUDAN**



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I. INTRODUCTION

1. Over the past weeks, different regions of the continent have faced serious crises. Since mid- January 2012, Mali has faced an armed rebellion in the north of the country. This comes in addition to the actions of the terrorist and criminal groups which have been operating in that region for several years now. The situation was compounded by the coup d'état of 22 March, which overthrew the democratically-elected President, Amadou Toumani Toure, a little more than a month before the presidential election which was scheduled to take place on 29 April 2012. In Guinea Bissau, a country which, finally, appeared to have emerged from the chronic instability which had marked its history since independence, the army overthrew the civilian authority on 12 April 2012. This new coup d'état took place while preparations were underway for the second round of the presidential election, then scheduled for 29 April, following the death of President Malam Bacai Sanha. Finally, Sudan and South Sudan, in spite of the sustained efforts made by the AU with the support of the international community, have not been able to rise to the level of the hope generated by the successful holding of the referendum for self-determination and subsequent independence of South Sudan. The two countries are today trapped in a logic of war, which is destabilizing them, the region and the rest of Africa.

2. In Mali and Guinea Bissau, the coups d'état that have taken place there call into question the principle of the rejection of unconstitutional change of government. Those developments constitute a serious setback for the democratic process initiated since the 1990s, while also highlighting the need to further enhance the deterrence potential of the instruments adopted by the AU on unconstitutional changes of government. As pointed out above, the situation in Mali is coupled with a serious violation of what is undoubtedly one of the most fundamental principles of our Union, that is the principle of respect for the borders existing at the time of independence and the unity and territorial integrity of Member States. In the Declaration adopted by the 16th Ordinary Session of the Assembly of the Union, held in Addis Ababa, on 30 and 31 January 2011, following the referendum for self-determination in South Sudan, the Heads of State and Government had clearly pointed out that the situation of Sudan was an exceptional case and did not, in any way, call into question the sacrosanct principle of respect for the borders inherited at the accession to independence by African countries. Regarding the relations between Sudan and South Sudan, we are facing the challenge of non-respect of the principle of good neighborliness and a test for the universally-accepted objective of two viable states living side-by-side in peace.

3. Africa has reacted firmly to all these crises, affirming clearly the principles to be applied and endeavoring to find solutions within the limits they prescribed. I would like to express the deep appreciation of the AU to the Economic Community of West African States (ECOWAS) and to the Inter-Governmental Authority for Development (IGAD) for the sustained efforts they deploy, in conformity with the provisions of the PSC Protocol which

articulate the division of labor and complementarity of efforts between the continental and regional levels in the promotion of peace, security and stability. The AU, pursuant to its responsibilities, continues to support these efforts and take all necessary initiatives to hasten their successful conclusion.

4. It is imperative, considering the principles in question and what is at stake for peace and security on the continent, to enhance the effectiveness and the credibility of the efforts made and mobilize greater support from the international community. Africa cannot simply accept that the principles underlying the Constitutive Act be violated in such a flagrant manner and cannot reconcile itself with the persistence of the crises faced by Guinea Bissau and Mali, as well as with the logic of war which characterizes the relations between Sudan and South Sudan. An enhanced and more coordinated collective action is more necessary than ever. This is why, basing myself on Article 10 (2a) of the Protocol relating to the Establishment of the Peace and Security Council, which allows the Chairperson to draw the attention of Council to any matter which, in his/her view, could jeopardize peace, security and stability on the continent, I have taken the initiative to convene this meeting.

5. The present report comprises three major sections focusing on Guinea Bissau, Mali and the situation between Sudan and South Sudan. Each section sums up the most significant developments that have taken place over the past weeks and the efforts made to find solutions to the different crises under consideration. The report concludes with recommendations on the way forward, with the view to enhancing the effectiveness of the collective African action and strengthening the ownership, by the continent, of the process to resolve the crises affecting it and its leadership in the efforts made to this end.

II. SITUATION IN GUINEA BISSAU

6. Over the past years, the situation in Guinea Bissau appeared to be evolving in an encouraging direction, ending the cycle of chronic instability, including several political assassinations, which marked the political history of the country since independence. At the same time, the country was in the throes of heightened social tension due to the increase in the price of commodities, the reactions to the inquiries into the political assassinations of June 2009 and the acts of military indiscipline of 26 December 2011. However, following the death, on 9 January 2012, of President Malam Bacai Sanha, the Speaker of the National Assembly, Raimundo Pereira, was sworn in as acting President, in accordance with the relevant provisions of the Constitution of Guinea Bissau, pending the organization of the early presidential election.

7. The first round of the presidential election was organized on 18 March 2012. It was considered to be free and fair and credible by all the international observers, including those of the AU. Carlos Gomes Junior came first. However, five of the eight other candidates rejected the provisional results and demanded the complete annulment of the vote, as well as the urgent organization of a reliable national census for the holding of free, fair and credible elections. Both the National Electoral Commission (CNE) and the Supreme Court rejected their claims. The second round of the election was fixed for 29 April 2012. With Carlos Gomes Junior, on the one side, determined to go to the second round, and the

coalition of the five candidates, equally determined to obtain the annulment of the vote, the electoral process was reached an impasse.

