

AFRICAN UNION
الاتحاد الأفريقي



UNION AFRICAINE
UNIÃO AFRICANA

Addis Ababa, ETHIOPIA P. O. Box 3243 Telephone 517 700 Fax : 517844

**EXECUTIVE COUNCIL
Fifth Ordinary Session
25 June – 3 July 2004
Addis Ababa, ETHIOPIA**

EX.CL/106 (V)

**REPORT OF THE CHAIRPERSON OF THE COMMISSION
ON CONFLICT SITUATIONS IN AFRICA**

**REPORT OF THE CHAIRPERSON OF THE COMMISSION ON
CONFLICT SITUATIONS IN AFRICA**

I. INTRODUCTION

1. This report presents an overview of the developments in the various conflict situations in the Continent since the Executive Council Session of March 2004.

2. During this period, considerable progress was achieved in resolving several conflicts. This is the case particularly with the crises in The Comoros which have been simmering since 1997, and the conflict in The Sudan especially with respect to the negotiations between the Government and The Sudan People's Liberation Movement/Army (SPLA/M). In Burundi, a United Nations Peace-Keeping Operation has taken over from the African Mission in Burundi, thereby boosting the chances of successful conclusion of the process initiated in that country since the signing of 28 August 2000 Arusha Ceasefire Agreement. In Somalia, the painstaking reconciliation process that has been going on since October 2002 under the auspices of IGAD, recently moved to its third and final stage which is expected to be crowned by the establishment of the transition institutions. The countries of the Region have in this regard, demonstrated far greater cohesion during recent weeks, thereby clearly enhancing the chances of successful conclusion of the process.

3. In the Republic of Congo (DRC), a lot of difficulties came to the fore during the period under review. Prominent among these were the events which recently took place in Bukavu in the East of the country, and the subsequent tension generated in the relation between the DRC and Rwanda. In Côte d'Ivoire where the reconciliation process has been practically deadlocked since March this year, the situation has similarly remained worrying.

4. One of the most serious crises faced by the Continent, serious as a result of the untold sufferings inflicted on the civilian population and the very likely risk of an even greater humanitarian disaster, its no doubt the crisis in Darfour in Western Sudan. The African Union is, in concert with its partners, deploying resilient effort to find a lasting solution to the crisis. Clearly, the situation in Darfour is the litmus test of the capacity of the African Union to act effectively to address the conflicts that are tearing the Continent apart, and to implement its own principles.

5. In general terms, the situation in the Continent remains mixed. The progress so far achieved has remained fragile with the likelihood that they could be derailed and that fresh crises could always erupt at any time. Darfour is an eloquent illustration of this state of affairs.

6. In this connection, it needful to intensify all efforts aimed at promoting peace and stability in the Continent; and to this end, the importance of the role devolving on the Peace and Security Council can never be over-emphasized. The Declaration of

commitment adopted on 25 May on the occasion of the solemn launch of this Organ, provided opportunity to reaffirm the determination of Members of the Council to assume the responsibilities vested in them. What is now needed is to translate this determination into meaningful action on ground so as to justify the hope which our people and partners repose in the African Union.

II. DEVELOPMENTS IN THE CONFLICT SITUATIONS

a) The Comoros

7. Since the last Session of the Executive Council, the African Union working in the close cooperation with South Africa in its capacity as the country coordinating the regional initiatives and those of the AU Troika on The Comoros, has pursued efforts geared to ensuring implementation of the 20 December 2003 Agreement on Transitional Arrangements in The Comoros.

8. I am glad to inform Council that, in keeping with the calendar established by the Independent National Electoral Commission (INEC) approved by the 20 December 2003 Agreement Implementation Follow-Up Committee which is chaired by the AU, the elections to the Assemblies of the Autonomous Islands were held on 14 and 21 March 2004, while the elections to the Assembly of the Union took place on 18 and 25 April 2004, respectively.

9. Within the framework of the electoral exercise, and in pursuance of the January 2004 Decisions of the Central Organ of the Conflict Prevention, Management and Resolution Mechanism, a Military Observer Mission was deployed in The Comoros. This Mission composed of 41 Observers contributed by South Africa, Benin, Burkina Faso, Madagascar, Mozambique, Senegal, Togo and Mauritania, helped restore security in the country and boost the electoral process prior to, during and after the elections. The African Union also deployed an Election Observer Mission led by Mr. Norbert Ratsirahonana former Prime Minister and former President of the Constitutional Supreme Court of the Republic of Madagascar. The African Union Observers who were drawn from South Africa, Kenya, Mauritius, Madagascar and Tanzania worked with the other Observers fielded by the International Organization of the Francophonie (IOF), the League of Arab States (LAS), the Indian Ocean Commission (IOC) and France. Furthermore, the AU made a financial contribution to the tune of US\$150,000.00 in support of the electoral process.

10. The legislative elections which took place in conditions deemed generally satisfactory, were for the most part won by candidates of the Autonomous Islands. This exercise was followed by the establishment of the Island Assemblies and the Union Assembly. What is now left to be done is to set up the Constitutional Court which is guarantor of the constitutionality of laws and of respect for distribution of power between the Union and the Islands.

11. This whole process passed off not without difficulties. The Autonomous Island of Mohell and Anjouan attempted to appoint non-elected individuals to represent them in the Union Assembly, a move which was clearly at variance with the Constitution of the Union which, in Articles 19 and 20, stipulate that the Union Assembly shall be composed of 33 Deputies elected for five years tenure, 15 of which shall be appointed by the Island Assemblies, each Island appointing 5 Deputies, and 18 Members elected by direct universal suffrage in single list majority voting conducted in two rounds. Thanks to the measures taken by my Special Envoy Francisco Madeira, with the support of the other international community representatives on the Follow-Up Committee, the Autonomous Island in the end agreed to appoint their representatives to the Union Assembly in accordance with the procedure set out in the Constitution of the Union of The Comoros.

12. Council will recall that one of the most critical components of the 20 December 2003 Agreement were issues relating to the budget and the customs. Significant progress was achieved on these two issues within the framework of the Harmonization Committee chaired by Mr. Mamadou Lamine Loum former Senegalese Prime Minister, on behalf of the International Organization of the Francophonie (IOF).

13. However, operationalization of the mechanisms agreed by the Comorian parties was fraught with difficulties clearly as a result of the repeated lack of the requisite political will. It should be mentioned, in this connection, that disagreement over budget and customs related issues has continued to divide the Union and the Autonomous Islands. Efforts aimed at resolving this problem are underway within the framework of the Harmonization Committee.

14. The situation in the Archipelago has been generally encouraging since the signing of the 20 December 2003 Agreement. The objectives set out in this Agreement have on the whole been attained. It was as a result of this development that the deployment of AU Military Observers was terminated, and the Observers finally withdrawn on 30 May 2004.

15. I take this opportunity to congratulate the Comorian parties for the sense of commitment which they all demonstrated throughout this process. May I also extend my sincere gratitude to South Africa coordinator of the Regional Initiatives on The Comoros, and to the other countries of the Region and the Troika for their resilience and effective contribution to efforts aimed at the successful conclusion of the reconciliation process in The Comoros. My gratitude also goes to the Member States which contributed observers to the AU Military Observers Mission, all AU partners particularly the IOF, the League of Arab States, the European Union, France and the Indian Ocean Commission for their ceaseless support to the reconciliation process and to AU initiatives. The positive results achieved in The Comoros were made possible by the close collaboration between the African Union and its partners.

16. I wish, at this juncture, to call on all the Comorian parties to continue to demonstrate the spirit of compromise which has so far generally prevailed. It is

particularly needful to avoid any action likely to provoke tension and jeopardise the progress so far achieved. May I reiterate the urgent appeal to the Comorian parties made by the Peace and Security Council at its 6th Session held in Addis Ababa on 29 April 2004, to continue to demonstrate the spirit of responsibility and compromise thereby ensuring the successful establishment and the proper functioning of the new institutions of the Union of The Comoros.

17. The African Union will continue to support the Comorian parties as they strive to build lasting peace and national reconciliation. The African Union will, in close collaboration with the international community, deploy its best effort to expeditiously organize the Donors' Round Table scheduled to take place in Mauritius, to mobilize the requisite resources for socio-economic recovery in the Archipelago.

b) Somalia

18. During its last session, I briefed Council on the situation in Somalia. I highlighted the difficulties encountered by the Somalia National Reconciliation Conference at Mbagathi, Kenya, as well as the persistent problems inside Somalia, especially the precarious humanitarian situation and the continued flow of arms to the armed factions and other groups. I am pleased to report that the peace process has now reached a decisive stage, with a number of the obstacles having been removed.

19. Council would recall that the signing of the Nairobi Safari Park Declaration, on 29 January 2004, was supposed to mark the entry of the reconciliation process into the final phase dealing with power sharing, the election of the Transitional Parliament and the formation of a broad-based Government. However, fresh misunderstandings surfaced among the signatories to the Declaration as a result of attempts by some of them to revisit certain sections in the draft Charter with a view to making further amendments. Col. Abdullahi Yusuf, leader of the Puntland delegation, and some of the faction leaders belonging to the Somalia Restoration and Reconciliation Council (SRRC) were among those who called for revisions. Due to these misunderstandings, the Conference could not graduate into Phase III, as had been anticipated. Some of those leaders, among them Col. Yusuf and Mohammed Deere, returned to Somalia.

