



Security Council

Fifty-ninth year

Provisional

5050th meeting

Tuesday, 5 October 2004, 10 a.m.

New York

<i>President:</i>	Sir Emyr Jones Parry	.....	(United Kingdom)
<i>Members:</i>	Algeria	.....	Mr. Baali
	Angola	.....	Mr. Gaspar Martins
	Benin	.....	Mr. Adechi
	Brazil	.....	Mr. Sardenberg
	Chile	.....	Mr. Maquieira
	China	.....	Mr. Zhang Yishan
	France	.....	Mr. De La Sablière
	Germany	.....	Mr. Pleuger
	Pakistan	.....	Mr. Akram
	Philippines	.....	Mr. Mercado
	Romania	.....	Mr. Suseanu
	Russian Federation	.....	Mr. Denisov
	Spain	.....	Mr. Yáñez-Barnuevo
	United States of America	.....	Mr. Danforth

Agenda

Report of the Secretary-General on the Sudan

Progress report of the Secretary-General on the Sudan pursuant to paragraph 7 of Security Council resolution 1547 (2004) (S/2004/763)

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The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

Report of the Secretary-General on the Sudan

Progress report of the Secretary-General on the Sudan pursuant to paragraph 7 of Security Council resolution 1547 (2004) (S/2004/763)

The President: On behalf of the Security Council, I welcome the presence of His Excellency Secretary-General Kofi Annan.

In accordance with the understanding reached in the Council's prior consultations, I shall take that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Jan Pronk, Special Representative of the Secretary-General for the Sudan and head of the peace support operation.

It is so decided.

I invite Mr. Pronk to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations. Members of the Council have before them the progress report of the Secretary-General on the Sudan pursuant to paragraph 7 of Security Council resolution 1547 (2004), contained in document S/2004/763. Members also have before them photocopies of the report of the Secretary-General on the Sudan pursuant to paragraph 15 of Security Council resolution 1564 (2004), and paragraphs 6, 13 and 16 of resolution 1556 (2004), which will be issued as document S/2004/787.

At this meeting the Council will hear a briefing by Mr. Jan Pronk, Special Representative of the Secretary-General for the Sudan and head of the peace support operation. I give the floor to Mr. Pronk.

Mr. Pronk: As the President said, the Council has before it two reports on the Sudan on the basis of two different Security Council resolutions. Please consider my oral presentation as a summary and not as a substitute for the two reports: the two reports are the major documents. I just want to add a couple of points,

highlight some elements and summarize the reports, but I do not intend to replace them.

In my presentation to the Council one month ago (see S/PV.5027), I informed members about the progress — and the lack of progress — in the implementation of the requirements set out in Security Council resolution 1556 (2004). There was some progress, I said, in a number of areas. I noted each area separately, in order to pin the Government of the Sudan down on the implementation of what had been promised or agreed. However, as I also said, in some key — and I underline “key” — areas the Government had not met its commitments. It had not stopped attacks by militias against civilians or started to disarm those militias. Moreover, no concrete steps had been taken to bring perpetrators of the attacks to justice, thus allowing human rights violations to continue in a climate of impunity.

Today we are one month further along. In that month the achievements of August have not been reversed: in those areas the Government has kept its promises. However, that is not good enough. There was no systematic improvement in people's security and no progress on ending impunity.

In September, on the issue of security, we saw the following pattern. There were still breaches of the ceasefire on both sides: attacks and counterattacks, revenge and retaliation. There were attacks by the army, sometimes involving helicopter gunships, though less frequently towards the end of the month. Sudan Liberation Army (SLA) attacks took place with greater frequency throughout the period, but they were directed more against the police than against the army. Those ceasefire breaches resulted not only in losses of life among armed personnel, but also in civilian casualties. Most civilian deaths, however, were caused by militia attacks, some of which were quite atrocious, in the beginning of September. Towards the end of the month militia attacks became less frequent. In the same period, however, armed banditry rose at an alarming rate, endangering both the local population and aid convoys.

Despite the fact that both the Government of the Sudan and the rebel movements have reiterated their commitment to the ceasefire, breaches continued. In the past month we have been engaged in talks to keep such violations under control. Some clashes resulted from deficient implementation of the agreements

concerning the initial safe areas. We worked out a procedure to avoid that situation in the future, but the Government has refused to agree to follow it as long as the rebels fail to identify their troop positions. Pragmatic agreements on the ground — for instance to respect the status quo — might help, but ultimately a truly respected ceasefire can come only from the African-Union-sponsored talks in Abuja.

A second key area is that of impunity. The Government still fails to bring the perpetrators of atrocities to justice. Some people have been arrested, prosecuted and jailed, but the leaders are still walking free. Last week, the Council heard reports presented by the High Commissioner for Human Rights, Ms. Arbour, and the Special Adviser on the Prevention of Genocide, Mr. Méndez. I will not repeat what they said. I fully agree with their analysis, their conclusions and their recommendations. Without a drastic reversal of the climate of impunity there is no hope for peace.