8. In the meantime, the issue of cooperation between Angola and Guinea Bissau, in general, and that of the military and security cooperation, in particular, emerged in the political debate between the two rounds, thus bringing the presence of the Angolan Technical Military and Security Mission in Guinea Bissau (MISSANG-GB) to the forefront. The presence of MISSANG, which was deployed within the framework of the ECOWAS–CPLP (Community of Portuguese Speaking Countries) Roadmap on the Defense and Security Sector Reform, highlighted the difficult relations between the constitutional authorities and the army. There was a showdown between the Government and the African Party for the Independence of Guinea Bissau and Cape Verde (PAIGC), which continued to reaffirm their determination to maintain MISSANG, and the military hierarchy, which also was adamant to obtain its withdrawal and to oppose the deployment of any international interposition force. In order to defuse the electoral crisis and on the basis of the decision taken by the Extraordinary Session of the ECOWAS Summit, held in Abidjan, on 27 March 2012, President Alassane Dramane Ouattara, Current Chairman of ECOWAS, dispatched, on 31 March 2012, a joint high-level ECOWAS-AU-UN fact-finding mission to Guinea Bissau. Angolan officials also visited Guinea Bissau. Following those visits, the principle of the withdrawal of MISSANG was accepted. In a letter dated 4 March 2012, the Permanent Mission of Angola to the AU confirmed the decision on the withdrawal of MISSANG, while reiterating the commitment of the Angolan Government to pursue its contribution to the efforts of stabilizing the situation in Guinea Bissau.

9. On 12 April 2012, the military seized power, arresting Acting President Raimundo Pereira, and Carlos Gomes Junior, the Prime Minister, who led in the first round of the presidential election. Presenting themselves as the “Military Command”, the perpetrators of the coup d’état, in their first communiqué of 12 April, stated that they were not interested in power, justifying their action as a reaction to the decision of the Government to call on a foreign force, a position reaffirmed in the communiqués that followed. It was only on 13 April, after a meeting held, at its initiative, with the opposition political parties on the same day that the said “Military Command” revealed its true face and disclosed its real intentions. It affirmed that it was detaining the Acting President of the Republic, the Prime Minister, the Chief of Defense Staff, the Ministers of Interior and of Trade, and requested the political parties to make proposals for a “new political architecture”.

10. The coup d’état was strongly condemned by the AU, ECOWAS, the United Nations, the European Union (EU), the International Organization of *La Francophonie* (OIF), the CPLP, and other bilateral and multilateral partners. The 318th meeting of Council, held on 17 April 2012, decided to suspend the participation of Guinea Bissau in all the activities of the AU until the restoration of constitutional order, and demanded the continuation of the electoral process with the organization of the second round of the presidential election. Council demanded the immediate and unconditional release of sequestered political personalities, as well as the preservation of their dignity and physical integrity. Council requested the Commission, in consultation with ECOWAS, to submit to it, for decision, proposals on additional sanctions against the perpetrators of the coup d’état and their military and civilian supporters,

including travel ban, asset freeze and other measures. Council also requested me to undertake consultations with ECOWAS, the CPLP, the United Nations and other partners for the establishment of a mission that would continue the work started within the framework of the implementation of the ECOWAS-CPLP Roadmap, particularly those aspects relating to defense and security sector reform, including the possibility of deploying a new international stabilization operation.

11. On 16 April, the Chairman of ECOWAS sent a second mission to Guinea Bissau. The mission met with the representatives of the "Military Command" and those of the political parties and some personalities of the civil society. To all its interlocutors, it recalled, in strong terms, ECOWAS' "zero tolerance" policy for military coups d'état, the demand for the restoration of constitutional legality and the release of detained personalities. The mission also pointed out that ECOWAS was ready to set up a military force for peace. The "Military Command" said it "accepted" the principle of speedy restoration of constitutional legality on condition that Carlos Gomes Junior did not resume his post of Prime Minister and would not stand as candidate for the presidential election. It also pledged to release the political prisoners, "as soon as the security conditions were met".

12. Subsequently, the "Military Command" organized a meeting of a "Forum of political parties on the coup d'état of 12 April 2012" and established two Committees: a Social Committee in charge of economic matters and the management of the day-to-day affairs, and a Diplomatic Committee in charge of explaining the reason of the coup d'état. The negotiations, held on 14 April between the "Military Command" and the political parties of the minority parliamentary opposition led to the signing, on 18 April, between the two parties, of the "Protocol on the establishment and management of constitutional and democratic order". This Protocol establishes a "National Transitional Council" for a period of 2 years, implying the *de facto* removal of the Acting President and the dissolution of Parliament. Manuel Serifo Nhamadjo, First Deputy Speaker of the People's National Assembly and one of the candidates opposed to the second round of election, was appointed the Chairman of the Transition, and Sori Djalo, First Vice President of the "Parti de la Renovation sociale" (Social Renovation Party – PRS) and Second Deputy Speaker of the National Assembly, was appointed the Chairman of the National Transitional Council. PAIGC and 8 other political parties, on their part, formed a front rejecting the coup d'état. Manuel Serifo Nhamadjo publicly refused the role of "Chairman of the Transition" for which he had been designated.

