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**REMARKS OF THE CHAIRPERSON OF THE AFRICAN UNION HIGH
LEVEL IMPLEMENTATION PANEL FOR SUDAN (AUHIP), H.E. MR
THABO MBEKI: UNITED NATIONS SECURITY COUNCIL, NEW YORK:
DECEMBER 21, 2009.**

REMARKS OF THE CHAIRPERSON OF THE AFRICAN UNION HIGH LEVEL IMPLEMENTATION PANEL FOR SUDAN (AUHIP), H.E. MR THABO MBEKI: UNITED NATIONS SECURITY COUNCIL, NEW YORK: DECEMBER 21, 2009.

Your Excellency, President of the Security Council,
Your Excellency, Secretary General of the United Nations,
Distinguished members of the Security Council,
Ladies and gentlemen:

First of all we would like to join the Chairperson of the Commission of the African Union, H.E. Mr Jean Ping, in thanking you, Mr President, and the Security Council for giving us the opportunity to be here today to reflect on various matters relating to Sudan, starting with the Report of the AU High Level Panel on Darfur, the AUPD.

Similarly we join the Chairperson of the AU Commission in stressing the significance of the partnership between the AU and the United Nations which was pioneered in Darfur in the form of both UNAMID and the Joint Chief Mediator.

As his Excellency Mr. Jean Ping has indicated, the essence of the mandate of the AU High Level Panel on Darfur, the AUPD, was to advise the African Union on what could be done to accelerate the advance towards peace, justice and reconciliation in Darfur.

The Security Council is of course aware that at its October 29 Meeting, the AU Peace and Security Council reconstituted the AUPD as the AU High Level Implementation Panel for Sudan, the AUHIP.

I mention this, Mr President, because much of what we will say will relate to the work of the AUHIP, whose mandate is "to assist in the implementation of all aspects of the AUPD recommendations, as well as to assist the Sudanese parties in the implementation of the Comprehensive Peace Agreement (CPA) and other related processes, as part of the democratic transformation of Sudan."

We are certain that the esteemed members of the Security Council are familiar both with the AUPD Report and its Recommendations, as well as the decisions of the AU Peace and Security Council in this regard. We will therefore not discuss the Report in detail, but rather mention what we consider to be a few salient observations.

Of course if the Council should require us to comment on any detail in the Report, we will do so.

Mr President:

Drawing on its collective experience, the AUPD understood that a peaceful settlement of the conflict in Darfur could only be achieved through a negotiated agreement amongst the Sudanese themselves. In other words, we proceeded from the position that it was neither possible nor desirable to impose a Darfur solution on the Sudanese people.

We mention this important point at this stage because it helped to inform both the *modus operandi* of the AUPD and the Report it ultimately submitted to the AU Peace and Security Council, the PSC.

With regard to that *modus operandi*, the AUPD decided to engage the Sudanese stakeholders and especially the Darfurians, in an extensive process of consultations, essentially to understand what they themselves thought might be done to accelerate the process towards peace, justice and reconciliation in Darfur.

Further, to conclude this process of consultations, we also presented our Draft Recommendations to the same Darfur and Sudan constituencies to solicit their opinions on the Recommendations.

Arising out of all this, we are happy to inform the Security Council that in our view, the AUPD Report and Recommendations broadly reflect the views of the major stakeholders in Sudan and Darfur about what needs to be done speedily to achieve the objectives of peace, justice and reconciliation in Darfur.

We believe that this is of major practical importance because it underlines the objective reality that a broad consensus exists in Darfur and Sudan as a whole which should facilitate the critically important negotiations to end the conflict in Darfur.

Just over a week ago, we visited Sudan as the AU High Level Implement Panel for Sudan, the AUHIP, and had occasion to meet, among others, with a broad spectrum of the leadership of Darfur civil society. These leaders emphasised exactly this point that, to use their words, the situation in Darfur was ripe effectively to accelerate the peace process.

We must also mention the fact that after interactions with other Sudanese stakeholders since the AUPD Report was published and endorsed by the AU PSC, we can say firmly that the major Sudanese constituencies broadly support the Report and its Recommendations.