20. Given this new crisis, the Facilitation Committee and the International Observers issued a statement on 16 March 2004, in Nairobi, in which they, among other things, called on those leaders who had returned or were still in Somalia, to proceed urgently to Nairobi and participate in the remaining phase of the reconciliation process. The statement was mainly directed at Mohamed Deere and his allies, who had formed the National Organising Council for Somalia (NOCS) in Jowhar, with a view to starting a parallel peace process.

21. Given the events in Jowhar, and their implications for the reconciliation process, the IGAD Facilitation Committee, jointly with the IGAD Partners' Forum, dispatched a delegation to Jowhar, on 17 March 2004. My Special Envoy, Amb. M.A Foum, led the

delegation. That visit was aimed at persuading Mohamed Deere and his allies to return to the reconciliation process.

22. On 21 March 2004, in Djibouti, an IGAD ministerial meeting, chaired by ~~Stephan Kalonzo Musyoka, the~~ Minister of State for Foreign Affairs of Uganda, Augustine S. Nshimye, reviewed the reconciliation process in light of the security situation in Somalia and the visit to Jowhar. The meeting underscored the need for a delegation of the ~~Facilitation Committee~~ FC to visit New York to brief the Security Council on the reconciliation process and developments in Somalia.

23. The 6th meeting of the PSC, held on 29 April 2004, discussed, *inter-alia*, the situation in Somalia. On that occasion, the PSC urged all members of the Facilitation Committee to participate in the 5th IGAD Facilitation Committee, then scheduled to take place on 6 May 2004, in Nairobi, at the appropriate ministerial level. The PSC also called for cohesion within the Committee to facilitate the conclusion of the Reconciliation Conference.

24. On 6 and 7 May 2004, the 5th IGAD Ministerial Facilitation Committee met in Nairobi to review progress of the reconciliation process, in light of the then impending launch of the final Phase III of the Conference. The meeting was attended by all the IGAD countries, thereby demonstrating the regain of cohesion and common purpose within the Facilitation Committee. The Commissioner for Peace and Security participated in that meeting. The members of the Committee solemnly declared their total and unreserved commitment to unite in resolving the Somali problem once and for all. The meeting also called for sustained and predictable funding from the donors to enable the process come to its conclusion.

25. The 6th IGAD Ministerial Facilitation meeting took place in Nairobi, on 21 May 2004. It was attended by all the IGAD countries. My Special Envoy for Somalia, Ambassador M.A. Fom, participated at the meeting and in subsequent sessions. The meeting was extensively briefed by Amb. Bethuel Kiplagat, Chairman of the Conference, regarding the preparations for the launch of Phase III, including the airlifting of the Somali clan and traditional leaders to Mbagathi to participate in the final Phase. Amb. Kiplagat also apprised the Committee on the financial constraints facing the Conference. The following day, given the presence of a large number of Somali political, clan and traditional leaders at Mbagathi, though still short of some others, the Committee met with each of the five clans of Somalia, namely Hawiye, Darod, Digil-Mirifle, Dir and the fifth clan. The Committee provided general guidelines to the clans to facilitate their work in the selection and distribution of members of the Transitional Parliament. At the end of the consultations, the Committee launched Phase III. At the same time, the Committee reiterated its previous call for funding from the IGAD Partners' Forum and other donors.

26. The situation in Somalia was considered by the 10th meeting of the Peace and Security Council held in Addis Ababa on 25 May 2004. On that occasion, the PSC underscored the importance of respecting the deadline of 31 July 2004, for the conclusion of the National Reconciliation Conference. In this respect, Council stressed its determination to mobilize the international community for targeted sanctions to be applied against all those faction leaders found deliberately undermining the process. Council also reiterated its attachment to the unity and territorial integrity of Somalia, as well as its ~~the AU's~~ determination to do everything possible to facilitate the successful conclusion of the IGAD-led efforts, and to assist the Somali people rebuild their country.

27. Meanwhile, the military situation in Somalia has remained generally calm. The majority of the armed factions and groups, including those that did not sign the Eldoret Declaration on 27 October 2002, which provided for the cessation of hostilities to enable the reconciliation process to proceed under conducive conditions, have upheld the spirit of the Declaration. However, inter-clan squabbles and fighting were reported in some parts of Somalia, including Mogadishu.

28. In view of the repeated fighting in Mogadishu, Ambassador Bethuel Kiplagat, Chairman of the Reconciliation Conference, issued a statement on 30 May 2004, calling on the belligerents to desist from any further hostilities. He made an appeal to the traditional leaders to use their good offices to resolve the problem subsisting between the conflicting parties.

29. Furthermore, I am pleased to note the efforts being made in the implementation of the UN arms embargo on Somalia, imposed by resolution 751 of August 1992. It should be recalled that, in December 2003, the UN Security Council adopted resolution 1519 on Somalia. The resolution provided for the establishment, by the UN Secretary-General, of a Monitoring Group to follow up on the violations of the arms embargo. The Security Council also called upon regional organizations, including the AU, to establish focal points for the same purpose. It is delighting to note that the Secretary-General has already established the Monitoring Group, which started its work in March 2004. On its part, the AU, which has since designated a focal point for the embargo, will continue to actively support the ongoing efforts.

30. The 6th meeting of the Peace and Security Council called on AU Member States to scrupulously comply with the relevant UN Security Council resolutions on the arms embargo. Council requested the Commission, in consultation with IGAD and its Member States, to take all actions deemed appropriate to enhance implementation of the arms embargo. No response has yet been received by the Commission. Subsequently, the Commission wrote to the IGAD Member States, requesting their views on how best to reinforce the implementation of the embargo. Furthermore, the Commission wrote to the UN Secretariat, requesting that a delegation of the Monitoring Group travel to Addis

Ababa, for discussions on the contribution that could be made by the AU to implementation of the arms embargo. At the time of finalizing this report, steps were underway to convene this meeting in Addis Ababa.

31. During the period under review, Somaliland has continued to experience relative peace and stability, compared to other regions of Somalia although some incidents were reported recently. As a result, Somaliland has seen a remarkable change over the years. Thus, the level of educational enrolment has been estimated at 75%, compared to an average of 25 % elsewhere in Somalia. The region has also made progress in the fields of health and infrastructure. In order to sustain these efforts, UN Agencies and other support international organizations have remained active in Somaliland. In addition, Somaliland has been campaigning to get recognition from the international community. In the same vein, it has requested the AU to accord it an observer status to enable it follow developments in the Union.

32. I also wish to draw attention to the precarious humanitarian situation in many towns and regions of Somalia. The humanitarian plight stems from the lingering effects of the civil war; the devastated transport and communication infrastructures, which impedes movement of supplies; the insecurity arising from the operations of roadside gangs and rag-tag militia elements; the erratic rainfall regime and sheer aridity in some areas and the undeveloped natural potential in the more endowed southern parts of the country. The humanitarian problems are more acute in the provinces of Sanaag and Sool. Though less affected by previous fighting, the two provinces have experienced a prolonged dry spell, thereby undermining the livelihoods and causing the populations to move in search of food.

33. Over the years, the educational sector has remained far less active, registering as low as 7% school enrolment in some places. On the overall, according to the NGOs operating in Somalia, about 80% of the children is out of school in Somalia. The health sector too, is in a pathetic situation. The sector suffers from the lack of medicines and hospital equipment; an acute shortage of doctors and nurses; lack of transport facilities and the ruined state of hospitals and clinics.

34. The food situation in many parts of the country remains a serious cause for concern. Although, certain areas have received better harvests, the food cannot easily be moved to needy areas due to insecurity, lack of transport, the dilapidated nature of the roads and the control of food by clan militia forces.

35. The Reconciliation Conference could have concluded earlier, were it not for certain factors. The multiplicity and fragmentation of Somali political factions and groups; the lack of cohesion among the IGAD Frontline States that composed the Technical Committee managing the Reconciliation Conference until the advent of the Facilitation Committee, the financial constraints on the process, and the continued easy access to arms by the armed factions and other groups, are the main factors that have retarded the progress of the Conference, thereby delaying its conclusion.

36. At the time of finalizing this report, the Phase III proceedings of the Reconciliation Conference were focused on the selection of members of Parliament, and their distribution to the sub-sub-clans, as a prelude to the formation of a Transitional Government for Somalia. To facilitate the process, and given the financial constraints facing the Conference and the appeal of the IGAD Ministerial Facilitation Committee, the Commission made a further contribution of US\$ 50,000 to the reconciliation process at beginning of June 2004.

37. I wish to commend the efforts of Kenya and the other IGAD countries, as well as the IGAD Partners' Forum and the international observers which enabled the Somalia reconciliation process to remain on course amid the many obstacles encountered. I wish, in particular, to commend the IGAD countries for the cohesion they are now demonstrating in the peace process in the common endeavour to restore lasting peace and stability in Somalia. I also wish to pay tribute to the UN agencies and NGOs that continue to provide humanitarian assistance to the needy populations in Somalia amid conditions of continued insecurity.

c) Ethiopia / Eritrea

38. Since the last ordinary session of the Executive Council, I have continued to follow closely the Ethiopia-Eritrea peace process. The AU Liaison Mission in Ethiopia-Eritrea (OLMEE) has continued to discharge its monitoring functions within the Temporary Security Zone (TSZ), alongside the United Nations Mission in Ethiopia and Eritrea (UNMEE), which is spearheading the peace process.

39. Despite the occurrence of incidents, the field reports received during the period under review gave indications of continued calm and stability in the TSZ. However, no significant progress has been made in the implementation of the Decision of the Ethiopia-Eritrea Boundary Commission (EEBC), regarding the border demarcation.