13. The AU and ECOWAS rejected the Protocol, considering it a futile attempt to legitimize the coup d'état. It should also be added that, in a presidential statement dated 21 April 2012, the UN Security Council, recalling its statement to the press of 13 April 2012 and its strong condemnation of the coup d'état, rejected the unconstitutional establishment of the "National Transitional Council" by the military leaders and their supporters. The Security Council demanded the immediate restoration of constitutional order and the reinstatement of the legitimate government, as well as the immediate and unconditional release of the high personalities detained. In this regard, the Security Council welcomed the decision of the AU to suspend Guinea Bissau until the restoration of constitutional order. The Security Council encouraged the AU, ECOWAS and the CPLP to coordinate their efforts and urgently called on

the partners of Guinea Bissau and the UN Secretary-General to support their efforts. The Security Council stated its readiness to consider other possible measures, including the imposition of targeted sanctions against the authors of the military coup d'état and their supporters, if the crisis was not resolved. The Security Council took note of the decision of the AU to hold consultations with ECOWAS, the CPLP, the UN and other partners on the new means that may be required to stabilize the country, in consultation with the legitimate government of Guinea Bissau.

14. Through the coup d'état of 12 April, the army of Guinea Bissau aims to impede the electoral process and prevent the assumption of power by Carlos Gomes Junior, who, considering the results of the first round, is likely to win the polls. Thus, Guinea Bissau, once again, caught up in instability, making it even more difficult to pursue the efforts to establish the rule of law and consolidate democracy, promote development and fight against drug trafficking and organized crime. The illegal and repeated interference of the army of Guinea Bissau in the political life of the country is unacceptable. Coming in addition to drug trafficking, for which Guinea Bissau has become a hub, it is a serious threat to regional security and stability. No effort should be spared to put a definitive end to this situation, particularly through the resolute implementation of the defense and security sector reform and the actual subordination of the army to the democratically-elected civilian authorities.

III. SITUATION IN MALI

15. There are two dimensions to the Malian crisis. The first relates to the attacks carried out since mid-January 2012 by the "National Movement for the Liberation of AZAWAD" (MNLA) against the army and the State of Mali. Composed essentially of former combatants of the Libyan army, who returned from Libya following the overthrow of the regime of Colonel Qaddafi, the MNLA took full advantage of the proliferation of the arms coming from the Libyan arsenals to equip itself. The initial attacks of the MNLA enabled it to take control of different areas in the north of the country, particularly Menaka and Aguelhok, where serious exactions were carried out against Malian soldiers and their families, as well as the strategic area of Tessalit, which has an airport that can accommodate large aircraft. Since the end of March, taking advantage of the confusion created by the coup d'état, the MNLA and other terrorist and armed groups, including Harakat Ansar ed-Din al-Salafiya (Ansar Eddine), AlQaeda in the Islamic Maghreb (AQIM) and the Movement for the Unity and Jihad in West Africa (MUJAO), increased their attacks, finally taking control of almost two thirds of the Malian territory. On 6 April 2012, the MNLA "proclaimed the independence of Azawad".

16. To justify their action, the perpetrators of the coup d'état of 22 March 2012 blamed the deplorable conditions of the army, which made it impossible to effectively face the rebellion in the north of the country. Following the overthrow of the constitutional authorities, they established a National Council for the Recovery of Democracy and the Restoration of the State (CNRDRE). The aim of the latter was to reorganize the Armed and Security Forces, in order to take back the northern part of the country, and to organize democratic, free and fair elections. Almost the entire political class of Mali condemned the coup d'état, deemed unjustified, more especially since the presidential election, in which the outgoing President could not participate, was due to be held on 29 April 2012. The coup

d'état took place the day after the ministerial meeting of Council in Bamako, dedicated to the situation in the Sahel, during which important decisions were taken concerning the situation in the northern part of Mali and the ways and means to resolve it quickly.

17. The AU and ECOWAS reacted strongly to this situation and took a number of measures regarding the developments on the ground, as evidenced by the different decisions adopted by their relevant organs: decision Assembly/AU/Dec. 408 (XVIII), adopted by the 18th Ordinary Session of the Assembly of the Union, held in Addis Ababa, on 29 and 30 January 2012; final communiqué of the 40th Ordinary Session of the Authority of the Heads of State and Government of ECOWAS, held in Abuja, on 16 and 17 February 2012; communiqués PSC/MIN/COMM(CCCXIC), PSC/PR/COMM (CCCXV), PSC/PR/COMM(CCCXVI), PSC/PR/COMM(CCCXVII) of the 314th, 315th, 316th and 317th meetings of Council held respectively on 20 and 23 March 2012 and 3 and 12 April 2012; and the communiqués of the Extraordinary Summits of ECOWAS of 27 and 29 March and 2 April 2012. I issued several statements articulating the position of the AU and took, in consultation with the Chairman of the Union and ECOWAS, initiatives to contribute to the search for appropriate solutions and ensure the effective follow-up of the decisions of Council.

