

SPEECH OF THE CHAIRPERSON OF THE AUPD, THABO MBEKI,
ON HANDING OVER THE AUPD REPORT TO THE
CHAIRPERSON OF THE AU COMMISSION, JEAN PING:

AU HEADQUARTERS

ADDIS ABABA, 8 OCTOBER 2009

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**Your Excellency, Mr Jean Ping, Chairperson of the AU Commission,
AU Commissioners,
Your Excellencies Ambassadors and members of the diplomatic corps,
Distinguished guests:**

Following the decision taken by the Peace and Security Council of the African Union, at its 142nd meeting held at ministerial level, on 21 July 2008, and subsequently confirmed at the 12th Ordinary Session of the Assembly of the African Union held in Addis Ababa on 1-3 February 2009, you, Chairperson, appointed us to serve as members of the independent African Union High-Level Panel on Darfur.

The mandate you gave us required us to examine the situation in Darfur and submit recommendations on how best the issues of accountability and combating impunity, on the one hand, and reconciliation and healing, on the other, could be addressed effectively and comprehensively, within the context of the peaceful resolution of the conflict in Darfur.

As Your Excellency is aware, to begin its work, the Panel decided that it would have to engage in an extensive process of consultation with those who have the possibility to contribute to the solution of the conflict in Darfur.

As a consequence of this, the Panel was privileged to interact a number of times with the President and Vice Presidents of Sudan as well as other members of the Sudanese Government of National Unity. Similarly we interacted with many of the Sudanese political parties, including the biggest among these, as well as Sudanese civil society and specialised formations such as the lawyers' collectives.

The Panel took great care that it spends as much time as possible in Darfur. In the end this resulted in four visits to the region, amounting to at least 40 days, and encompassing the three States of Darfur.

These visits to Darfur enabled the Panel to engage in extensive and repeated discussion with the Internally Displaced People, civil society, the Native Administration, the nomadic tribes, the armed opposition, the various State authorities and UNAMID.

Necessarily the Panel did everything it could to engage the various Darfur armed opposition groups and therefore met their representatives in Darfur, Chad, Libya, Qatar and here in Ethiopia.

Here I should also mention that during our visit to Chad, we also had occasion to interact with some of the Darfur refugees in that country.

We were also privileged to be received at high levels by the Governments of the Central African Republic, Chad, Egypt, Ethiopia, Libya and Qatar, all of which engaged the Panel in focused discussions on the various matters on our agenda.

We were similarly privileged to be received by and interact with the leadership of the League of Arab States at its Headquarters in Cairo.

We were also honoured to have the opportunity to engage the Special Envoys to Sudan of the Five Permanent Members of the United Nations Security Council and the European Union.

In this context I must also report that while we were in Ndjamená, we were fortunate to have the possibility to engage the Ambassadors of the P5 countries and the EU, as well as the African diplomatic corps in Chad.

We also thought it proper that we should engage the African and international Non-Governmental Organisations which have undertaken advocacy work, focused on Darfur, and others, such as Justice Cassese, who led the UN team which investigated violations of human rights in Darfur. The Panel was pleased that it had the possibility to engage a number of these.

To complete this account, I must also mention that the Panel was honoured to interact with the leadership of UNAMID and the Darfur-Darfur Dialogue and Consultation, the DDDC, UNMIS and MUNURCAT, as well as the Darfur Joint Chief Mediator, the Hon Djibril Bassolé, the Chief Prosecutor of the ICC, the Hon Luis Moreno-Ocampo, as well as the African Commission on Human and People's Rights and the UN Human Rights Council.

From everything I have said, it is clear that the work done by the AU High-Level Panel on Darfur constitutes the most extensive and inclusive process of consultation ever conducted to facilitate the resolution of the conflict in Darfur.

In preparing its Report and Recommendations, the Panel has done its best to take into account the many views it received in Darfur, in Sudan generally, the Sudanese neighbourhood and from the rest of the international community.

In this sense, we believe that these - the Report and the Recommendations - are much more than a sum of the reflections of the Panel. Rather, they represent a consensus view among many in Sudan and internationally, including the millions of Darfurians whose representatives we met.

In this regard I must also mention that the Panel also made a special effort to present its Draft Recommendations, which address its mandate, to as many of its interlocutors as possible. I am pleased to say that by and large these Recommendations were welcomed by the various constituencies we engaged.

Arising from what I have said, the Panel takes the firm view that in everything it does to accelerate the resolution of the conflict in Darfur, the African Union should do its best to sustain an inclusive approach, drawing in the relevant constituencies in Darfur and Sudan, as well as the rest of the world, behind a common programme and vision.

We are convinced that this is possible, provided that those concerned are truly committed to the central objective of helping to accelerate the advance towards a just and lasting peace in Darfur, rather than other goals.

We say this directly emanating from our experience. In the interactions with our interlocutors which preceded the consultations on the Recommendations, in essence we posed the same question to everybody.

That question was – what should be done to accelerate the process towards the achievement of peace, justice and reconciliation in Darfur!