40. Efforts by the UN Secretary-General's Special Envoy, Lloyd Axworthy, have not yielded the expected results. Mr Axworthy first visited the region in February 2004. On that occasion, he held consultations with Prime Minister Meles Zenawi in Addis Ababa, but was not received by President Isaias Afworki of Eritrea.

41. On 12 March 2004, the UN Security Council adopted resolution 1531 on the Ethiopia-Eritrea peace process. In that resolution, Council strongly urged the parties once again to cooperate fully and expeditiously with UNMEE in the implementation of its mandate and to step up its efforts to ensure the security of all UNMEE staff. Council also called on the parties to cooperate fully and promptly with the Boundary Commission and to create the necessary condition for demarcation to proceed expeditiously. At the same time, Council reaffirmed the crucial importance of political dialogue between the two countries and urged them to normalize their relations and to refrain from any threat of use of force against each other. Finally, the Security Council

expressed its full support for the Secretary-General's Special Envoy for Ethiopia and Eritrea and urged both parties, particularly the Government of Eritrea, to engage constructively and without further delay with the Special Envoy.

42. On 6 April 2004, I received the EU Troika, led by Brian Cowen, Foreign Minister of Ireland, which was on a visit to the region in an effort to address, among other issues, the current impasse in the peace process. The Troika first held consultations with President Isaias on 5 April 2004, before coming to Addis Ababa to meet with Prime Minister Meles. The Troika informed me that, in all those consultations, it had urged the Ethiopian and Eritrean authorities to make efforts to ensure that the peace process moved ahead. Also, the Troika said it had strongly urged President Isaias to cooperate with the UN Secretary-General's Special Envoy. On my part, I reiterated AU's commitment to the restoration of lasting peace between the two neighbours.

43. On 7 April 2004, the Ministry of Foreign Affairs of the Federal Democratic Republic of Ethiopia conveyed an Aide Memoire, together with some video cassettes, to the AU Commission. In the main, the Aide Memoire provides a historical account of the events that have led to the current border problem. It also reiterates positions taken by the Ethiopian authorities in the past that "whether or not it is final and binding, implementing the EEBC's intended decision as it is cannot lead to the establishment of durable peace and normalization of relations between Ethiopia and Eritrea". The Aide Memoire further states that the boundary demarcation process is, "in Ethiopia's opinion, fatally flawed, principally because no ground survey was carried out, the members of the Eritrea-Ethiopia Boundary Commission did not pay a single visit to the border areas, did not even undertake a helicopter over flight, and made no effort to consult with the people and communities affected along the border".

44. On 10 May 2004, I received Ambassador Legwaila J. Legwaila, the UN Secretary-General's Special Representative to Ethiopia and Eritrea. The Special Representative highlighted a number of problems that UNMEE was facing in the field, especially the restrictions on movements of UNMEE personnel in areas adjacent to the TSZ, more so on the Eritrean side. Ambassador Legwaila also stated that the deadlock in the peace process was getting deeper in view of the lack of dialogue and the opposing positions of Ethiopia and Eritrea.

45. On 17 May 2004, the UN Secretary-General wrote to President Isaias informing him of the terms of reference of the UN Special Envoy, as he had requested for them. The Secretary-General explained that the Special Envoy will "not seek any renegotiation of the final and binding decision of the Eritrea-Ethiopia Boundary Commission," and that he shall focus on the "implementation of the Algiers Agreements; decisions of the Boundary Commission; the relevant resolutions and decisions of the Security Council, and encourage the normalization of relations between the two countries". The Special Envoy is yet to be received in Eritrea.

46. On its part, the Eritrean Government has maintained its position that the Boundary Commission's decisions, regarding border demarcation in particular, should be implemented as already determined by the Commission, and that there was no need to establish an alternative mechanism. These views were clearly restated in the letter by President Isaias Afwerki to the UN Secretary-General, on 3 June 2004. In that letter, the President said that "the process of demarcation is crystal clear, as the Commission has worked it out in full details. As such, it is a settled legal matter that does not require the permission or good will of the two parties. Neither does it require the intervention of a third party, nor a substitute "mechanism" and "process". The President also indicated that the difficulties facing the peace process were due to "Ethiopia's rejection of the decision and its violation of all the Agreements" related to the process.

47. The period under review has witnessed a sharp deterioration in the relations between Eritrea and the UNMEE, particularly in March and April 2004. The Government of Eritrea raised complaints against UNMEE and its personnel. At the same time, the Government imposed restrictions on the movements of UNMEE personnel in areas adjacent to the Temporary Security Zone and in other parts of Eritrea.

48. It is against this background that the Security Council issued a statement on 4 May 2004. In that statement, Members of the Council expressed their concern at the deterioration in the cooperation of Eritrea with UNMEE. They noted with concern the continuing restrictions on the Mission's freedom of movement, particularly in the areas adjacent to the TSZ and the closing of the main supply route to UNMEE troops in Sector West by the Eritrean authorities. Council also viewed with disappointment Ethiopia's rejection of significant parts of the Eritrea-Ethiopia Boundary Commission decision. On his part, the Secretary-General of the United Nations, in a statement dated 14 May 2004, expressed dismay at the public attacks against UNMEE by Eritrea. At the same time, the Secretary-General expressed hope that the parties, particularly Eritrea, would engage UNMEE in a constructive manner.

49. Meanwhile, the Military Coordination Commission (MCC) meetings between the Ethiopian and Eritrean military commanders have been going on well, including at the local Sector level. The last MCC was held on 10 May 2004 in Nairobi. The Sector level Military Coordination Commission meetings were held severally in Sectors West and Central in March and April 2004. The first meeting for Sector East was held on 21 April 2004. These meetings, which remain on course, do ensure regular consultation between the military commands of both sides to the conflict. They help, also, in providing the opportunity to both sides to discuss border incidents.

50. In conclusion, the international community should continue to engage the two countries to help them overcome the current impasse in the implementation of their Peace Agreements.

d) The Sudan

51. Negotiations between the Government of The Sudan (GoS) and The Sudan Peoples' Liberation Movement/Army (SPLA/M) continue to make progress towards reaching a comprehensive agreement. The two parties have already signed a series of partial agreements on wealth sharing and security arrangements. On 26 May 2004, further progress was made as the GoS and the SPLM/A signed three Protocols on power sharing, the two contested areas of Nuba Mountains and Southern Blue Nile, and Abyei. The power sharing Protocol covers such crucial issues as the national capital, the structure of Government, religion and slavery, to name but a few. The three Protocols cover the last contentious issues identified by the Machakos Protocol, signed in July 2002.

52. On 5 June 2004, in Nairobi, the final phase of The Sudan peace process was launched at a ceremony presided over by President Mwai Kibaki, in the presence of The Sudanese Vice President, Ali Osman Taha, and the SPLM/A Chairman John Garang. The AU was represented at the ceremony by my Special Envoy for Sudan, Ambassador Baba Gana Kingibe. Also in attendance were Ministers from the IGAD Political Sub-Committee on The Sudan, the Foreign Minister of Egypt, the Norwegian Minister for International Cooperation, the Secretary-General of the League of Arab States and the UN Secretary-General's Advisor on African Affairs.

53. The purpose of the ceremony was to reconfirm texts already agreed to, and to indicate the resolve of The Sudanese parties to continue and conclude negotiations on the remaining aspects. The parties signed "The Nairobi Declaration on the Final Phase of Peace in The Sudan", in which they agreed that all issues in The Sudan conflict have been resolved, except agreements to be reached on permanent ceasefire arrangements, modalities of implementation of the comprehensive peace agreement, and regional and international guarantees. It is also important to note that, in order not to lose any momentum, the parties committed themselves to resume negotiations on these outstanding issues on 22 June 2004.

54. Pursuant to the decision of the AU Executive Council in Maputo, in July 2003, the African Union Ministerial Committee on the Post-Conflict Reconstruction of The Sudan held its inaugural session on 15 March 2004, in Addis Ababa. During this meeting the Committee, which is chaired by South Africa, adopted its terms of reference and developed its work programme. Steps are currently underway to workout modalities for the implementation of this work programme.

55. The conclusion of a comprehensive peace agreement will not only bring to an end the untold suffering inflicted to the people of Southern Sudan, but will also mark a turning point in the history of The Sudan and the region as a whole. Against this backdrop, no effort should be spared to ensure the faithful implementation of the commitments entered into by the parties and assist them, as they strive to open a new and more promising chapter in the history of their country.

Darfur

56. While significant progress has been made towards achieving lasting peace in Southern Sudan, the situation in Darfur remains a major preoccupation to the African Union and the international community at large. Beyond the underlying struggles for resources, such as land and water, as well as political discontent among the local communities, the current crisis largely stemmed from the atrocious activities of the *Janjaweed* militia. This group launched a campaign of attack and destruction against the civilian population in many parts of Darfur in recent months. The situation has caused large-scale forced displacement of civilians, with over 1,000,000 becoming internally displaced persons (IDPs), while close to 150,000 people have taken refuge in neighboring Chad.

57. Given the gravity of the situation in Darfur, sustained efforts have been made by the AU and the international community at large, to ensure that effective measures are taken to protect the civilian population and to avert further deterioration of the humanitarian situation. These efforts resulted in the Chadian-mediated negotiations between the GoS, on the one hand, The Sudan Liberation Movement (SLM) and the Justice and Equality Movement (JEM), on the other, culminating in the signing of a Humanitarian Ceasefire Agreement on Darfur, on 8 April 2004.