18. With regard to the developments in the north of Mali, the AU and ECOWAS strongly condemned the attacks of the armed and terrorist groups, reaffirmed their unwavering commitment to the respect for national unity, territorial integrity and sovereignty of Mali. At its 314th meeting, Council stressed the determination of the AU and of its Member States not to accept any violation of its principles and its rejection of recourse to armed rebellion in Mali, a country whose democratic institutions offered a framework for the expression of all legitimate claims, making it possible to find, through dialogue, solutions to the concerns of the different components of the Malian nation. Council reaffirmed its conviction that resorting to armed rebellion was a serious threat to the democratization processes on the continent, as well as to the stability and development of Africa and should, as such, be fought vigorously.

19. Consequently, Council demanded an immediate end to hostilities and requested the different rebel groups to engage, without delay, in the search for a peaceful solution to the crisis within the strict framework of the principles of the AU. Council expressed its commitment to actively support a "mediation process conducted by the neighboring countries of Mali, particularly the core countries and especially Algeria, considering the crucial role that this country has always played in the search for solutions to this situation, as well as by ECOWAS", and requested me to determine, with the concerned actors, the modalities for the immediate implementation of such a process. Furthermore, Council requested me to take all necessary measures to mobilize the support of the continent and the international community as a whole for this process, including through the speedy establishment, under the aegis of the AU and the United Nations, of a Support and Follow-up Group comprising all the neighboring countries, the relevant Regional Economic Communities and the international partners concerned.

20. At its Extraordinary Summit of 27 March, ECOWAS decided to activate the planning process for a possible deployment of elements of its Standby Brigade, in order to contribute to the protection of the unity and territorial integrity of Mali, should its offer for dialogue

with the MNLA, to find a solution to the rebellion in the North, go unheeded. ECOWAS also designated President Blaise Compaore of Burkina Faso as its Mediator. At its 316th meeting, Council endorsed that decision and requested the Commission to lend the necessary support to the efforts of ECOWAS, including by making available planning officers. Council appealed to all the AU Member States and partners to give financial, logistic and other support to ECOWAS. Since then, the Chiefs of Staff of ECOWAS have met on several occasions to complete the required planning exercise, and have undertaken visits to Mali. Their recommendations were adopted by the Extraordinary Session of the ECOWAS Mediation and Security Council, held in Abidjan, on 12 April 2012.

21. More specifically, Council requested the countries of the region, particularly those of ECOWAS and the core countries, as well as all other States, to do everything possible to prevent any flow of arms and combatants to the armed and terrorist groups operating in north Mali. In this regard, Council requested the Commission, in cooperation with the Commission of ECOWAS and the neighboring countries, to work out mechanisms likely to ensure the effectiveness of this measure. Furthermore, Council decided to apply individual sanctions against the leaders and elements of the armed groups involved in the attacks in north of Mali and abuses against the civilian population. Council requested the Commission, in cooperation with the Commission of ECOWAS, the core countries and the African Centre for the Study and Research on Terrorism (ACSRT), within a period of one month, to draw up a list of all the terrorist and other armed groups operating in conjunction with them on the territory of the Republic of Mali, so as to include them in the list of terrorist groups drawn up by the AU. Pursuant to these decisions, the Commission sent the necessary letters to the countries and institutions concerned, to facilitate the establishment of the list of the armed and terrorist groups active in the northern part of Mali, as well as that of their leaders. I also wrote to the UN-Secretary General to bring to his attention and that of the Security Council the decisions thus adopted. The Commissioner for Peace and Security addressed a similar letter to the High Representative of the EU for Foreign Affairs and Security Policy.

22. On the ground, the frontline has stabilized south of Timbuktu, after the rebellion stated, on 5 April 2012, that it had attained its territorial objectives and proclaimed, the following day, the "independence of Azawad". In a communiqué issued on 6 April 2012, I expressed the AU's total rejection of the statement made by the MNLA, considering it as null and void. At its 316th meeting, Council endorsed my communiqué. The core countries, meeting in Nouakchott on 8 April 2012, also rejected this so-called declaration of independence. Several international actors also marked their disapproval and condemnation.

23. In the areas outside the control of the Malian state, clashes between the different armed groups have been reported. Beyond their fight against the Malian army, their objectives are divergent. The MNLA favors the so-called independence of Azawad, while Ansar Eddine aims at enforcing the Sharia over the entire Malian territory and affirms that it has no secessionist agenda. MUJAO is a dissident branch of AQIM, bringing together armed elements of different terrorist and criminal groups from the region, including Boko Haram. AQIM, which has been present in the north of Mali for several years, has now greater latitude to pursue its terrorist activities, including the kidnapping of hostages for the purpose of collecting ransom. On 6 April 2012, staff of the Algerian Consulate in Gao were abducted by

armed elements and taken to an unknown destination. In a communiqué issued on the same day, I strongly condemned those reprehensible acts against internationally-protected diplomatic staff and premises, demanding the immediate release of all abducted persons.

24. The humanitarian situation is particularly alarming, more especially as Mali, like the other countries of the Sahel, is currently affected by a severe drought and a serious nutritional crisis. More than 160,000 persons have sought refuge in Mali's neighbors: Algeria, Burkina Faso, Mauritania and Niger. There are also more than 107,000 internally displaced persons. The numerous acts of looting and violation of human rights in the north of Mali contribute to worsening forced displacement. At its 314th meeting, Council paid tribute to the neighboring countries which host Malian refugees on their territories and contribute to the humanitarian efforts.