The first and vitally important observation we would like to make in this regard is that everybody in Darfur and Sudan as a whole, without exception, emphasised that everybody has to recognise and respect the fact that the resolution of the conflict in Darfur has to be brought about by the Sudanese people themselves, and cannot and should not be imposed from outside.

Secondly, everybody inside and outside Sudan insisted that it was urgent that everything is done to achieve all three outcomes in Darfur – peace, justice and reconciliation.

Accordingly, the point was underlined that the conflict in Darfur is political in nature and therefore requires a political solution. Consensus therefore exists that a military solution to the conflict is neither possible nor desirable.

When making the firm statement that there must be peace, that justice must be done and seen to be done, and that reconciliation should be achieved, our interlocutors also recognised the reality that the objectives of peace, justice and reconciliation in Darfur are interconnected, mutually dependent, equally desirable and cannot be achieved separate one from the other.

The Panel fully agrees with this approach and is therefore firmly of the view that the negotiated agreement to end the conflict in Darfur must accordingly address the related issues of (a) peace, (b) justice, accountability and impunity, and (c) reconciliation and healing, as one integrated package.

Like the overwhelming majority of our interlocutors, the Panel is therefore firmly of the view that any attempt to present any of these issues as taking precedence over any other would be counter-productive, and would militate against the speedy achievement of the just and lasting peace for which the people of Darfur yearn.

Again consonant with the view advanced by the overwhelming majority of our interlocutors, and relevant to the necessary negotiated Global Political Agreement, it will be critically important that the negotiations are facilitated by one Mediator to avoid forum-shopping.

They should also be inclusive in character, to ensure that their outcome is supported by the people of Darfur and Sudan as a whole, the states neighbouring Sudan and the world community as a whole.

Necessarily, therefore, the African Union and the United Nations will have to ensure that they provide the Joint Chief Mediator with the necessary resources to enable him expeditiously to discharge his responsibility, which should include helping to resolve the various matters relating to the measures that should be put in place to ensure the inclusivity of the negotiations process.

We must also make the point that everybody we spoke to in Darfur and Sudan was determined that any negotiated agreement arrived at would have to be implemented with the greatest determination, and therefore that the negotiators would have to agree on the ways and means to achieve this result.

As Your Excellency is aware, and as we have already said, the mandate of the Panel related to Darfur and to Darfur only.

However, the reality is that Darfur is an integral part of Sudan. In addition, the people of Darfur have not expressed any demand for self-determination. Accordingly, the conflict in Darfur cannot be resolved unless it is placed within the context of the evolution of Sudan as a whole.

We must therefore confess, Your Excellency, that because of this concrete and unavoidable actuality, the Panel had no choice but to consider the wider Sudan setting as it relates to the resolution of the conflict in Darfur, precisely to ensure that it discharges its mission.

Repeatedly during our process of consultation, the Darfurians insisted that the Panel would fail in its mission if it did not identify and address what they called “the root cause of the crisis in Darfur”.

That root cause is the marginalisation and underdevelopment of Darfur as a result of policies and practices implemented throughout Sudan during both the colonial and post-colonial periods.

This is represented as a gross imbalance between a strong centre and a marginalised periphery, which resulted in political power and wealth being concentrated in the centre, with the consequent negative consequences on the periphery.

Many in Darfur have argued that this was the fundamental reason for the armed rebellion which broke out in 2003, and therefore that any just and lasting solution of the conflict in Darfur must redress the imbalance between the historic Sudanese centre and periphery.

It is in this context that the point was made to the Panel that what we would have to consider is the “Sudan crisis in Darfur”, rather than what is inadequately described as “the crisis in Darfur”.

Fortunately, the reality of this root cause of the various violent conflicts that have plagued Sudan has been highlighted in various agreements negotiated to end these conflicts.

For instance the Machakos Protocol, which is part of the CPA, says that *“historical injustices and inequalities in development between the different regions of the Sudan...need to be redressed.”*

The Declaration of Principles adopted to resolve the conflict in Eastern Sudan says that the *“political, economic, social and cultural marginalisation (of the region) constitutes the core problem...”* which had to be addressed.

This Declaration goes on to say: *“Unity with recognition of and respect for diversity, protection of the fundamental freedoms and rights of citizens, devolution of powers within a federal system, and equitable distribution of national wealth are essential foundations for a united, peaceful, just and prosperous Sudan.”*

This is also exactly what the people of Darfur say. Thus they expect that this outlook will find concrete expression in the negotiated Darfur Global Political Agreement.

This speaks to the challenge that Sudan faces, to effect a fundamental process of social transformation which, as visualised in the CPA and other agreements, would result in a “*united, peaceful, just and prosperous Sudan*” on the basis of the reconstruction of Sudan driven by the objective to achieve:

- unity in diversity;
- democracy and respect for human rights;
- power sharing; and,
- wealth sharing.

It is self-evident that this is an enormous challenge which the Sudanese people as a whole will have to tackle together, and as single-mindedly as possible. The Panel is convinced that the African Union can and should support the Sudanese people as they work thus to reconstruct their country.

