

The African Union Meeting: A test of credibility over Abyei

Saturday 19 January 2013

By Luka Biong Deng

January 19, 2013 - The AU Peace and Security Council will meet in Addis Ababa on 25th January on the margins of the 21st Ordinary Session of the Assembly of AU. This meeting will not only be its first meeting of the year but it will be a meeting at the level of heads of state and government to discuss the issue of Abyei and border conflicts between South and South Sudan. This meeting will put the Council at the crossroad and litmus test of its credibility on the Roadmap that it adopted in April 2012.

The Peace and Security Council is the standing decision-making organ of the African Union for the prevention, management and resolution of conflicts. It is composed of 15 members that reflect regional balance within Africa. All member states of the AU agreed, in accordance with Article 7(2) of the adopted Protocol of the Council, to accept and implement the decisions of the Council. The decisions of the Council are taken by consensus otherwise by a simple majority on procedural matters and by a two-thirds majority vote on all other matters. Interestingly, the Council has the power to recommend, pursuant to Article 4(h) of the AU Constitutive Act, intervention, on behalf of the African Union, in a Member State in respect of grave circumstances, namely war crimes, genocide and crimes against humanity, as defined in relevant international conventions and instruments.

The genesis of the involvement of the Council in South Sudan-Sudan affairs came when the tension between the two countries deteriorated to the level of war that threatened the peace and stability in the continent. The Council in its 319th meeting, held at ministerial level on 24 April 2012, adopted a Roadmap outlining the steps to be taken to defuse the tension that was then prevailing between the two countries, facilitate the resumption of negotiations to be concluded within three months on the outstanding issues and the normalization of their relations. The UN Security Council, in support to the AU-led efforts, adopted Resolution No. 2046 on 2nd May 2012, which endorsed the AU Roadmap. The Government of Sudan and Government of South Sudan both accepted the AU Roadmap and the UN Security Council Resolution No. 2046.

The Council in its 327th meeting, held at the level of Heads of State and Government, on 14 July 2012, which, among others, reaffirmed that the Parties must unconditionally implement all aspects of the Roadmap. The AU Assembly adopted at its 19th Ordinary Session, held from 15 to 16 July 2012, the AU Roadmap and stressed the need and obligation on the part of the Parties to fulfill fully and expeditiously their obligations under the Roadmap, bearing in mind the timelines contained in the Roadmap.

After the expiration of three months, the Council at its 329th Meeting held at the level of its permanent representatives on 3rd August 2012 requested the AUHIP to submit to it, by 22 September 2012, a comprehensive report on the status of the negotiations, including detailed proposals on all outstanding issues. The meeting also called to convene, within two weeks following the submission of the AUHIP report, another meeting at the ministerial level to endorse the AUHIP detailed proposals on all outstanding issue as a final and binding solution to the pending issues between the two countries. The Council will then transmit the endorsed report to the UN Security Council for consideration and endorsement acting under Chapter VII of the UN Charter.

On 24th October 2012, the Council in its 339th meeting, held at the ministerial level, unanimously accepted the proposal submitted on 21st September 2012 by the AUHIP on the final status of Abyei. The Council gave six weeks for the two countries to reach consensus on the proposal otherwise it will endorse this proposal as final and binding and to be forwarded to the UN Security Council for consideration and endorsement. On 14th December, the Council decided in its 349th Meeting to refer the endorsement of the AU Proposal on the final status of Abyei area to its meeting at the level of the Heads of State.

Besides referring the determination on the issue of final status of Abyei to its heads of state, the Council reiterated its acceptance of 21st September AU Proposal on the final status of Abyei area and called for the summit between Presidents Salva and Bashir to resolve the pending issues between the two countries.

This account of the lengthy process and decisions taken by the Council at the levels of permanent representatives, ministers and heads of state and governments underscores the commitment of the Council to resolving the final status of Abyei. The process has also involved all the member States of the AU including Sudan. The summit that was held between Presidents Salva and Bashir on 5th January failed to resolve the final status of Abyei and disputed and claimed border areas. In fact the summit in terms of process, ownership and outcome created confusion. The report of the outcome of the summit that was signed by the Ethiopian Prime Minister and President Thabo Mbeki failed to create consensus about the commitments of the summit.

In particular, the issue of Abyei was badly handled in the summit as there was no reference to the AUHIP 21st September

Proposal on the final status of Abyei. Paradoxically, the convening of the next summit to determine the final status of Abyei was made conditional to the constitution of Abyei administration and agreement between two countries on a matrix for the implementation of nine (9) agreements signed in September 2012. In fact Abyei after the summit was made as a ransom or even a hostage.

President Bashir will use the outcome of the summit not to discuss the final status of Abyei and subsequently making it difficult for the Council to endorse the AUHIP Proposal on Abyei. Sudan started again with high level diplomatic campaign to convince the fifteen (15) heads of state and government of the Council to contain the issue of Abyei within the continent and not to be forwarded to the UN Security Council. After meeting with all members of the Council, the Sudanese Minister of Foreign Affairs vowed with confidence that the issue of Abyei will not see light and it will not reach the UN Security Council.

In fact Sudan is pursuing rather dangerous and futile diplomatic maneuver that is aimed at creating division and confusion in the Council as well as casting doubt on the credibility of the Council. The trajectory of decision making process followed by the Council to resolve the issue of Abyei shows conscious commitments within its mandate of preventing conflicts in the continent. The Government of Sudan has missed the opportunity to contain the issue of Abyei by allowing it to be discussed by the Council on 24th October 2011 when the Council initially accepted the AUHIP Proposal on Abyei.

Equally, Sudan did not reject but accepted the AU Roadmap and the UN Security Council Resolution 2046 that laid out a comprehensive process of resolving all the pending issues between the two countries. Also Sudan as a member of the AU has agreed not only to accept the decisions of the Council but to implement them. The process for resolving the issue of Abyei has been agreed upon by all members of the AU including Sudan and the UN Security Council and any attempt to withhold and to reverse this process is a clear defiance to the continent and international community.

As the summit between Presidents Salva and Bashir is now scheduled on 24th January to discuss the final status of Abyei before the meeting of the Council to be held on 25th January, President Bashir has the last chance to accept the AU Proposal on Abyei. In case the summit failed to finalize the issue of Abyei, the heads of state and government of the Council have moral and institutional obligations to endorse the AUHIP 21st September 2011 Proposal on Abyei as final and binding. Failure by the Council to endorse the AU Proposal on the final status of Abyei will not only tarnish the credibility of the Council but it will dash the high hopes that the people Abyei attached to the Council to restore justice and peace in the area.

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