25. Both the ECOWAS and the AU strongly condemned the coup d'état of 22 March 2012, suspended the participation of Mali in their activities and adopted a number of sanctions, including economic and financial sanctions, individual measures such as travel ban and asset freeze, to compel the perpetrators of the coup to restore constitutional order. In his capacity as Mediator, President Blaise Compaoré of the Faso was requested to follow up on the efforts towards the restoration of constitutional order.

26. On 6 April 2012, the efforts of the Mediator led to the signing, in Bamako, of the Framework Agreement for the implementation of the Solemn Commitment of 1 April 2012 between his representative, the Minister of Foreign Affairs and Regional Cooperation, Yipéné Djibril Bassole, and the leader of the CNRDRE, for the restoration of constitutional order in Mali on the basis of Article 36 of the 1992 Constitution. In conformity with the provisions of that Article, the Speaker of the National Assembly, following the resignation of the President of the Republic, was inaugurated as the Acting President with the task of organizing a presidential election within the constitutional timeline of 40 days. The Agreement stresses that, due to the exceptional situation obtaining in the country, particularly the constitutional crisis and the armed rebellion in the north, which seriously affect the normal functioning of the institutions, and the impossibility of organizing the election within the set deadline, it is necessary to arrange for a political transition leading to free, fair and democratic elections in the entire national territory. The parties agreed to set up transitional organs tasked to manage the country until the organization of a presidential election, comprising a Prime Minister, Head of Government, with full powers, and a Transitional Government of National Unity. They also agreed to prepare a roadmap for the transition, comprising a schedule, the operational tasks to be carried out, the modalities for organizing the elections, the revision of the electoral list, as well as the role and place of the members of the CNRDRE in the transition.

27. In conformity with the Framework Agreement, the ECOWAS Current Chairman, after consulting his colleagues, lifted the sanctions imposed on Mali at the Summit of 29 March 2012. On my part, in a communiqué dated 7 April 2012, I welcomed the signing of the Framework Agreement, paying tribute to Presidents Alassane Dramane Ouattara and Blaise Compaoré and the action of Minister Djibril Bassole. I urged all the Malian actors concerned to implement, in good faith, the Agreement concluded. At its 317th meeting, held on 13 April 2012, Council expressed satisfaction with the encouraging developments in Mali concerning

the restoration of constitutional order, and called upon all the actors concerned to scrupulously implement the other provisions of the Framework Agreement.

28. In accordance with the Framework Agreement, President Amadou Toumani Toure submitted his resignation on 8 April 2012. After the Constitutional Court noted the power vacuum, the Speaker of the National Assembly, Dioncounda Traore, was inaugurated as the Acting President on 12 April 2012. Subsequently, the different Malian stakeholders met in a Conference of the “*Forces Vives*”, in Ouagadougou, on 14 and 15 April 2012, under the aegis of the ECOWAS Mediator. The Conference expressed support for the implementation of the Framework Agreement. On 16 April 2012, after consultations between the CNRDRE, the Acting President and the ECOWAS Mediator, Cheick Modibo Diarra was appointed as Prime Minister.

29. The situation obtaining at present in Mali is fraught with dangers for the stability and the unity of the country, but also for regional security. A coordinated and sustained action, involving both ECOWAS and the core countries, is urgently needed to complete the process of restoration of constitutional order and to address the situation in the northern part of the country. Regarding this latter point, the task is to reinstate, without delay, the authority of the Malian State over its entire territory, to put an end to the activities of the terrorist and criminal groups which are active on the ground and to respond, within the strict framework of the principles of the AU, to the structural causes of the recurrent rebellions in northern Mali. In general, the task is also to implement the conclusions of the meeting of experts of the countries of the Sahel region, held in Addis Ababa, on 14 and 15 March 2012, as endorsed by Council at its ministerial meeting in Bamako. Those conclusions provide for a global strategy aimed at addressing, in the long term, the multidimensional challenges faced by the Sahel region.

IV. SITUATION BETWEEN THE SUDAN AND SOUTH SUDAN

30. Relations between Sudan and South Sudan have sharply deteriorated over the past weeks. In particular, there has been intense fighting between the armies of the two countries, mostly in and around Heglig. That conflict has poisoned relations between the two countries, generating a humanitarian crisis, undermining the viability of both States and jeopardizing the security of the entire region.

31. At its 317th meeting held on 12 April 2012, Council deliberated on the situation and adopted a communiqué outlining the steps that need to be taken to address the immediate crisis and create conditions for the resumption, under the auspices of the AU High-Level Implementation Panel (AUHIP), of the negotiations on the outstanding issues in the post-secession relations between Sudan and South Sudan. Other members of the international community, notably the UN Security Council, the EU, the League of Arab States and bilateral partners, such as China, France, the United Kingdom and the US, have also pronounced themselves on the situation. The position of the members of the international community could be summarized as follows: South Sudan should withdraw its forces from Heglig; Sudan should cease aerial bombardment of South Sudan; both Parties should cease support to rebel forces fighting against the other State. It is also necessary for the Parties to implement their existing agreements on security matters and to resume negotiations on all outstanding issues.