The members of the Security Council will also be aware that in our Report we insisted on everything being done to enable the people of Darfur to participate in both the 2010 General Elections and any national dialogue that might take

place around the critical issue of the 2011 South Sudan Referendum.

For this reason, we thought it was important that the Darfur negotiations should be concluded before the impending General Elections.

We attached a great deal of importance to this because we were concerned that should the people of Darfur feel excluded in any way from both the Elections and consideration of matters relating to the Referendum, this would serve to underline their marginalisation and disempowerment, which were a central cause of the armed uprising which started in 2003.

In this context, we would therefore like to reiterate our view that:

- (a) a broad consensus exists in Darfur and Sudan on the various elements that would constitute what we described as a Global Political Agreement on Darfur;
- (b) the people of Darfur insist that a negotiated peace should be concluded as quickly as possible; and,
- (c) it is both possible and necessary that this objective is achieved without much delay.

Here I should also confirm that like the AUPD during its short lifespan, the AUHIP is ready to assist the Joint Chief Mediator to achieve this outcome. This means that among others, the Panel will engage the various parties in Darfur and Sudan to encourage them to respond positively and expeditiously to such initiatives as would be taken by the Joint Chief Mediator.

Yet another matter we would like to underline is the important reality that the three objectives of peace, justice and reconciliation are inter-connected and interdependent.

Thus we are convinced that the positive outcome we all seek with regard to Darfur will have to take the form of an integrated package that achieves the necessary balance among the objectives of peace, justice and reconciliation.

We are convinced that any attempt to emphasise the importance of any of these three objectives at the expense of the others, would not bring about the just and stable peace we all desire for the people of Darfur, and which the Darfurians themselves seek.

This is one of the considerations which informed the manner in which we composed our Recommendations, and believe that these will help the Sudanese negotiators to arrive at the necessarily integrated package to which we have referred.

In this context, we must mention the fact that Sudan is not the first African country to be faced with the challenge to find the necessary balance in

addressing the inter-related issues of peace, justice and reconciliation. Therefore if necessary, beyond considering the decisions taken by the AU PSC in this regard, the negotiators of the Darfur Agreement could draw on this wider African experience.

The members of the Security Council will also have taken note of the fact that the AUPD underlined that the conflict in Darfur, as was the case with the conflicts in South and Eastern Sudan, is a manifestation of a general Sudan crisis.

We explained that this Sudan crisis was of long-standing, encompassing both the colonial and post-colonial periods. It arose essentially from the concentration of power and wealth in an elite centred in Khartoum, resulting in the marginalisation, impoverishment and under-development of the so-called periphery, including Darfur.

Further, this unequal distribution of power and wealth made it imperative that the centre should, to the extent possible, deny the rest of the country the democratic right to elect a government of their choice, amongst others.

The Darfurians themselves insisted that this historical legacy was the root cause of the violent conflict in Darfur. From this it follows that the solution of the conflict in Darfur should be located within the context of addressing this legacy.

It is therefore self-evident that the resolution of the conflict in Darfur, like those in South and Eastern Sudan, cannot but necessitate the restructuring of Sudan as a whole, to address the historical legacy whose consequence has been the various conflicts that have afflicted Sudan for many decades.

Accordingly the AUHIP will work closely with the people of Sudan as they strive to give effect to a stated common resolve to build what has been described as “the New Sudan”.

As with any process that seeks to achieve the fundamental restructuring of any society, the creation of that “New Sudan” explained in the Comprehensive Peace Agreement, the CPA, as “making unity attractive”, is and has been difficult and challenging.

Because of this the Sudanese people need all the support they can get to help them achieve this objective. We therefore hope that the UN will also do what it can in this regard.

As the Security Council is aware, the CPA gives the opportunity for the people of South Sudan to opt for independence, which might suggest that once the South has seceded, if this is the outcome of the 2011 Referendum, the historical power relations in North Sudan could therefore remain unchanged.

In our interactions with the population in Darfur, there was no serious suggestion that this region of Sudan sought to follow South Sudan with regard to the issue of self-determination.

We make this point to emphasise that the implementation of a just Darfur Peace Agreement necessarily implies the transformation of Sudan in the manner we have indicated, including the democratisation of the country.

