

In the name of Allah, Most Gracious, Most Merciful

**Work Iftar in Honour
of the Diplomatic Corps in Sudan**

1/9/2010

I welcome representatives of the Diplomatic Corps in Sudan and all our honoured guests to this Iftar that I hold every year in honour of the guests of our country.

You are fully aware, dear sirs, that despite the conspicuous difference between rulers and the opposition in Sudan, there is a scope of freedom for addressing public affairs from angles that are different from those of the rulers.

Diplomatic representation constitutes a link between governments and peoples, and we therefore appreciate the keenness manifested by many representatives of the Diplomatic Corps, international organizations and special envoys on communicating with the political and civil community in Sudan.

We likewise appreciate the conditions of relative freedom in our country that allows that communication, which is not the case in many countries.

In addition to the deference of hospitality, this gathering has to deal with an address on the Sudanese public affair because our country is passing through conditions that are more exceptional than any other period in our contemporary history.

In my present address, I will answer four questions which were put forth to us at different occasions by representatives of the international community.

But before answering these questions, I would like to clarify that we have chosen a soft-power opposition approach under the label of civil Jihad. We additionally believe that the relative peace and relative recognition of political plurality are attributed to the opposition's principled position on the coup of 1989 and the intellectual, political and mobilization work that was launched by the Crucial Issues Conference held in Asmara in 1995. We believe that resumption of mobilization for the legitimate demands of the Sudanese people will ultimate actualize just and comprehensive peace and full transition to democracy.

The questions that I will set about answering as the following:

- What is your position on the contested results of the elections of April 2010?
- What is your position on the impending referendum of the South and the expected outcome of that referendum?
- What is your position on Darfur peace process?
- What is your position on the issue of the International Criminal Court (ICC)?

These are key issues to the future of our country. We further believe that the official policies drawn up for coping with these issues have been erroneous. We are hence keen on imparting to the brothers and friends of Sudan and international organizations the other viewpoint related to the position on these issues.

Reply to the first question:

We have boycotted the elections of April 2010 and rejected the results of those elections. We will release in the course of this month a book titled (Elections of April 2010 in the Balance). The book documents all the methods that have undercut integrity of the elections in the spheres of breaches of the law, transgressions of financing, exploitation of influence and all the electoral practices that impugned the integrity and freedom of the electoral procedures. It also illustrates how corruption of the elections and difference over their results will cast their shadow on the coming referendum.

The study moreover includes a clear statement on position on observers' reports – as an observation of observers, assessment of their role and issuance of an objective judgment of that role because international observation is required under the prevailing conditions in our country which can be favorable and beneficial in the case of impartiality and objectivity and misleading when the elections are subjected to flawed standards.

Despite the clarity of our position on results of the elections, we abstained from adopting a violent position in view of the fragility of conditions in the country which is facing the hazards of disintegration. Approach of the end of transitional period dictates the need for intercommunication among political forces for the purpose of reaching a national accord to locate a peaceful outlet for the country.

Our party has in that respect diagnosed the country's case, pinpointed defects of the ongoing official policies and proposed an alternative governance program; we are subsequently looking forward to the elections that will succeed the referendum and that will take place after realization of peace in Darfur. Until then, we will resume our civil Jihad that includes application of all the civil means for actualizing the legitimate demands of the people, including dialogue with the two partners of the incumbent authority because the peaceful solution cannot be exclusionist.

Reply to the second question:

The referendum is the greatest challenge that faces the country. Nonetheless, the referendum's commission and law and the expected post-referendum problems have been dealt with in a bilateral manner that is beset with shortcomings and hazards. The referendum law has assumed the presence of cooperation and goodwill between the two partners, which are non-existent. The referendum is also assumed to be practiced in full freedom, barring any direct or indirect influence; which is also out of the question on the light of the experience and results of the recent elections.

The law has provided for voters registers to be prepared after the appeals stage and after announcement of the final registry on 9 October 2010, that is a month from now, which is impossible.

Repatriation of millions of southerners to the South within the specified time spans is likewise impossible despite the incentives publicized by Juba government. The voluntary return coordinator, Kormaj Choul, indicated the presence of obstacles that set off counter-migrations; which means that the "return home and choose" program has failed. The law presumed that the referendum commission would be independent and capable of running a free and fair referendum. The commission comprises a northern chairman, three northern members and five southern members. These members now vote subject to their party and factional affiliations with confidence lost between them and the chairman of the commission. The commission has therefore become paralyzed, transfers its dispute to the Presidency of the Republic and suffers from an obvious rift, added to a gap of confidence between the partners that widened in an unprecedented manner last April because of:

- traded accusations on rigging the elections
- Exchanged accusations on mutual support of respective armed rebellion in the North and the South.