58. The Humanitarian Ceasefire Agreement, which was negotiated with the support of the AU and other members of the international community provides, among others, for a ceasefire, the establishment of a Joint Commission and a Ceasefire Commission, as well as the facilitation of the delivery of humanitarian assistance and the creation of conditions conducive to the delivery of emergency relief. The parties also agreed to meet at a later stage to negotiate a global and definitive settlement.

59. As a follow-up to the Agreement and the decision taken by the AU Peace and Security Council on 13 April 2004, a 10-member AU-led Reconnaissance Mission was dispatched to The Sudan and Chad, from 7 to 16 May 2004. The mission, which comprised representatives of the UN, the European Union, Chad, France and the USA, was mandated to assess the situation on ground, in view of the envisaged deployment of Military Observers in the Darfur region.

60. In the meantime, the GoS, the SLM and the JEM signed an agreement reaffirming their will to convene and hold, under the auspices of the Chadian Mediation and with the assistance of the international community, a general conference of all representatives of Darfur to discuss the political, economic and social situation in Darfur, with a view to finding a global and definitive solution between the parties to the conflict.

61. During the solemn launching of the PSC at the level of Heads of State and Government, on 25 May 2004, in Addis Ababa, the Council reiterated its concern over

the prevailing situation in Darfur, particularly the continuing humanitarian crisis and the reported human rights violations committed in that region since the beginning of the crisis. Council welcomed the announcement by the GoS of decisions aimed at facilitating the work of humanitarian agencies and at investigating the violation of human rights. The Council further authorized me to take all steps deemed necessary to ensure an effective monitoring of the Humanitarian Ceasefire Agreement, particularly through the deployment of an AU Observer Mission, with the required civilian component and, if necessary, the protection element, to support the work of the Ceasefire Commission (CFC), based on the outcome of the AU-led Reconnaissance Mission to The Sudan and Chad.

62. On 27 – 28 May 2004, the AU convened, in Addis Ababa, a consultative meeting on Darfur. This meeting brought together the GoS, the SLM and the JEM, as well as the representatives of USA, UK, France, the Netherlands, the EU and the UN. On 28 May 2004, The Sudanese parties signed an Agreement on the Modalities for the Establishment of the Ceasefire Commission and Deployment of Observers in Darfur. The Agreement covers, among other issues, the composition and the mandate of the CFC, as provided for by the Humanitarian Ceasefire Agreement, as well as the modalities for monitoring and verification of violations of the ceasefire.

63. Following the signing of the agreement, the Ceasefire Commission held its inaugural meeting at the AU Headquarters. On that occasion, The Sudanese parties recommitted themselves to the scrupulous implementation of the Humanitarian Ceasefire Agreement and pledged to extend full cooperation to the Observer Mission.

64. At the time of finalizing this report, the first batch of AU Observers had already been deployed in Darfur. It is planned to deploy up to 120 Military Observers, with over half of them contributed by the AU, and up to 270 MILOBs protectors should the need arise. The total budget of the Mission for one year is a little over 26 million US dollars. I am pleased to inform Council that the Government of the United Kingdom has already contributed 3.4 millions dollars, while steps have been taken to secure additional funds from the EU, making use of the just established Peace Facility, and from other AU partners.

65. As indicated above, the humanitarian situation in Darfur is extremely grave. On 3 June 2004, a High Level Donor Alert Meeting was held in Geneva. The AU was represented at the meeting. The Joint statement issued by the co-chairs of the meeting (United Nations, United States of America and the European Union) indicates that an estimated 2.2 million people are expected to require humanitarian assistance in 2004 and stressed that, unless immediate protection and relief are provided, the crisis will deteriorate further and hundreds of thousands of lives will be at risk. The Joint Statement further stressed the need for all remaining constraints and restrictions on access for humanitarian personnel, supplies, equipment and aircraft be lifted immediately. The Joint Statement also called for immediate and generous support from donors to close the funding gap of US\$ 236 million for humanitarian assistance in Darfur and Chad, in 2004.

66. The need to effectively address the current conflict and the resulting humanitarian and human rights crisis cannot be overemphasized. The AU is therefore, duty bound to play a leading role in resolving this crisis. Of particular importance in this regard is the need to ensure the protection of the civilian population and avert any further deterioration of the humanitarian situation.

e) Burundi

67. Considerable progress has been made in the peace process in Burundi after years of intensely violent conflict, as evidenced by the implementation of the Arusha Agreement for Peace and Reconciliation in Burundi signed on 28 August 2000 which constitutes one of the cardinal benchmarks for management of national life, as well as the implementation of the ceasefire agreements incidental thereto, towards which the African Union Mission in Burundi provided invaluable contribution, all of which paved the way for defrosting the political climate and restoring security in 16 out of the 17 provinces in the country. Virtually all the armed political movements are now represented in the transition institutions.

68. However, three vital issues have now become the focus of attention. These include:

- a) the question of elections over which discussion has reached an advanced stage, without the parties reaching a consensus thereon for the time being;
- b) the question of integration of combatants, preparations for which have similarly reached an advanced stage on account of the pledges of financing by the international community; and
- c) lastly, the thorny question of the PALIPEHUTU-FNL, the only armed movement that has still not joined in the peace process.

69. Council will recall that the Pretoria Protocols signed on 8 October and 2 November 2003 respectively between the Transition Government and Pierre Nkurunziza's CNDD-FDD, and the Comprehensive Ceasefire Agreement concluded by the two parties in Dar-es-Salaam on 16 November 2003 on the occasion of the 20th Summit of the Regional Initiative for Peace in Burundi marked a new beginning in the peace process. It is obvious that a consensus by the political class on the issue of organization and conduct of elections would facilitate adoption of the post-transition Constitution, the Electoral Code and the Communal Law by the Parliament, thereby making it possible to set in motion the necessary preparations for the exercise slated for 1 November 2004, in pursuance of the provisions of the Arusha Agreement for Peace and Reconciliation in Burundi.

70. The election issue was discussed at the 21st Summit of the Regional Initiative held in Dar-es-Salaam on 5 June 2004, at which the AU was represented by a delegation led by the Commissioner for Peace and Security. It should be mentioned, in this respect, that the differences observed during the Forum of political parties and armed movements organized by the President of the Republic in March and April this year, persisted during the informal consultation which took place in Pretoria from 27 May to 1 June 2004, at which the Government, FRODEBU, UPRONA and Pierre Nkuruniziza's faction of the CNDD-FDD held talks with the Mediator, Deputy President Jacob Zuma. These same differences resurfaced at the 21st Summit of the Regional Initiative. As a matter of fact, the proposal for one-year extension of the transition tabled by President Domitien Ndayizeye, a proposal buttressed by a new electoral calendar drawn up by the Transition Government, was not endorsed by the Region. The Summit called for the elections to be organized so as to abide by the calendar set out under the Arusha Agreement even though some flexibility would have to be introduced in the implementation of this calendar.

71. During the period under review, difficulties emerged in the National Assembly following the expansion of that institution and its Bureau, as a result of which the total membership of the Assembly rose from 183 to 219 Parliamentarians, while that of the Bureau increased from 5 to 8 members. These increases came about after the cooption of 13 retired senior officers from the Tutsi ethnic group belonging to the Armed Forces of Burundi (FAB) and the admission of members drawn from the following armed political movements:

- CNDD-FDD Nkuruniziza (15);
- KAZE-FDD* of Jean-Bosco Ndaryikengurukiye (4);
- ICANZO-FNL** of Alain Mugarabona (4).

72. The cooption of these 13 retired senior officers and the perception that the modality for electing members of the CNDD-FDD/Nkuruniziza to the Bureau of the Assembly was not in conformity with the Rules of Procedure of the National Assembly, generated a crisis in that institution. UPRONA Deputies as well as those of CNDD-FDD/Nkuruniziza and other movements, then decided to boycott the Assembly. It is necessary that the expansion of membership of this institution respect in principle the need to maintain ethnic balance as agreed in Arusha and reaffirmed in Dar-es-Salaam.

73. The Government was, for its part, also faced with a similar situation after CNDD-FDD decided to temporarily suspend its participation in meetings of the Council of Ministers in protest against what it saw as the slow pace of implementation of the 16 November 2003 Comprehensive Ceasefire Agreement, particularly the appointment of its own members to the local Government administration, the diplomatic service and to

* Formerly Ndayikengurukiye's faction of CNDD-FDD.

** Formerly Mugarabona's faction of the PALIPEHUTU-FNL

management positions in public enterprises. This problem has since been resolved as the Government has indeed made the appointments in question.

74. On the military front, the Transition Government has since 15 March 2004 set in motion the training of a special protection unit which, for the time being, involves only elements from the FAB and CNDD-FDD/Nkuruniziza. The other movements have already provided their own quota of personnel, and training expected to start in the very near future.

75. One of the most crucial developments that took place during the period under review was the adoption by the United Nations Security Council on 21 May 2004, of a Resolution authorizing the deployment of a United Nations Operation in Burundi (UNIB) for an initial duration of six months, in keeping with the October and December 2002 Ceasefire Agreements, and the repeated calls by the African Union and the countries of the Region. The UNIB which has a maximum strength of 5,650 military officers will initially be composed of elements of the African Mission in Burundi. The hand-over ceremony between the two Missions was held on 1 June 2004. I take this opportunity to express my sincere appreciation for the role played by the African Mission in Burundi. May I also convey my gratitude to the troop contributing countries – South Africa, Ethiopia and Mozambique – for the sacrifice they have made. My gratitude also goes to the Member States which contributed Observers – Burkina Faso, Gabon, Mali, Tunisia and Togo.