In light of the most recent developments in Heglig and the statements by the Parties, I reiterate the AU's request for Sudan and South Sudan immediately to implement the security agreements that they have reached under the facilitation of the AUHIP.

32. Since June 2010, the AUHIP has been facilitating negotiations between Sudan and South Sudan on post-referendum and post-secession issues. These negotiations have addressed all the major issues of contention between the two States, and also the question of the armed conflict in the two areas of Southern Kordofan and Blue Nile, in Sudan. Agreements have been signed on most of these issues, though implementation has fallen short of expectations. Fair and practical proposals are on the table, or are ready to be put on the table, when the Parties are ready, for all the issues under discussion. The implementation of existing Agreements will significantly facilitate negotiations on the outstanding issues.

33. In March 2012, the two sides embarked on negotiations in an atmosphere characterized by a "new spirit" of cooperation, in pursuit of the shared objective of "two viable States". A delegation from South Sudan visited Khartoum, and preparations were made for a Summit meeting between President Omar Hassan Al-Bashir and President Salva Kiir Mayardit. Unfortunately, that spirit unraveled rapidly due to military actions in contravention of the 10 February 2012 Memorandum of Understanding (MoU) on Non-Aggression and Cooperation, including supporting rebels in each other's territory and territorial transgressions by both sides. The military occupation of, and confrontation in, Heglig and neighboring areas of Southern Kordofan, and the aerial bombardment of locations in South Sudan by the Sudan air force, have considerably damaged the prospects of resuming negotiations in a constructive spirit. The level of bitterness, anger and distrust on both sides has never been so high.

34. During the last round of the AUHIP-facilitated negotiations on security issues, earlier in April 2012, which was intended to establish the implementation mechanisms for the 10 February MoU, the Parties reached agreement on almost all issues. They agreed to withdraw any forces from the territory of the other State, to end support for each other's rebel groups, and to activate the Joint Border Verification and Monitoring Mission (JBVMM), which is to be provided with logistical support and protection by the UN Interim Security Force for Abyei (UNISFA). Most importantly, the two sides agreed to immediately convene meetings of the Ad Hoc Committee which was set up to receive and investigate complaints by each side against the other. South Sudan agreed to the proposals, while the Sudanese delegation sought more time to consult in Khartoum.

35. The JBVMM and UNISFA are in a position to deploy immediately along the entire border. The Agreement on the Border Monitoring Support Mission, signed by the two Parties on 30 July 2011, required the establishment of a Safe Demilitarized Border Zone (SDBZ), 10km on either side of the borderline, which shall constitute the area of operations for the JBVMM. In terms of the Agreement, the border that defines the JBVMM shall be the 1/1/1956 borderline. In case of the disputed areas of the border, deployment shall be defined by the administrative common borderline, and the two Parties shall prepare a map to this effect, it being understood that this line shall not prejudice the process of the resolution of the disputed areas along the border. However, the Parties have not been able to agree on the borderline, which has prevented the deployment of the JBVMM and the protection force of

UNISFA. The activation of the JBVMM is crucial to fostering trust between the two Parties, reducing the incidence of security incidents along the border, and creating the conditions to return to negotiations on all outstanding issues.

36. The 2005 Comprehensive Peace Agreement (CPA) established the Technical Ad Hoc Boundary Committee (TABC), with the tasks of delineating and demarcating the border, including identifying any disputed areas and presenting the arguments of each Party to the Presidency for political resolution. The Boundary Committee agreed on five disputed areas. On 13 March 2012, the two Parties initialed an Agreement in Addis Ababa to begin demarcating the agreed areas of the border according to the recommendations of the ATBC, and also agree on a process for resolving the disputed areas. The issue of the border clearly is closely related to the issue of security, and it is thus imperative that the two sides address it as soon as possible. The AU, through the AU Border Programme (AUBP), has been working with the Parties and with the AUHIP to assist them to address the matter in accordance with African best practice.

37. Negotiations concerning oil have proceeded on the basis that South Sudan will utilize the oil infrastructure in Sudan to transport its oil to market, and for this it will pay a transit fee. Additionally, South Sudan will make a financial contribution to help fill the budget deficit in Sudan emanating from the loss of revenue from the oilfields in the South at the time of South Sudan's independence. The Parties agreed to the principle that South Sudan's financial contribution would be transitional and would be one of three mechanisms to fill this gap, the other two of which would be Sudan's own austerity measures and financial contributions from the international community. Negotiations on the oil issue were complicated by the question of arrears owed by each Party to the other, and by the unauthorized seizure and diversion of South Sudan's oil by the Republic of Sudan during December 2011 and January 2012, and South Sudan's subsequent decision to shut down its oil production.

38. The shutdown of oil production has created a new situation in which South Sudan does not have the finances with which it could make a contribution to the budget of Sudan. The shutdown of production in Heglig, which until earlier this month provided nearly half of Sudan's oil production, further complicates the issue. The Parties should be put on notice to avoid any further damage to the oil infrastructure of either country, which would constitute an assault on the prospects for economic development of the peoples of Sudan and South Sudan, and would be wholly contrary to their repeated commitment to the principle of two viable States. At its 317th meeting, Council addressed this matter.