More immediately, whatever the African Union does to end the conflict in Darfur, perhaps acting on the basis our Recommendations, it will have to take into account two particular and important processes relating to Sudan as a whole. These are the General Elections scheduled for April 2010 and the 2011 Southern Sudan Referendum.

Quite correctly, the people of Darfur insist that they have a right and duty freely to participate in any General Election that takes place in Sudan, as well as fully participate in any national discussion that takes place in the context of the agreed Referendum. The search for a solution to the conflict in Darfur must take these important views of the Darfurians into account.

Your Excellency, earlier this year, on June 24, the Deputy Chairperson of the SPLM, Malik Agar Eyre participated in a discussion in Washington D.C., hosted by the US Institute of Peace. Among other things, he issued a grave warning that must be of serious concern to the AU and our Continent.

He said that the “reading” of the SPLM was that the process of the fragmentation of Sudan would not end with the separation of Southern Sudan, if this was the result of the 2011 Referendum. He warned that Sudan could be afflicted by a destructive process of further balkanisation, and thus sink into chaos and ungovernability, producing dangerous instability in the nine countries he pointed out share borders with Sudan.

The Panel believes that the AU should take this warning seriously and act upon it. We are convinced that in the interest of Africa as a whole, the AU must place perhaps at the top of its agenda the very important issue of helping the Sudanese people successfully to manage the urgent challenges they face.

In addition, we mention this because it is of critical importance to the achievement of the aspiration shared by the people of Darfur that they remain part of a united Sudan.

At the same June 24 Institute of Peace discussion to which we have referred, the US Special Envoy to Sudan, Maj Gen Scott Gration spoke of his hope for a peaceful and successful Sudan. He said he knows of situations in which:

“Yesterday’s enemies are today’s friends. The wars we fought yesterday – those lands are at peace. Humanitarian disaster areas are today stabilised communities. Negative attitudes become positive behaviour; frowns, smiles; clenched fists become hand shakes, and hate becomes forgiveness. It’s possible...I believe in a vision in which we will have a country that is politically stable, with a responsible government, physically secure, economically prosperous, at peace inside and at peace with its neighbours...That’s what we are all hoping for – a future of hope and trust, a future of lasting peace.”

Before I conclude, I would like most sincerely to thank and salute the esteemed members of the AU High-Level Panel on Darfur who applied themselves to our common project with unequalled diligence, dedication and wisdom.

Similarly, our sincere thanks go to the two teams of experts who worked side by side with the Panel.

Both UNAMID and the DDDC, including the Hon Rodolphe Adada and Gen Agwai who have now left UNAMID to take up other duties, gave the Panel invaluable assistance without which it would have been extremely difficult for us to discharge our responsibilities. We thank them for their support and assistance, and also extend our thanks to MINURCAT in Chad.

We take this opportunity to pay tribute to the African peace keepers, both military and civilian, who lost their lives in pursuit of the noble goal of a peaceful Darfur. We also salute the thousands of UNAMID soldiers and civilians who work daily to bring peace to this region of Sudan.

We also thank the Governments of Burundi, Nigeria and South Africa which, committed to help resolve Africa’s problems, gave invaluable and welcome support to members of the Panel and the Panel as a whole.

We must also thank the Sudan Government of National Unity which not only kept its doors open to the Panel, but also helped to ensure that the Panel met whomever it sought to meet in Darfur and Sudan as a whole, without let or hindrance, and provided such support as the Panel required.

We would also like to convey our thanks to all our interlocutors, from Heads of State and Government, to representatives of important governments and institutions, leaders of armed opposition groups, ordinary peasants in the IDP and refugee camps, and many others, all of whom received the Panel with great warmth, dignity and respect.

We must also thank the media which helped the Panel to communicate to the public at large a clear picture of the important work it had to undertake.

Finally, we extend our heartfelt thanks to the AU Commission, the Department of Peace and Security and the AU Liaison Office in Khartoum, which unreservedly gave the Panel all the support and assistance it required, while fully respecting its mandate to act as an independent entity.

We value the honour Your Excellency bestowed on us when you appointed us to serve on the AU High-Level Panel on Darfur and trust that we have not disappointed your expectations.

Your Excellency, the High-Level Panel on Darfur approached its work in an objective and impartial manner, and conducted its investigations scrupulously, without favour or prejudice. It also took the trouble to study a significant amount of the documentation and literature that has been generated by the conflicts in Darfur and elsewhere in Sudan.

We trust that we have met our responsibilities to the people of Darfur, Sudan and Africa, and that our findings and recommendations provide a solid foundation from which to accelerate the advance towards peace, justice and reconciliation for all the people of Darfur and the Sudanese nation as a whole.

In this regard, Your Excellency and friends, we share the powerful message of hope we cited earlier, as conveyed by President Obama's Special Envoy to Sudan, Maj Gen Scott Gration. We too are convinced that if the right things are done, Sudan faces a "future of hope and trust, a future of lasting peace."

We have the honour to submit and commend to Your Excellency our unanimous Report, entitled *Darfur: The Quest for Peace, Justice and Reconciliation*.

Thank you.