76. The African Mission had started deploying in the interior of the country prior to the deployment of UNIB. For instance, the Ethiopian contingent had, since 14 May 2004, taken over the second demobilization Centre at Otraco in the province of Gitega, while the Centre at Randa in the Bubanza province was under preparation.

77. The question of PALIPEHUTU-FNL was top on the agenda of a mini-Summit which brought together President Yoweri Museveni, President Benjamin Mkapa and President Domitien Ndayizeye in Dar-es-Salaam on 8 May 2004. At the 21st Regional Summit, the Heads of State decided to impose, with immediate effect, restrictions on the movement of the leaders and members of PALIPEHUTU-FNL. The restrictions were intended to prevent the PALIPEHUTU-FNL from constituting themselves into a threat to peace and security in Burundi. The Heads of State also called upon all Member States of the African Union and the international community at large to apply the same restrictions. The Heads of State of the Region asked the Peace and Security Council of the African Union to recommend an appropriate political and legal action to be taken against the FNL within the next three months if, by that deadline, this movement does not join in the peace process.

78. My Special Representative in Burundi, for his part, had a telephone conversation with the spokesperson of this movement during which he reiterated AU position according to which there is no alternative to negotiation. My Special Representative also received The Netherlands Envoy to the Great Lakes Region in the person of

Ambassador Frederick Rake with whom he discussed the issue. My Special Envoy encouraged him to pursue his efforts.

79. The economic, social and humanitarian situation remains precarious; and hence, the Ambassador gave the assurance that the assistance announced by the international community on the occasion of the Forum of Burundi's Development Partners held in Brussels on 13-14 January 2004, would be released as a matter of urgency.

80. Efforts to repatriate the refugees residing in camps in Tanzania have concurrently been taking place in conformity with the Tripartite Agreement concluded in 2001 between the Government of Burundi, the Government of Tanzania and HCR. According to the HCR, 90,197 refugees were repatriated in 2003; while 35,808 returned to their respective countries between January and the end of April 2004. The massive return of refugees remains a major challenge for the Government. The lack of financial resources to enable the National Commission for Reintegration of disaster victims to successfully carry out its activities and the question of land, constitute obstacles to the success of the policy of reintegration of displaced persons and disaster victims.

81. The debate on the holding of elections within the deadline stipulated by the Arusha Agreement for Peace and Reconciliation in Burundi continues to divide the Burundi political class, with those in favour of holding the elections at the end of the transition period (October 2004), and the advocates of a postponement firmly entrenched in their positions. All eyes are currently turned to the Mediator who is expected in Bujumbura in a few days, since the 21st Regional Summit had mandated him to assist the Transition Government of Burundi and the Burundi Parties in reaching a compromise on the issues relating to power sharing, as expeditiously as possible. For its part, the African Union will continue to backstop the on-going efforts aimed at helping the people of Burundi to arrive at a consensus which takes on board the concerns of all and sundry.

f) Democratic Republic of Congo (DRC)

82. In my report to the 4th Ordinary Session of the Executive Council, I underscored the remarkable progress then achieved in the peace process in the Democratic Republic of Congo (DRC).

83. A number of developments have however since conspired to slow down this progress, thereby raising questions as to the future of the entire process which came on track thanks to the firm support of the international community. I would like, in this connection, to highlight the difficult cohabitation among the various transition stakeholders and the harmful impact of that state of affairs on their mutual trust and confidence. I would also like to underline the considerable delay in the realization of the major objectives assigned to the Congolese people during the transition period. These include the formulation and adoption of laws particularly with respect to elections, restoration of state authority throughout the national territory, pacification of the

country especially in the East and North-Eastern regions, formation of a unified national army, integration of the security services and resumption of cooperation with the neighbouring countries.

84. It was against this background that the events of the night of 27-28 March 2004 occurred, events strongly condemned by the international community. On that occasion I issued a Press Release in which I expressed serious concern at the development and called on all the Congolese parties and the people of Congo at large, to remain united so as to bring the transition to a successful conclusion.

85. It was also against this background that dissidents of the new national army of the DRC, following a week of fighting, took control of the city of Bukavu in the South Kivu province on 2 June 2004. As a result of these events, I issued a Press Release in which, among other things, I strongly condemned that action and called upon the rebel soldiers to withdraw from the city. Furthermore, I invited the countries of the Region to embrace dialogue and consultation in their relations, and pool their efforts so as to sustain the on-going peace momentum in the Region. It should lastly been mentioned that there was an attempted coup d'état in Kinshasa on 11 June 2004, and I am glad that the Congolese authorities were able to bring an end to that situation in a peaceful manner.

86. At its 11th Meeting held on 4 June 2004, the Peace and Security Council also condemned the takeover of Bukavu, as well as the acts of violence including lootings, rape and numerous human rights abuses that occurred in its wake. The Peace and Security Council in addition, condemned all acts of incitement to ethnic hatred, and urged the concerned parties to show restraint and search for a solution to the crises through dialogue. The Peace and Security Council called upon the rebels to immediately return the province to the control of the civil and military authorities appointed by the Government, and reiterated the full support of AU to the peace and reconciliation process as well as to the transition institutions. The Council reaffirmed its support for MONUC and requested the United Nations Security Council to beef up its strength thereby enabling it to more effectively backstop the peace process. To this end, the Peace and Security Council urged AU Member States to get themselves in readiness to contribute troops to the United Nations in order to strengthen MONUC. Lastly, the Peace and Security Council called upon the Governments of the countries of the Region to continue to commit themselves and work resiliently to promote a climate of trust and dialogue and to strengthen their relations.

87. As at the time of finalization of this report, an AU mission which I had fielded to the Region under the leadership of the Senegalese Permanent Representative to the African Union and Chairperson of the Peace and Security Council for the month of June, was on ground. The objective of the delegation which also comprised the Permanent Representative of Zambia to the African Union and Chairperson of the AU Commission for Refugees, Displaced Persons and Humanitarian Affairs, is to assist in defusing the

present tension, in pursuance of the Communiqué of the Peace and Security Council, and to facilitate resumption of the peace process.

88. Despite the above difficulties, the key institutions of the transition have continued to function, thus paving the way for progress in the implementation of the transition. In this connection, I would like to underscore the publication on 20 April 2004, of a transition road map and the agreement among the Congolese parties on the distribution of the posts of Governor and Deputy Governor as well as their appointment to the various provinces in the country. May I also underscore the consultations that took place between the Government and the leaders of the armed groups in Ituri Region.

89. In its bid to ensure the success of the peace process, the African Union has continued to back the Congolese people in their drive to bring the transition to a successful end. As member of the international transition follow up committee and of the technical commission charged to backstop the activities of the independent electoral commission, the African Union through my Special Representative in the DRC, has spared no effort to smoothen the misunderstandings among the parties and bridge their positions on vital issues concerning the transition process.

90. As a way of consolidating the activities of the African Union on ground, the 5th Meeting of the Peace and Security Council held on 13 April 2004, *inter alia*, encouraged me to dispatch an Inter-Departmental Task Force to the DRC to evaluate the peace process and map out modalities for increased AU support to on-going efforts. I intend, at the end of this evaluation, to create on ground conditions for intensified joint action between the African Union, the Congolese stakeholders in the peace process and the external partners with responsibility to backstop the transition.

g) Central African Republic (CAR)

91. Since the last Session of Council, the Commission has continued to monitor developments in the Central African Republic (CAR) in light of the economic difficulties facing that country, a situation that has fuelled the current instability in the country. The Commission has also been following closely the measures taken for the return of constitutional legality in the CAR.

92. During the period under review, the socio-economic situation did not see any significant improvement. The Government planned to reduce the salaries of civil servants by 30%, but this measure was rejected by the Trade Unions. The Government however reached an agreement with the Teachers' Union whereby the salary cut was limited to those above or equivalent to 200,000 CFA. Furthermore, following a mission to Bangui in January 2004, World Bank, International Monetary Fund (IMF) and African Development Bank (ADB) Experts described the economic situation as very serious and identified a range of measures that have to be implemented. The Economy and Finance Minister, for his part, recently announced that the Central African Republic was eligible for the IMF post-conflict facility.

93. General François Bozizé on 15 March 2004 celebrated the first anniversary of the coup d'état which brought him to power. The event was boycotted by a majority of the political parties including some Members of the Opposition Coalition (CPPO) which had supported General Bozizé's coup d'état. These parties felt that it was inappropriate to organize such events at a time when civil servants were owed several months of salary arrears.

94. On 12 April 2004, ex-President Ange Félix Patassé who lives in exile in Togo, addressed a letter to me stating that "as Summit Meetings proliferate and time passes by, the situation in the Central African Republic which has continued to deteriorate with every passing day in all respects does not seem to attract the least attention from our noble institution which has apparently succumbed to the *fait accompli*." Mr. Patassé rejected the on-going process of restoration of constitutional legality adding that this "option creates an unfortunate and serious precedent which unequivocally opens the way to armed struggle". He called upon the African Union to take strong measures, "without which it will bear full responsibility for any future happenings in the Central African Republic and the Sub-Region".

95. As part of the electoral process, the Head of State, following adoption by the National Transition Council, promulgated a law setting up an Independent Joint Electoral Commission, an Institution with responsibility, in collaboration with the Interior Ministry, to prepare, organize, supervise and control elections and referenda. According to the electoral process, a constitutional referendum would be held between October and November 2004, followed by legislative and presidential elections in January 2005 and by municipal elections in the first half of 2005.