39. The immediate priority for Abyei is the implementation of the 20 June 2011 Agreement on Temporary Administrative and Security Arrangements. The outstanding matters are relatively minor and yet critically important for the normalization of life in Abyei, thereby laying the basis for a final settlement. The implementation of the Temporary Agreement is necessary for the return of IDPs, who were displaced almost a year ago, and the normalization of the situation and livelihoods in the area for both residents and pastoralists. The international community has fulfilled its part of the Agreement, notably with the full deployment of UNISFA. The Parties should fulfill their commitments. In order for tension to be lessened, the most important steps now required are the redeployment of the remaining

contingent of the Sudan Armed Forces from Abyei, numbering about 300, and the corresponding redeployment of armed South Sudan Police Force units. Additionally, neither Party should deploy additional forces in violation of the Agreement. It is also necessary to establish the Abyei Area Administration, which requires agreement on the head of the Abyei Legislative Assembly. I am pleased to report, however, that the Abyei Joint Oversight Committee (AJOC) is functioning.

40. A matter of considerable concern is the status of nationals of South Sudan who are present in Sudan, and those of Sudan who are in South Sudan. The “citizenship transitional period” expired on 9 April 2012, nine months after the independence of South Sudan. The main concern relates to the situation of the estimated 700,000 southerners in the Republic of Sudan. During the last nine months, the Government of South Sudan was to have issued identity documents to its nationals in Sudan, on the basis of which they could obtain residency documents and work permits. However, the necessary steps to regularize their status have not been taken, and, as a result, the southern citizens in the north have become not only *de facto* stateless, but are extremely vulnerable, given the tensions between Sudan and South Sudan. I urge the Government of South Sudan to expedite the process of issuing the necessary documentation to its citizens in Sudan, and Sudan to extend the citizenship transitional period to enable this process to be completed.

41. In March 2012, the two Parties initialed a Framework Agreement covering the “four freedoms” of residence, work, travel and property ownership. This Agreement requires the two Parties to meet at ministerial level and to agree on an implementation mechanism. The Panel has received the assurance of President Bashir that nothing untoward would happen to southern citizens in Sudan that would adversely affect their everyday life.

42. Another area requiring action is the conflict in the two areas of Southern Kordofan and Blue Nile. This is an internal matter to Sudan, but given the history of the conflict in the two areas, and their links to South Sudan, it is fair to assume that there can be no peace between Sudan and South Sudan until this conflict is resolved. It is equally evident that there can be no military solution. In June 2011, the AUHIP convened talks between the Government of Sudan and the SPLM-North on security issues and political partnership, resulting in a Framework Agreement signed by the Parties on 28 June 2011. Unfortunately, the Parties have not followed up on the Framework Agreement. The current situation demands that political talks resume immediately on the two areas without precondition, using the Framework Agreement of 28 June 2011 as a reference point. It also calls for a ceasefire and for the delivery of humanitarian assistance, in accordance with the tripartite initiative of the United Nations, the AU and the League of Arab States, especially in view of the fact that the rain season will begin shortly.

43. The present state of the relations between Sudan and South Sudan cannot be allowed to continue, for it would destroy any prospect of the emergence of two viable States, living side-by-side in peace, and seriously undermine regional peace and security. I would like to emphasize, once again, that recourse to force will never bring about a lasting solution to the issues at hand. The peoples of Sudan and South Sudan need to live in peace with one another and to cooperate, as their destinies are inter-twined. Both Parties need to exercise the much-

needed statesmanship and to be driven by a vision that takes into account the long-term interests of their countries and peoples, as well as by their responsibility towards the region, the rest of Africa and the larger international community. It is imperative that the present meeting of Council send a clear message to both Sudan and South Sudan and articulate a clear Roadmap that would facilitate the peaceful resolution of the current security issues and the resumption of negotiations on the outstanding issues in the post-secession relations between Sudan and South Sudan. In this respect, continued unity of purpose and action among all members of the international community is necessary.

V. OBSERVATIONS

44. The present meeting of Council provides an opportunity to enhance continental efforts on the different situations under consideration. The coups d'état in Mali and in Guinea Bissau constitute real setbacks for these two countries and for Africa. They run counter to the evolution of Africa towards democracy. Everything must be done to restore constitutional order on the basis of the relevant instruments of the AU and ECOWAS, lest these bad examples be repeated elsewhere, with negative consequences on the stability of the continent and the viability of the democratic institutions of our different Member States. Similarly, Africa must show the necessary determination to preserve the unity and territorial integrity of Mali. Any failure in this regard will open the door for all sorts of adventure, encourage secessionist movements elsewhere and will further encourage armed violence. The armed clashes between Sudan and South Sudan are also full of risk for both countries, the region and the continent as a whole.

45. With regard to Guinea Bissau, it is important that Council reaffirms with force the demand for the restoration of constitutional order, the release of the political personalities detained by the army, and the resumption of the electoral process. In this spirit, it is important to reiterate the total rejection by the AU of the delaying tactics of the perpetrators of the coup d'état, particularly the agreement concluded with some political parties on 18 April 2012, as a futile attempt to legitimize the seizure of power by force. In brief, Council must send an unequivocal message to the perpetrators of the coup d'état that their action is unacceptable and that Africa is determined to reverse it.