The establishment of the commission of inquiry, as called for in the most recent Security Council resolution on this subject, resolution 1564 (2004), represents a major advance in that respect. In the 17 September meeting of the Joint Implementation Mechanism, the Government of the Sudan said that it welcomed the establishment of the commission. Initially, they had feared that the report of the commission had already been drafted before it had started its work. However, the Government has expressed its confidence in the Secretary-General, trusting that the mandate and the composition of the commission would ensure its independence.

The work of the commission is important, because many violations of human rights and international humanitarian law have been committed. Those violations have been widely documented, for instance in the excellent report by the League of Arab States released in May 2004, in reports of human rights non-governmental organizations and in reports from United Nations staff in the field. Many of those reports, however, are ad hoc and unverified; some lack a reference to a specific time or place or fail to name the perpetrators. For that reason it is also important that the commission complete a thorough investigation.

So, I would reiterate that in the key areas of security and impunity there was no progress. However, there are signs of improvement on the political front. Security Council resolution 1564 (2004) does lay the

basis for further progress, both in terms of security and at the negotiating table. It does so in two respects: first, by deciding on an expanded African Union (AU) force; and, secondly, by paving the way for a resumption of political negotiations. I will say something about both these issues.

First, regarding the AU, in the mid-September meeting of the Joint Implementation Mechanism, the Government of Sudan announced that it would accept a greater AU presence and welcome more troops and more tasks. This has by now been confirmed by the Minister for Foreign Affairs before the Security Council. In my view, it is very important that steps already be taken to begin the deployment of the extended AU force in the coming weeks. The force needs to be sizeable. It needs to be speedily deployed. It also needs to be a force with a mandate far beyond overseeing the N'Djamena ceasefire agreement. There are many tasks to be fulfilled that are not directly related to insecurity resulting from clashes between the Government and the Sudanese Liberation Army. Let me mention the following examples of such tasks: ensuring the safety of displaced persons in the camps; monitoring the behaviour and actions of the police; guaranteeing the safe return of refugees and displaced people to the areas from which they came; preventing others from occupying their lands or seizing their property; overseeing the disarming of fighters, Popular Defence Forces, Janjaweed and other militia; and, last but not least, acting as a buffer between the civilian population and possible attackers.

There may be hesitations. Can all of this be done by the AU force as presently foreseen? Maybe, maybe not. Whatever the answer is, it is clear that these tasks have to be fulfilled. Many of these would be primarily police tasks rather than military tasks; police tasks are to protect people. That is the responsibility, even the duty, of the Government, but it cannot do it alone. Too much has happened, too many mistakes have been made in the past, too many crimes have been committed for which official authorities bear responsibility, and too much confidence has been lost. For all these reasons, we need a third party, without, of course, allowing the Government to sit back, relax and wait. A third party is needed, and, at present, that is the AU. It can help to protect the people by being present over a wide area, by being seen and by acting as a deterrent.

The adjustments necessary for the expanded AU mission were set out in the 28 September progress report of the Secretary-General to the Council (S/2004/763). I hope that the Security Council will support the Secretary-General's proposals in this regard.

The second most important political issue to be solved in the month to come concerns the political talks between the Government and the SPLA. In my previous report, I have mentioned the reasons why these negotiations are crucial for the solution of the conflict in Darfur. The outcome of the north-south peace process — peace, a new constitution, a federal structure for the State, a broad-based Government and differentiation in governance systems — can serve as a basis for a solution for the Darfur conflict. The north-south process is a two-edged sword: success will go far beyond north-south. The failure of this process will endanger Sudan as a whole as well as the region, including many neighbouring countries. All parties should invest their political energy in reaching a final result in these talks.

It now seems, after more than a decade of talking, waiting and betting on two horses, that this is the last chance. The international community should therefore ensure that the momentum is sustained, that it gives the right signal to the parties and that this signal is forceful and united and speaks with one voice. The political momentum is there. On 7 October, Vice-President Taha of the Sudan will meet with Mr. John Garang, leader of the Sudanese People's Liberation Movement (SPLM), in Nairobi. They have responded to international pressure to kick-start the resumption of the talks. It is important that they confirm that no earlier agreements will be brought up again. They can define the framework for the final round of the talks, which should lead to a peace agreement before the end of this calendar year. The Security Council may wish to send a small delegation in order to make clear that the international community is watching and will not easily accept any further delay or hindrances by either party.