96. However, the final text of this law generated protests by several political parties and Trade Unions which accused General Bozizé of undermining the transition and the electoral process. They in particular, denounced the lack of independence in the independent electoral commission and the right of prefects and sub-prefects to sit on the Commission. Furthermore, they expressed concern at the possible fate of the other text relating to the electoral process particularly the constitution, the electoral code and the laws governing political parties and the administrative divisions. In their view, "this approach by Government dangerously stifles the principle of consensual management of the transition".

97. In March 2004, on the sidelines of the 4th Ordinary Session of the Executive Council, the Commission organized informal consultations with the Congolese and Gabonese Foreign Ministers whose countries were respectively in the chair of ECCAS and CEMAC. These consultations which were intended to harmonize the positions and actions of the AU and those of the Region on the situation in the CAR were in pursuance of the Decision on the Central African Republic adopted by Council in Maputo in July 2003.

98. The security situation in the country still remains precarious as evidenced by the incidents of 17 April during which soldiers of the Central African Armed Forces with the assistance of elements of the CEMAC Peace Keeping Force, clashed with former elements of General Bozizé's rebellion, in an area North of Bangui. According to reports, the fighting claimed seven lives with about fifteen people wounded. These elements estimated to number 500 men, all national of the Central African Republic and Chad, were reported to have demanded compensation for having lent their support to General Bozizé during his takeover campaign. The rebels have however been encamped and calm has return to Bangui thanks to the support of Chadian authorities.

99. In conclusion, the situation in the Central African Republic remains fragile, hence the need to intensify and more effectively coordinate efforts to enhance the return of peace and security in the country. To this end, the Peace and Security Council meeting at Heads of State and Government level in its 9th Session in Addis Ababa on 25 May 2004, underscored the need for all the stakeholders in the Central African Republic, including General Bozizé, to create conditions for genuine return to constitutional legality through the organization of free and transparent elections. In this connection, the Peace and Security Council recalled the statement made by General Bozizé in Brazzaville on 25 April 2003, to the effect that he would not participate in the presidential election to be organized at the end of transition.

h) São Tomé and Príncipe

100. During the period under review, the Commission continued to follow closely the developments in São Tomé particularly the implementation of the 23 July 2003 Memorandum signed in the aftermath of the coup d'état of 16 July 2003.

101. As statutory member of the Support and Guarantee Commission with responsibility to implement the Memorandum, the African Union Commission participated in the 3rd Session of this Commission held from 13 to 14 February 2004 under the Chair of Ambassador Nelson Cosme ECCAS Assistant Secretary General. The AU delegation was led by my Special Envoy Francisco Madeira.

102. At that Session, the Support and Guarantee Commission discussed preparations for the National Forum which was expected to examine all the political, institutional and socio-economic problems facing the Island; problems related to the military and para-military institutions and the status of elements of the former Buffalo battalion; and adoption of a law on petroleum resource use. The meeting came up with suggestions and recommendations on the above issues for submission to the Ministerial Session which, after several postponements, has now been scheduled to take place early in July to coincide with the conclusion of the National Forum. I take this opportunity to inform Council that the African Union has decided to make financial contribution to help finance the budget of the Support and Guarantee Commission.

103. The AU delegation conferred with the authorities and several political and military players in the country on the sidelines of this 3rd Session. The Representatives of former Buffalo Battalion could not join in the consultation because they were absent from the country. It emerged from the discussion that in addition to the military situation, one of the problems facing the Republic of São Tomé and Príncipe was correlated to the difficult cohabitation between President Fradique de Menezes Member of the Movement of the Democratic Forces for Change (MFDM, with 27 seats in the National Assembly) and the Prime Minister Ms. Maria das Neves Member of the Coalition of the Movement for the Liberation of the People of São Tomé and Príncipe (MLSTP, with 24 seats) and the Independent Democratic Action Party (ADI, 4 seats). The political opponents of President Fradique de Menezes accuse him of constantly trampling on the powers of the Prime Minister and of not respecting the separation of powers, a situation which is allegedly at the root of the current political instability in the country. All the players do however agree on the need to organize the National Forum, preparations for which are underway.

104. This latent political problem recently resurfaced in the form of a crisis between Prime Minister Maria das Neves and the Foreign and Natural Resource Ministers both Members of the MFDM. The crisis was such that Maria das Neves demanded the dismissal of the two Ministers failing which she herself would resign. In reaction, all the MFDM Ministers presented their resignations *en bloc*. President Fradique had to appoint a new Foreign Affairs and Cooperation Minister as a way of ending the impasse.

105. May I recall, at this juncture, that the 11th Ordinary Session of the ECCAS Heads of State and Government had mandated Gabon, the Republic of Congo and Angola to monitor the situation in São Tomé and Príncipe. Pursuant to this mandate, the Gabonese and the Congolese Foreign Ministers proceeded to São Tomé on 12 March 2004. While in the country, the Ministers urged all the political players to work hand-in-hand to consolidate the on-going normalization process.

i) Equatorial Guinea

106. Early in March 2004, a group of mercenaries were arrested in Equatorial Guinea on accusation of involvement in planning a coup d'état in the country. The President Obiang Nguema accused opposition member Severo Moto Nsa living in exile in Spain of having masterminded the plot, but he rejected the accusation. It should be mentioned that soon after the arrest of the mercenaries in Malabo, President Obiang Nguema indicated that they would be judged in a "tribunal of international standing" and that they could be executed if found guilty.

107. Soon after the announcement of the coup d'état, the authorities of Zimbabwe, in turn, stated that they had impounded an aircraft in Harare airport with 67 men on board on the way to Equatorial Guinea. A total of 70 people were arrested and detained in Zimbabwe where they are currently undergoing questioning.

108. An AU delegation led by the Deputy Chairperson of the Commission proceeded to Malabo on 22 March to obtain first-hand information on the situation. While in Malabo, the delegation was received in audience by President Obiang Nguema and also held talks with other Equatorial Guinea leaders. The AU delegation also met Mr. Nick du Toit leader of the mercenaries in the presence of several Equatorial Guinea officials including the Foreign Minister, the Speaker of the National Assembly and Security Agents. At that meeting, Mr. du Toit was said to have admitted the accusations, expressed regret for his crime and pleaded for the clemency of the Equatorial Guinea authorities.

109. On 13 April 2004, I had a meeting in Addis Ababa with the Ambassadors of Equatorial Guinea and Zimbabwe, as well as Representatives of the Namibian and South African Embassies. Some nationals of these two countries were among those arrested in connection with the attempted coup d'état. At that meeting, I underscored the need for greater collaboration among Member States in order to eliminate the scourge of mercenarism which constitute a threat to stability in African States.

110. In this connection, the Commission intends to take the appropriate initiative to up-date the OAU Convention on Elimination of Mercenarism in Africa adopted in Libreville in July 1977, so as to take on board the developments that have since taken place in the Continent. This would be consistent with the African Common Defence and Security Policy which provides for a mechanism to periodically examine the continental instruments on peace and security.

111. Council may also wish to be informed that legislative and municipal elections were held in Equatorial Guinea on 25 April as scheduled. No particular incident was reported. However, one month later, specifically in the night of 28 – 29 May, a group of rebels attacked the military camp in Corisco Island. The Equatorial Guinea authorities later announced that five of the attackers were killed and five others arrested. They further stated that the situation in the Island of Corisco and in the rest of the country was under control, and that normalcy and calm had been restored.

112. I also wish to draw the attention of the Council to the dispute between Equatorial Guinea and Gabon over the Islets of M'Banié, Conga and Cocotiers. In the bid to arrive at a peaceful and satisfactory solution to the problem, the two parties requested in July 2003, on the sidelines of the Assembly of the Union held in Maputo, the mediation of the United Nations Secretary General who agreed to the request. Mr. Kofi Annan entrusted the matter to Mr. Yves Fortier who, on several occasions, held talks with the Gabonese and Equatorial Guinea delegations in both Geneva and New York. Mr. Fortier was received in audience on 7 – 8 June by President Obiang Nguema, and on 9 – 10 June by President El Hadj Omar Bongo Odimba. At the end of the talks, Mr. Fortier indicated that "the mediation was in progress and that solutions were in the offing".

J. Côte d'Ivoire

113. Encouraging progress was made in the search for peace and stability in Côte d'Ivoire following the signing of the Linas-Marcoussis Agreement on 24 January 2003. However, this progress was suddenly interrupted in March this year as a result of a series of incidents. I would like to mention in this regard the suspension of participation in the government by seven Ministers of the Democratic Party of Côte d'Ivoire (PDCI) for reasons of the differences between this Party and the Head of State; the formation of a coalition of convenience known as the "Marcoussistes" or the "G7" which brings together four political parties, namely, the PDCI, the Rally of Republicans (RDR), the Union for Democracy and Peace in Côte d'Ivoire (UDPCI) and the Movement of Forces of the Future (MFA), as well as three former rebel movements – the Patriotic Movement of Côte d'Ivoire (MPCI), the Popular Movement of the Great West (MPIGO) and the Movement for Justice and Peace (MPJ); the Movement of "Young Patriots" – a Youth Association in support of President Gbagbo which did a lot to exacerbate the tension; the failure of the disarmament operation scheduled to take place in Yamoussoukro on 10 March 2004; and the consequences of the repression of the public demonstration planned by the "G7" in Abidjan for March 25 and its continuation on 26 – 27 March 2004. In protest against this repression, the "Marcoussistes" coalition suspended participation in the Government of national reconciliation.