Because of the central importance of this process of democratisation to the resolution of the Sudan crisis, as indicated in the mandate of the AUHIP, we will act to encourage the Sudanese parties to create a climate conducive to free and fair elections and to conduct the 2010 General Elections in such a manner that all the people of Sudan can freely elect legislatures and governments of their choice.

It is common cause that this is vitally important both in the context of the fundamental restructuring of Sudan to which we have referred, and the need to ensure that the 2011 Referendum is handled by a democratically elected government.

Again it is a matter of common cause that the will of the people of South Sudan should be respected, whatever the outcome of the Referendum. In this context, the Sudanese parties have recognised the fact that they must engage one another about the vital matter of the consequences of the Referendum, regardless of its outcome.

Accordingly, again as the Security Council knows, the South Sudan Referendum Law requires that the Parties should engage in discussions to consider all the relevant post-Referendum issues.

Once again, the AUHIP will work with these Parties to contribute what it can to the consideration of these post-Referendum issues, in part to help ensure that Sudan sustains the peace which was brought about by the CPA, once more regardless of the outcome of the Referendum.

We share the belief that the people of Sudan, both in the North and the South, are very keen that they should live in conditions of peace, even if South Sudan elects to be an independent state.

The AUHIP will therefore do everything it can to focus on the issue of peace, among others by considering the situation along the North-South border and making the necessary and relevant recommendations to the Sudanese Parties.

We should perhaps have mentioned earlier, the continuing challenge to implement all the outstanding agreements contained in the CPA. By agreement with the NCP and the SPLM, the Panel will interact with these two

parties to the CPA to help accelerate the process towards the completion of the agenda detailed in this Agreement.

As indicated in the AUPD Report, we consider the normalisation of relations between Sudan and its neighbours to be of vital importance with regard to the achievement of the goal of a peaceful and stable Sudan.

Accordingly, we have been greatly encouraged by the steps taken by the Governments of Chad and Sudan to reduce and end the tensions between the two countries.

The AUPD did engage both Governments on this matter. The AUHIP will follow up on this, as well as resume its interaction with the other neighbouring countries.

As we carry out this work, we will be very mindful of the critical importance of Sudan to its neighbours and the rest of our Continent. It is self evident that Sudan, which shares borders with nine other countries in a volatile part of Africa, should serve as a force for peace, stability and development both in this region and in Africa as a whole.

Earlier we mentioned the groundbreaking partnership between the AU and the UN, which resulted in the establishment of UNAMID.

As UNAMID approaches the second anniversary of its establishment at the end of this month, we would like to pay tribute to the extraordinary dedication and courage of the men and women who are serving in Darfur, under challenging conditions as well as commend the Mission.

It is obvious that in addition to the work it has done already, UNAMID will be required to take on additional tasks once the Darfur Global Political Agreement is concluded. We therefore hope that the necessary steps will be taken to ensure that it has the necessary capacity to carry out all its tasks.

In this context, we would like to congratulate Professor Ibrahim Gambari on his assumption of the high position of Joint Special Representative in Darfur, and look forward to working with him as closely as possible.

The AUPD was privileged to have regular interactions with both UNAMID and UNMIS, as well as the Special Envoys of member countries of the Security Council and the European Union.

The AUHIP will strive to sustain this interaction as we believe that concerted international action is required effectively to respond to the urgent challenges Sudan faces.

The Panel is conscious of the reality of the extensive nature of its mandate

and therefore the work it must carry out. It is similarly alert to the fact that it has to act within a very short time frame, given the fact of the impending General Elections and the South Sudan Referendum.

However, objective reality dictates that the matters we have mentioned – the resolution of the conflict in Darfur, the CPA and North-South relations, the democratisation of Sudan, and the normalisation of relations in the neighbourhood – should be addressed simultaneously and as a matter of urgency.

The AUHIP will do its best to respond to this challenge.

Mr President,

Honourable Secretary General,

Your Excellencies, Members of the Security Council:

Once more we thank the Security Council for giving us the opportunity to make a brief presentation on the issues we have mentioned and hope that this esteemed Council will favour us and our Continent with its support, resulting in the further strengthening of the partnership between the African Union and the United Nations.

I thank you for your attention.