- The acute difference over remittance of the share of the south in oil revenues
- The acute difference over implementation of Abyei arbitration
- The serious conflict caused by Feluj airport helicopter in the Upper Nile which was described by some southern officials as a declaration of war
- The acute difference over the decisions of the meeting of the political office of the Sudan People's Liberation Movement (SPLM), which as described by the National Congress Party (NCP) as military declaration No. (1).
- The verbal menacing and irate altercations between the governors of South Darfur State and West Bahr-al-Ghazal on the affiliation of Kafia Gengi and Hufat Al-Nihas.

This polarizing atmosphere will not permit the referendum commission to carry out a fair referendum whose results are acceptable to all. There are some issues that were hoped to have been decided before the referendum such as the popular consultation in South Kodrofan and the South Blue Nile and Abyei referendum. It is impossible to decide these issues before the 9th of January, not to mention the presence of other numerous matters that will cast their shadow on the tension between the North and the South regardless of the outcome of the referendum.

It is our opinion that these controversial issues should be entrusted to a commission of wise men to be concurred upon by the two partners and that should not be affiliated to them to address and resolve the contested issues within an appropriate time period, say up to yearend 2012, provided that this time period is not tied to conduction of the referendum at the set date.

Despite its drawbacks, the formation of the elections commission was much better off than the referendum commission. Any Sudanese components of the commission and the results it issues will be subject of contention, and rulers will dominate the ballots in their regions of influence in a similar manner to what had taken place during the last elections. The defeated party will reject the result of the referendum. The truth of the matter is that the confidence gap between the two parties to the agreement had caused all the building blocks of the agreement, in terms of assessment, follow-up and monitoring, to be entrusted to international parties. The referendum is the most momentous item of the peace agreement, and the confidence gap will render its result subject to contention thus foreshadowing reversion to square one. We therefore proposed assigning management of the referendum to the United Nations, provided that it is undertaken by countries that are recognized as impartial by the Sudanese parties. It was surprising that the referendum campaigns in the North and the South have taken collision courses while the concerned parties are heedless of the significance of these trends.

The National Congress Party is launching a unionist campaign with a sudden burst of enthusiasm as if trying to absolve itself before northern unionist public opinion from Al-Intibaha campaigns or as if wishing to shirk bearing the responsibility of separation if takes place, under the consideration that it has shouldered its obligation in that respect. But a serious unity campaign should hinge on correct assessment of the feelings of southerners who generally tie unity to specific terms and conditions which have not been met during the transitional period. What took place during the transitional period has rendered separation, and not unity, more attractive. There consequently emerged trends that consider unity as the only available option and that depict advocates of separation as traitors and non-believers. These positions ensued in adverse results in the South as SPLM campaign headed for correlating unity with attractiveness, and, in the absence of the latter, separation will be the only option left. That is the argument circulated in a lot of circles in the South. Many southern trends have moreover come to consider unity a northern occupation of the South that has to be liberated from because of the dim-witted argumentation for unity in northern circles where unity is held as an Islamic, Arab or northern interest.

Similar factors have prompted a number of southern leaders, such as Joseph Lagu and Toby Madut, to profess siding with session.

We have therefore drawn a distinction between our argumentation for unity and the argumentation of the National Congress Party. We visualize this argumentation to be undertaken by a joint national forum that includes members of the National Congress Party though its leadership is national. The bases of the argumentation are totally different and pivot on:

1. Acknowledgement of failure in achieving attractive bases for unity during the transitional period and that these bases represent the conditions agreed upon for prioritizing unity.
2. Setting forth new constitutional principles that warrant equality in citizenship, accords all the oil of the South to the South, recognizes the national identity of the country's capital and fends for all the obligations of justice and stability in the manner specified in the memorandum we sent to SPLM on the 19th of July last.
3. A detailed breakdown of the adverse effects on North and South in the case of separation and the mutual benefits to be accrued in the case of equitable unity.
4. Refraining from holding the separation option as an act of treason and non-belief under the consideration that it is an acknowledged option.
5. Shedding light on the fact that, notwithstanding the need for developing the situation, compliance with the rights of the South has gone a long way as compared to previous conditions, which is evidenced by present conditions in the South that now rules itself and partakes in the country's rule pro rata to population size.
6. Clarifying that the phenomenon of conflict in the unified home country is an international phenomenon and that whatever the grievance of Sudanese groups that grievance cannot be equated with the case of blacks in South Africa or the United States where the struggle in those countries managed to attain equality.
7. Underpinning the fact that separation, if it takes place, does not mean that we are in a state of total non-communication and citizens of the two countries should be reassured on their rights and interests along with heading for establishing special twin ties between the two countries.