114. The United Nations Security Council expressed serious concern at these acts of violence and called upon the Ivoirian parties to unconditionally work together to ensure full implementation of the Linas-Marcoussis Agreement. The African Union Peace and Security Council meeting in its 3rd Session on 27 March 2004, deplored the loss of human lives during the violence and called upon all the parties to show restraint, resume political dialogue and work together towards unfettered implementation of the Linas-Marcoussis Agreement.

115. The Linas-Marcoussis Agreement Follow-Up Committee on which the AU is represented by my Special Representative in Cote d'Ivoire Mr. André Salifou called for the setting up of an international commission of inquiry to shed light on the events of 25, 26 and 27 March 2004. The Ivorian Head of State and Prime Minister also spoke in favour of establishing such Commission. The United Nations Secretary General accepted the request and asked the United Nations Human Rights Commission to urgently carry out the inquiry.

116. During discussion on the report of the United Nations Commission of Inquiry transmitted to the Security Council on 14 May, Security Council Members underscored the importance of putting an end to impunity. They expressed support for the initiative of the United Nations Human Rights High Commission to set up a Commission with responsibility to conduct an inquiry into human rights violations in Côte d'Ivoire since the start of the armed rebellion.

117. On 18 May, the Head of State of Côte d'Ivoire decided to suspend payment of the May salaries of the "G7" Ministers, annul the arrangements for their accommodation in Abidjan and repossess their official vehicles. The Head of State further made travels of Members of the Government out of the country, conditional only on his authorization. In a Decree issued on 19 May, the Head of State removed three opposition Ministers from their duties – Mr. Guillaume Soro Minister of State for Communication and Secretary General of the New Forces who was replaced temporarily by three other Members of the Ivorian Popular Front (FPI), President Gbagbo's party. On 20 May, the "G7" Management declared the above decisions "null and void and of no effect, in light of the Linas-Marcoussis and Accra II Agreements".

118. The situation in Côte d'Ivoire was discussed at the 10th Meeting of the Peace and Security Council held in Addis Ababa on 25 May 2004. On that occasion, the Council expressed deep regret at the current stalemate, adding that any unilateral action by whichever party could only worsen the situation and delay the peace process even further. The Peace and Security Council reiterated its request to the African Commission on Human and People's Rights to urgently carry out the inquiry on Human Rights violations in Côte d'Ivoire. The Council also urged the Ivorian parties to demonstrate political will, work together to ensure full and unconditional implementation of the Linas-Marcoussis Agreement and create conducive conditions for the return of all the stakeholders to the Government of National Reconciliation. The Council stated, in this connection, that the composition of the Government and its integrity, including a consensus Prime Minister, should be maintained. The Peace and Security Council mandated ECOWAS to take the necessary measures to ensure effective and immediate resumption of State activities in Côte d'Ivoire, and to present a report on the progress achieved in this direction at the present Session of the Assembly.

119. In reaction to the contents of the Communiqué of the Peace and Security Council regarding the composition and integrity of the Government of National Reconciliation, the Embassy of Côte d'Ivoire in Addis Ababa addressed a Note Verbale to the AU Commission stating as follows: "since the Linas-Marcoussis Agreement in any way provide for *intuiti personae* appointment of representatives of the parties signatory to the said Agreement to Ministerial positions, not even to the post of Prime Minister, it is clear that the Decision of the Peace and Security Council which, in substance, referred to the return of the dismissed Ministers to the Government could lead to tendentious interpretations likely to exacerbate the already extremely fragile political situation in the country".

120. I would like, in conclusion, to reiterate my total readiness, in concert with ECOWAS and our international partners, to pursue all efforts geared to facilitating effective resumption of the peace process in Côte d'Ivoire. It is my sincere intention to contribute to the promotion of dialogue and understanding among the leaders of the countries of the Region.

k) Liberia

121. Since the signing of the Comprehensive Peace Agreement (CPA) in Accra on 18 August, 2003 and the subsequent smooth handing-over of authority on 14 October, 2003, from the then interim government led by former President Moses Blah to the National Transitional Government of Liberia (NTGL) led by Chairman Charles Gyude Bryant, visible and significant progress has been made towards the full implementation of the CPA in particular, and in the evolution of the peace process in general. Nonetheless, a great deal more needs to be done to ensure that the peace process remains irreversible.

122. The various institutions mentioned in the CPA, including the executive branch – termed the National Transitional Government of Liberia, (NTGL) the legislative branch – termed the National Transitional Legislative Assembly (NTLA), and the Judiciary, have by and large been constituted. Further, the Chairpersons and members of the various Commissions, also provided for in the CPA, have been nominated and have either been confirmed or are awaiting confirmation by the NTLA.

123. However, the issue of the allocation of posts in the NTGL and in the public service among the various parties to the agreement, has become a source of serious instability, leading to calls on the part of the leaders of the warring factions, particularly, LURD and MODEL, for his removal. However, following the visit in March 2004 by the ECOWAS Mediator, General Abdulsalami Abubakar, and his team comprising, *inter alia*, senior officers of ECOWAS and the AU Commission, relations between Chairman Bryant on the one hand, and the leaders of the former warring factions and the NTLA Speaker on the other hand, have improved significantly and become less confrontational. Nonetheless, the differences remain.

124. The continuing leadership struggle within LURD, created by the family dispute between husband and wife, Aisha and Sekou Conneh, is still a cause for concern. It is feared that it could impact negatively on the on-going disarmament, demobilization, rehabilitation and reintegration programme (DDRR). Efforts are underway to resolve the crisis.

125. With the re-launch of the DDRR process, the focus has also been on the elections scheduled to be held in October 2005, as specified in the CPA. At the end of April, 2004, Chairman Bryant swore in the seven members of the National Elections Commission (NEC) headed by a former Supreme Court Judge. Chairman Bryant has stated categorically that the date of the elections would not be changed. This position was affirmed by the International Contact Group on Liberia when its two Co-Chairmen, namely the Foreign Minister of Ghana, representing the Current Chairman of ECOWAS, the AU and the Swedish State Secretary for Foreign Affairs, representing the EU, accompanied by ECOWAS, the AU and EU officials, undertook an assessment mission to the country in April 2004. The affirmation of the international community come against

the background of calls from certain quarters in Liberia for postponement of the elections.

126. It is to be recalled that Article XIX of the CPA, which provides that elections shall be held not later than October 2005, requests the “UN, AU, ECOWAS and other members of the international community as appropriate, to jointly conduct, monitor and supervise the next elections in the country.” In that regard, the UN, EU and USAID/IFES all dispatched election needs-assessment missions to Liberia in April 2004. The UN assessment mission concluded that currently, the newly-constituted NEC has very little material and human capacity to carry out its responsibilities relating to civic and voter education, voter registration, delimitation and polling; and that without extensive international assistance, these activities cannot be carried out within the timeframe set by the CPA. It is to be noted that during the above-mentioned mission of the ICGL Co-Chairmen to Monrovia in April 2004, the delegation engaged in discussion with these international experts on the ground as well as members of the National Electoral Commission. During these meetings, the difficulties facing the National Electoral Commission were also brought to the attention of the ICGL delegation. At the last meeting of the ICGL held in London on 11 May 2004, it was agreed that consultations would be conducted between the Electoral Unit of UNMIL and ECOWAS as well as the AU, to chart the way forward in terms of preparations for the elections.

127. On the security front, the Executive Council may wish to note that pending the recent near-completion of the country-wide deployment of UNMIL troops, there has been general compliance with the ceasefire agreement in Monrovia and most other parts of the country; and consequently, there has been an absence of country-wide fighting. However, there have been reports of ceasefire violations, especially in the interior of the country, involving all the three former warring factions. These incidents included sporadic fighting in Nimba county and spanned the period from November 2003 to as recently as April 2004, when this present report was being finalized.

128. The deployment of UNMIL forces beyond Monrovia and its immediate surroundings, where they had initially been concentrated for months, has also facilitated the re-launch of the DDR Programme. It is to be recalled that when on December 7 2003, UNMIL attempted unsuccessfully to start the disarmament process, it had an inadequate number of troops – 5000 - on the ground. However, when by 15 April 2004, the DDRR was re-launched, UNMIL stated that the 13,943 troops deployed then were adequate for the purposes of that process. As of 11 May, 2004, UNMIL had a total of 14,107 troops on the ground, deployed in all the counties except four. The re-launch of the DDRR on 15 April, 2004, had been preceded by an intensive sensitization programme directed at the combatants and involving commanders from the three armed factions and representatives of the National Commission on Disarmament, Demobilization, Rehabilitation and Reintegration, together with UN Agencies and NGOs.

129. On 5 May, 2004, as this report was being finalized, UNMIL announced that as of 28 April, 2004, 10,653 weapons altogether had been collected from 18,415 ex-

combatants from LURD, MODEL and the GOL factions, since the programme had originally begun, and that more than 3 million rounds of small arms ammunition and 5,300 other pieces of ammunition had also been collected. About 8,000 ex-combatants were reportedly disarmed during this first phase of the re-launch of the programme in April, according to UNMIL. Following the end of the first phase of the re-launch of the programme which took place in April 2004, it was announced that the commencement of the second phase of the disarmament exercise was planned to take place after the construction of six additional cantonment sites in other locations around the country.