The talks on Darfur in Abuja were only partially successful. An agreement concerning humanitarian access could not be signed. With regard to security, the parties fell back on earlier positions and a stalemate resulted. The main issues — political objectives and future economic development — have not yet been dealt with. This is deplorable. The talks should not

concentrate only on humanitarian issues and security questions, which can be addressed elsewhere. They should focus on the political and economic roots of the conflict: political neglect and economic marginalization. There will not be any improvement in Darfur if there is no agreement guaranteeing political inclusion and sustainable development for all. Exclusion and maldevelopment were at the origin of the north-south conflict. This caused the rebellion in Darfur and the conflicts elsewhere in the country, including east Sudan.

In order to reach a comprehensive and sustainable solution of the Sudanese conflicts, three conditions should be met. First, political leaders, including the Government, should care for their people, protect them, guarantee their rights as citizens and human beings and provide them with the chances for a decent life. Care for the weak and care for the poor seems to be a scarce commodity in Khartoum. Secondly, the constitutional and the institutional framework of the country should reflect the existing diversities within the nation and provide for a fair degree of regional autonomy, which will help the country to not fall apart. Thirdly, an economic development policy based upon a fair distribution of the country's resources and directed towards poverty reduction and sustainable development should be the primary objective.

How can the international community help to meet these conditions? It can do so by following a long-term strategy that is comprehensive, unified and well-focused. I venture the following.

First, we must follow a tripartite approach — provide adequate humanitarian assistance, ensure security and protection and address the root causes of the conflict. All three elements are necessary; none of them are sufficient in themselves. Do not limit international action to an end-of-pipe approach, that is, helping the victims but allowing the causes of the drama to continue.

Secondly, we must create the conditions for a swift transition from relief and protection towards rehabilitation, capacity-building and development. Partner countries, donors, United Nations agencies and NGOs must work towards the next phase as soon as possible. Create a perspective for development that can be sustained from within; otherwise, the Sudan would be doomed to become a country of beggars, a potential

theatre for external forces aimed at international destabilization.

Thirdly, increase financial assistance. There were already more than 4 million Sudanese refugees and displaced persons before the outbreak of the conflict in Darfur. They were the victims of a forgotten war. There are now an additional 1.4 million in and around Darfur. In that part of the country, the number of conflict-affected people comes close to 2 million. That figure may rise to 3 or 4 million if the civil war continues and renders domestic agriculture and food production impossible. Those are staggering figures, demanding a serious effort — not ad hoc or short-term, but sustained.

Fourthly, aim for a comprehensive political solution. Use the breadth of the agreements reached in the north-south protocols as a basis for the solution of the conflicts elsewhere in the Sudan. The people of all areas of the Sudan — members of rebel movements, tribal leaders throughout the country, opposition groups in Khartoum or in exile, religious leaders, civil society, women's groups and, last but not least, the young, the generation that will have to build a new Sudan — will have to be included in a national process. Start a process of restoring confidence, reconciliation and consensus-building before rushing into procedures that are not owned by the Sudanese people themselves.

Fifthly, make the solution of the conflicts in the Sudan an African project. Help the African Union to realize that project. Provide the Union with all the resources needed, including financing, logistics, implementation capacity, training, expertise and, if requested, personnel. Provide that aid in addition to humanitarian and development assistance. Avoid competition for resources; there is no trade-off. We are confronted with today's worst humanitarian crisis. It is a man-made conflict that, if not properly addressed, could create the conditions for a widening regional or even global confrontation.

Sixthly, put pressure on the current political leaders to change their policies towards the above objectives. External political pressure helps; that is one

of the experiences gained from the past three months. Such pressure must be constructive, with no mixed signals or messages that create the impression that whether a regime does or does not comply would be irrelevant because the regime has to be changed anyway. Combine pressure on the regime with adequate monitoring and a fair degree of trust and acknowledgement of good performance. Make the process of change indigenous. Leave no room for options other than complying with the demands of the international community. However, at the same time, make clear that a Government that keeps its promises, negotiates seriously with its opponents and lives up to agreements can be a respected partner in the international community. Aim not at regime change but at regime character change: in the interest of the regime itself, cause a change in the regime's character, which will then be embedded in a new structure, together with all other forces in the Sudan that were hitherto excluded.

Finally, build confidence between groups that, owing to the present conflict, oppose each other or are being told by their leaders that they must oppose each other because the other party is the enemy. Prevent the conflicts in the Sudan from turning into general antagonism between people with different religions or different ethnic backgrounds. Once the struggles in the Sudan are perceived as a clash between cultures — Arabs against Africans, the Sudan versus the West, Islam versus the rest — they will become unmanageable and spread to other places. So de-escalate rather than escalate; seek dialogue rather than confrontation.

It is in that spirit that we are trying to fulfil our mission.

The President: I thank Mr. Pronk for that very comprehensive briefing.

In accordance with the understanding reached in the Council's prior consultations, I should now like to invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 10.40 a.m.