The above is the alternative proposal for the argumentation for unity. On the other hand, the current pleading for unity in the North and for separation in the South are based on clashing demands that allow wide scope for fighting and foreign interventions with private agenda.

Reply to the third question: Darfur peace:

During the past seven years, rich literatures have been formed on Darfur peace.

- The Umma Party presented an initiative on Darfur peace that can be summed up as follows: Commitment to the ceasefire procedures, protection of civilians, humanitarian aid, collection of irregular arms, declaration of binding principles, namely: a unified region, HAWAKEER (territorial fiefs) for their owners, participation in the presidency of the state, 1956 borders, individual and group compensation of the displaced and refugees, ratification of Darfur's share in the wealth and power pro rata to the volume of population and commitment not to get away from punishment as stipulated by Resolutions (1593, 1591).
- The most important items of Dar Asalam declaration of July 2008 are: the demand for a unified region, participation in all levels of the state, including the presidency, rejection of the census of 1993 until a new census is conducted, compensation of the aggrieved parties and incorporation of what is agreed upon in the constitution.
- The most important items of the Doha declaration of November 2009 are : the need for participation of the civil community in the peace talks and concern with social peace and reconciliations, redressing grievances by individual and group compensations, commitment to the borders of 1956 for the region, non-politicization of the tribal administration, warranty of public freedoms, non-evasion of punishment and incorporation of the agreement into the constitution.
- The most important items of the second deliberative meeting held in Doha in July 2010 included:

participation of political parties as well as the displaced and refugees in solution, a unified region, HAWAKEER for their owners and redressing grievances by compensating the aggrieved parties.

- The most important items of the memorandum of the Wise Men of Africa, headed by Thabu Mbeki, included: a broad vision of Darfur problem as a national problem in the western part of Sudan, demand for wide participation in solution to encompass the political, feminine and expatriate elements, criminal accountability to be through the hybrid court that obligates enforcement of international criminal law.

- The Heidelberg document has been engineered by a national institute in the University of Khartoum and a specialized institute in Germany, together with the participation of experts from Jordan, Bangladesh, India, Senegal, Germany and Ghana. The most important provisions of the document were: the document repeated that same recommendations of the other initiatives in respect of the region, the presidency, the borders, the census, compensations and other details. The Heidelberg document includes many other details that target warranty of religious tolerance, cultural diversity, freedoms and social welfare but it replicated the IGAD's tradition of disregarding the organized political forces without the participation of which peace cannot be realized and the country cannot be built. The Heidelberg document recommended in a more explicit manner the need for non-evasion of punishment as well as the need for criminal accountability and espousing a transitional period that is not based on the elections of April 2010 while free and fair elections will be held after the transitional period.

We are of the opinion that this document should be adopted as a foundation for a declaration of principles for solving Darfur problem through an all-round Darfuri meeting that includes political, armed and feminine forces together with coordinating the work of the Doha, Libya, Egypt, Chad and Eritrea mediators via the African Union to monitor the talks.

Instead of adopting this serious accumulative work and seeking to activate it as a means for realizing Darfur peace, the ruling party announced a new strategy that can be summed as follows:

- Actualization of security and development, repatriation, reconciliations and negotiations.
- The strategy states that the armed movements are divided and haggling among themselves; a matter that makes negotiating with them difficult.
- The recent elections have engendered elected leaderships that are qualified for acting on behalf of the people of Darfur.
- The government will therefore take the initiative and carry out its obligations related to security, development and aid and focus on the internal solution without rebuffing negotiations.
- The government will set about the implementation of this strategy immediately for the purpose of attaining peace in Darfur before January 2011, the date of the referendum.

This new strategy has rejected the Heidelberg document and the Abuja agreement under the consideration that the recent elections do not accept an appointed presidency for governing Darfur.

There is no dispute over the importance of focusing on security, development and repatriation, but these objectives cannot be actualized in a vacuum and should rather be within an agreement with the concerned parties and a political agreement.

Darfur enjoys a special exclusive status in the Sudanese entity. The positive aspects of that status should prompt recognition of Darfur while failure to acknowledge them would lead to excessive measures.

The people of Darfur have undergone profound suffering, particularly after the year 2002 – a matter that inflicted moral and material wounds that were attested by the whole world. These wounds cannot be healed by downplaying them and dismissing them as insignificant, but the parties that perpetrated them should recognize their flagrant nature and apologize for them in order to realize amity and accord.