130. It is to be noted that while the "DD" aspect of the entire DDRR programme is expected to take 9 months, the "RR" aspect will be on-going for years, and its success will depend considerably on the flow of international assistance. It is absolutely crucial that the DDRR which requires considerable financial outlay is successfully completed, because it will end the cycle of violence, help create a conducive environment for the holding of the forthcoming elections and prevent another spillover of the Liberian conflict into the other two Mano River countries, including Sierra Leone where the peace is still fragile, as well as Côte d'Ivoire, where the conflict is still unresolved.

131. On the humanitarian front, it is to be noted that in November 2003, a consolidated appeal for humanitarian activities was launched by the UN. The UNHCR, together with the WFP and UNICEF and a number of international non-governmental organizations, have played a lead role in providing urgent humanitarian assistance to war-affected and vulnerable groups such as refugees, internally displaced persons, women and children. As peace has become more real in Liberia, thousands of Liberian refugees in West Africa have begun to make their way home, in a wave of spontaneous returns. The UNHCR said that it expected spontaneous returns to peak in the coming months and, indeed continue at a high level during the early months of 2005, in anticipation of the elections scheduled for October that year. Following an urgent appeal for US\$39.2 million for its operations in Liberia in 2004, to prepare for the return in 2004 of an estimated 150,000 Liberian refugees, UNHCR announced on 20 April that it had received an additional \$11 million from the US, in addition to the US\$3 million earlier received, but was still US\$25 million short of its goal.

132. The country continues to face a "human rights crisis" of serious proportions. Members of the warring factions have reportedly committed human rights violations such as attacks on civilians, including killings, torture, rape, harassment, looting, extortion, forced labour and restrictions on freedom of movement and personal liberty by members of the armed factions. It is expected that with the substantial deployment of UNMIL troops up-country and when the disarmament exercise is completed, there will be a decrease in the incidence of these violations. Nonetheless, the problems are expected to persist in those isolated areas where UNMIL peacekeepers are absent and where there is also an absence of police and civil authority.

133. The government and UNMIL have been actively working towards the rehabilitation of social infrastructure and the re-opening of schools in the country. The government

has also made strenuous efforts to meet the demand to pay the arrears of salaries of civil servants, but has yet to complete the task because of financial constraints. The difficult economic and financial situation has led to social tensions and strikes on the part of civil servants, teachers and students.

134. The current difficult socio-economic situation underlines the urgent need for strong support by the international community for government efforts to rehabilitate and reconstruct the country. It would be recalled that last February, US\$ 520 million was pledged for the two-year transitional period during the Donor Conference held in New York. Since then, the NTGL, UN system, World Bank and other partners have made significant efforts to implement the programme which constitutes the road map to the recovery of Liberia, also known as the Result-Focused Transitional Framework (RFTF).

135. The NTGL has made efforts to address the regional dimension of the conflict in Liberia. In that context, the Chairman of the NTGL has visited countries of crucial importance, including Burkina Faso, Côte d'Ivoire, Guinea and Sierra Leone. The visits have helped to improve relations between Liberia and its neighbours and mobilized support for the peace process in the country. The visits undertaken to Guinea and Sierra Leone contributed to the revival of co-operation among the countries of the Mano River Union and served as an impetus for plans to have a Summit meeting in May 2004.

136. At a meeting of the ICGL held in London on May 11, in which the AU was represented, that body reaffirmed its position that all States in the region should fully support implementation of the CPA to prevent their territories from being used by armed elements to destabilize their neighbours and to strengthen regional cooperation. It welcomed the forthcoming MRU Conference and called on the Heads of State to use the meeting as an opportunity to address cross-border issues.

137. Concerns were also expressed regarding the persistence of reports that according to some former combatants, arms from the former warring factions were finding their way across the Liberia borders with Côte d'Ivoire and Sierra Leone. It is to be noted that prior to that development, the UN Mission in Sierra Leone (UNAMSIL), the UN Mission in Côte d'Ivoire (ONUCI) and UNMIL were developing joint plans and modalities for more effective control of the borders. These would be shared with the countries concerned. The ICGL meeting urged UNMIL, the NTGL and the leaders of the former warring factions to ensure that all Liberian combatants and arms remain in Liberia in the context of the on-going DDR.

138. The international community has also focused on the activities of former President Charles Taylor. Thus in March 2004, the USA sponsored a resolution, which was passed unanimously by the Security Council on 12 March, 2004. It called on all UN members to locate and freeze funds belonging to former President Taylor, his family and allies. A report commissioned previously by the Security Council had accused Mr. Taylor of continuing to divert Liberian government resources while in exile. Regarding the existing

UN travel ban, the Security Council, while acknowledging that changes had taken place in Liberia, issued on 16 March 2004, a new list of 47 persons, including those senior members of the former government as well as members of the former armed forces, deemed to have retained links with Mr. Taylor or supposed to be supporting rebel groups. Most recently, the UN Security Council renewed its sanctions on trade in Liberian diamond and timber.

139. The AU Commission remains committed to the full implementation of the CPA and the peace process as a whole, especially given the role it played last year in assisting facilitating and then conducting the peace negotiations in Accra, which eventually culminated in the signing of that Agreement. To that end, in addition to appointing a Special Envoy for Liberia – who has effected two working missions to Liberia and the region - officers from the Commission were dispatched to Monrovia to cover, in particular, the political and military issues deriving from the implementation of the peace agreement. With the endorsement in April by the Peace and Security Council, of the AU Commission's proposal to set up an AU office in Liberia, AU's capacity to contribute to the implementation of the Agreement will be enhanced.

I) Guinea Bissau

140. Council will recall that in the aftermath of the coup d'état which took place in this country on 14 September 2003, Mr. Francisco Madeira Minister in the Office of the President of Mozambique had, on my request, undertaken a mission to Guinea Bissau from 19 to 25 September 2003. While in the Region, my Envoy also initiated consultation with ECOWAS and some countries of the Region.

141. During the period under review, the most significant development were the Parliamentary elections which took place on 28 March 2004. This exercise marked the beginning of the restoration of democratic institutions in the country.

142. African Union Observers participated in monitoring the elections at the request of the Guinea Bissau authorities. The elections were expected to take place in one day only, that is 28 March. However, since the election materials had not been distributed to all the polling stations, a second round had to be organized in the Bissau electoral district on 30 March. Twelve political parties and three party coalitions vied for the votes. The 27 electoral districts of Guinea Bissau elected hundred deputies, while two other seats were to be filled by the Diaspora.

143. Portugal, Brazil, Senegal, The Gambia, Mauritania, the United States of America, the Russian Federation as well as organizations such as the Community of Portuguese Speaking Countries (CPLP), the Economic Community of West African States (ECOWAS), the West African Economic and Monetary Union (UEMOA) and the African Union all together fielded one hundred and four Observers.

144. In the final Communiqué issued at the end of the elections, the international observers expressed satisfaction at the conduct of the election which they said were characterized by public-spiritedness and transparency, as well as by the massive turnout of voters in the Bissau electoral district on both 28 and 30 March. The international observers further indicated that the voting on 28 March 2004 had been free, fair and transparent despite some organizational shortcomings. The United Nations Security Council, for its part, expressed satisfaction at the successful conduct of the Parliamentary elections and encouraged the people of Guinea Bissau to continue to dedicate themselves to national reconciliation.

145. Some political parties contested the provisional results published by the National Electoral Commission on 4 April 2004, filing with the National Electoral Commission complaints over irregularities allegedly observed before, during and after the elections. As a result of the tension generated by this dispute, the Heads of State of Senegal and Cape Verde respectively paid a few hours visit to Bissau on 5 April 2004, in order to instil reason in all the parties. At the same time, the National Transition Council, on 7 April, set up a Commission of inquiry to look into the irregularities identified by different political parties and present a report thereon to the Supreme Court.

146. On 21 April, the Supreme Court validated the results of the Parliamentary elections. It however reviewed up-wards the turnout figures. No party won an absolute majority, but the African Party for the Independence of Guinea Bissau and Cape Verde (PAIGC), former single party, came tops with a relative majority of 45 seats. The Social Renewal Party (PRS) – party of former President Kumba Yala won 35 seats. The United Social and Democratic Party (PUSD) of the former Prime Minister Francisco Fadul obtained 17 seats; the Electoral Union – a coalition of five small parties – had 2 Deputies; while the United People's Alliance – a coalition of two parties – won only 1 seat. The two outstanding seats reserved for Guinea Bissau nationals in the Diaspora were yet to be filled.

147. The New People's National Assembly which was sworn in on 7 May 2004 inaugurated the 7th legislature since the independence of Guinea Bissau. With the swearing in of the National Assembly, the mandate of the National Transition Council came to an end, and the Military Committee became an advisory organ in the Office of the President.

148. I am glad to report that, as a result of the consensus reached by the three political parties and two coalitions of parties that had won seats in the National Assembly, the President of the Republic appointed Mr. Carlos Gomes Junior, Chairperson of the PAIGC, to the post of Prime Minister.

149. Guinea Bissau which is in urgent need of international assistance to revamp its economy, has demonstrated its capacity to endow itself with credible and democratic institutions, and its determination to re-establish the climate of trust and confidence necessary for the resumption of international cooperation. I will continue, in

consultation with ECOWAS, the countries of the Region and the international partners, to lend the support of the African Union towards these efforts and the successful conclusion of the process of restoration of constitutional order.

2004

Report of the chairperson of the commission on conflict situations in Africa

African Union

African Union

<http://archives.au.int/handle/123456789/4361>

Downloaded from African Union Common Repository