46. Council must renew its support to ECOWAS, which is actively seized of the matter, and commend the contribution of Angola to the efforts towards the defense and security sector reform, as well as the action of international partners, particularly the CPLP and the United Nations. The speedy resolution of the crisis in Guinea Bissau requires close coordination between the different international actors concerned. I shall leave no stone unturned to facilitate this coordination both at the level of the Commission and the AU Liaison Office in Bissau. In implementation of the decision of the 318th meeting of Council, I intend to intensify consultations with ECOWAS, the UN and the CPLP to facilitate the deployment of an international stabilization mission in Guinea Bissau to carry out successfully the defense and security sector reform. Without such a reform, there can be no lasting stability in Guinea Bissau, nor consolidation of the democratic process in that country. In the meantime, Council may wish to approve the immediate imposition of the sanctions decided at its 318th meeting, against the perpetrators of the coup and their military and civilian supporters.

47. Regarding Mali, Council may wish to welcome the efforts made by the Mediator, which led to the signing of the Framework Agreement, the inauguration of the Acting President and the appointment of the Prime Minister. It is understood that ECOWAS and the AU must remain vigilant to ensure the effectiveness of the restoration of constitutional order, in conformity with the provisions of the relevant instruments of the AU and ECOWAS. The recent arbitrary arrest, followed by their release a few days after, of several Malian political and military personalities constitute, particularly in the present context, a source of deep concern. It is particularly important that a speedy solution, in line with the AU and ECOWAS instruments, be found to the issue of the status of the Acting President after the 40 days provided for by Article 36 of the February 1992 Constitution, the duration of the transitional period and the full powers devolved upon the transitional Prime Minister.

48. Regarding the situation in north Mali, Council should reaffirm the commitment of the AU to the unity and territorial integrity of Mali and its determination to spare no effort to ensure its protection and fight against the armed and terrorist groups active on the ground. It is particularly important to reaffirm the total rejection of the so-called “declaration of independence of Azawad” and stress with force the rejection by the AU of the use of violence, while the institutions of Mali offer the framework that make it possible to put forth, through dialogue, all legitimate claims. Council should, within this framework, support the efforts of ECOWAS and the decisions it adopted on the matter, as well as the action of the core countries in the fight against terrorism in the Sahelo-Saharan region.

49. In pursuit of the objectives that Africa has laid down concerning the situation in north Mali, particularly the immediate restoration of the authority of the Malian State over its entire territory, it is important for the core countries and ECOWAS to work closely together. Equally crucial is the mobilization of the full support of the international community for the principled position of Africa on this matter. From this point of view, the activation of the Support and Follow-up Group, which will hold its inaugural meeting in Abidjan on 4 May 2012, will enhance African collective action and mobilize increased international support. At the same time, the Commission will endeavor to finalize, as soon as possible, the modalities for the application of sanctions already decided upon against the armed and terrorist groups active in northern Mali. In general, it is important to follow up more effectively on the conclusions of the meeting of experts on the situation in the Sahel, held in Addis Ababa on 14 and 15 March 2012, as endorsed by the meeting of Council held in Bamako.

50. Finally, regarding Sudan and South Sudan, it is critical that the two countries immediately implement the security agreements that they have reached under the facilitation of the AUHIP, with the support of IGAD and the United Nations, particularly the decision of the JPSM of 18 September 2011, which, *inter alia*, established the JBVM. Equally important is the need for the Parties to refrain from inflammatory statements which not only complicate the current and delicate situation, but also undermine the prospects for neighborly relations between the two States and their peoples. The two Parties should also immediately and unconditionally resume negotiations, under the auspices of the AUHIP, to reach agreements on all outstanding issues, as they relate to security, border demarcation, nationality and

citizenship, Transitional Financial Arrangements (TFA), oil and Abyei, in accordance with the overriding principle of establishing two viable States in Sudan and South Sudan.

51. In parallel, Sudan and South Sudan each has urgent domestic business to which it must attend. These matters are essential for the viability of each State. Of particular importance is the need to resolve the conflict in Southern Kordofan and Blue Nile. The AUHIP and the Chair of IGAD, Prime Minister Meles Zenawi, who has consistently supported the Panel's efforts, are ready to facilitate the necessary negotiations. Without waiting for this process to be launched, I urge the Government of Sudan to agree to the joint AU-Arab League-UN initiative for humanitarian access. South Sudan also faces challenges of nation-building, including inter-communal violence in Jonglei State and elsewhere, that require political attention, including promoting reconciliation.

52. Over the past few years, the AU, through the AUHIP, has engaged extensively with Sudan and South Sudan. I have no hesitation in saying that the people of both nations need peace and good neighborliness. The principle of "two viable states" is fundamentally an issue of the welfare of the people. The leaders of the two countries will be failing their peoples if they do not act in accordance with this principle. I am convinced that the Sudanese Parties, both in the north and in the south, are fully aware of this simple truth. For the future of their two countries and peoples, it is essential that they act on this basis without delay.