Recognition of the people of Darfur as an equal partner in the future of the country while abstaining from assuming a tone of custody and applying the divide-and-rule approach is a requirement for mobilizing the people of the region and quenching the intensity of anger. These meanings should provide an introduction to the declaration of principles for the solution that is expected to be drawn up by the all-round Darfuri forum.

Reply to the fourth question:

Since the second Atlantic war (1939-1945), human awareness became more keenly alert to the importance of curtailing the right of parties to the dispute to choose the methods and means of fighting. This in turn triggered an evolution in international conventions that reached a peak in 1949 when the four Geneva agreements were concluded for protection of war victims. In 1977, other protocols were added to the agreements to protect specific categories and factions.

Countries have been committed to these pacts and protocols, albeit they failed to enact respective legislations that actualize their purposes. Dire need therefore arose for a criminal international law and a judicial mechanism for enforcing it. Since the early 90s, there emerged a trend for instituting an international and independent criminal justice mechanism out of the United Nations system to try perpetrators of crimes. That planning culminated in the formulation of the Rome Statute in 1998 which was signed by 120 countries, including Sudan.

That is a commendable development for avoiding impunity. The International Criminal Court is run by elected and independent judges out of the Security Council and enforces a uniform law that grants immunity to nobody.

The law of the Criminal Court renders it supplementary to the national law if the latter fails or is unable to try perpetrators.

The International Criminal Court is the best criminal justice system for preventing evasion of punishment ever known to the world. That war crimes have taken place in Darfur is a fact that has been established by many parties, including human rights organizations, delegation of the Umma Party, committee of Syed Dafa'allah and the delegation of the Security Council. The delegation of the Security Council, which is qualified and enjoys international formation, affirmed the occurrence of war crimes and crimes against humanity in Darfur and further pointed out that Sudanese courts are not qualified for hearing these crimes because are not independent and because the Sudanese law grants immunity to officials, added to the fact that national legislations do not include provisions for war crimes. It therefore recommended referral of Darfur crimes to the International Criminal Court. The Security Council consequently issued Resolution 1593 by virtue of those recommendations. Hence:

- The international criminal law has progressed in response to an international and objective need that is dissociated from Sudan or Darfur.
- The occurrence of war crimes in Darfur is a fact that has been documented by many parties.
- The Security Council's Resolution 1593 has its justifications as tool of justice and a means for preventing evasion of punishment.
- The Sudanese regime has dealt with the resolution in a misguided fashion that denies the progress made in international criminal law and disavows the crimes in Darfur.

The Criminal Court embarked on its mission that culminated in filing charges against the Sudanese head of state.

These charges had an adverse impact on the political situation in Sudan as it has prompted the ruling party

to focus on protection of the head of state at the expense of many national priorities, considering that defeat of the head of the state at the elections denotes handing him over for trial. Justice is multi-faceted; trial of acts that occurred in the past is justice but the arrest of the head of state may lead to undermining stability and suspension of the desired justice in the country. We therefore proposed a hybrid court out of Sudanese, African and ARAB judges to preside over Darfur crimes and to enforce the international criminal law.

We consider the required balance between criminal justice and the future justice possible within the framework of a package of reforms that are acceptable to the Security Council.

In the absence of that settlement that is acceptable to the Security Council, tracking down of the Sudanese head of state will inflict damage on Sudan:

- Embarrasses countries that deal with Sudan and that ratified the Rome Statute eg. what happened in Kenya.
- Deprives Sudan of direly needed moves for exempting Sudan's foreign debt, implementing the millennium goals, procuring European development support and collecting the dues of environmental justice decided by the Copenhagen conference, in addition to other benefits.
- Contributes to outweighing the separation option at the referendum to dissociate the South from a state whose head has been indicted.
- Contributes to escalation of the demands of negotiators with the Sudanese government as well as demeans the moral and legal standing of the state as result of tracking down of the head of state.

Mishandling of Resolution 1593 and rejection of the demands of the Court disserves Sudan and does not protect the head of state. Our proposal that is based on the above formula is the only way out. Failing to accept our alternative formula for accountability and stability leaves the measures of the I.C.C. as the only alternative with all the envisaged consequences

In conclusion: Our positions on the above four issues accentuate that the policies of the present regime are pushing the country towards certain disasters.

Our policies represent a peaceful and national outlet for the country. Despite their difference with the policies of the regime, they look forward to national solutions with the participation of the National Congress Party, the Sudan People's Liberation Movement and the other national forces. We will apply all the means of mobilization and dialogue to realize them while hoping that the international community will understand and support the objectives of these policies