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**REPORT OF THE CHAIRPERSON OF THE COMMISSION ON THE SITUATION
IN THE SUDAN AND ON THE ACTIVITIES OF THE AFRICAN UNION HIGH LEVEL
IMPLEMENTATION PANEL ON SUDAN**

2010
MAKE PEACE HAPPEN

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REPORT OF THE CHAIRPERSON OF THE COMMISSION ON THE SITUATION IN THE SUDAN AND ON THE ACTIVITIES OF THE AFRICAN UNION HIGH LEVEL IMPLEMENTATION PANEL ON SUDAN

I. INTRODUCTION

1. At its 207th meeting, held at the level of Heads of State and Government, in Abuja, Nigeria, on 29 October 2009, Council requested me to establish the AU High-Level Implementation Panel (AUHIP) on Sudan. The Panel was established with a one-year mandate to assist in the implementation of all aspects of the AU High-Level Panel on Darfur (AUPD) recommendations, as well as to assist the Sudanese Parties in the implementation of the Comprehensive Peace Agreement (CPA), the democratic transformation of the Sudan and the negotiations on post-referendum arrangements, and to help to coordinate African engagement with Sudan. Reflecting the mandate given to it by Council, the Panel resolved to address five major issues in Sudan. These are (a) the implementation of the recommendations of the AUPD report, (b) the implementation of the CPA, (c) democratic transformation, (d) negotiations on post-referendum arrangements, and (e) coordination of regional and international engagement on Sudan.

2. Following a mission to Sudan from 11 to 16 December 2009, in which it consulted with the leaders of the Sudanese Parties, both in and out of government, the Panel prepared a draft Programme of Action, based on requests received for the Panel's facilitation role. On a second mission to Sudan, in January 2010, the Panel finalized its Programme of Action and presented it to the Parties for their responses.

II. IMPLEMENTATION OF AUPD RECOMMENDATIONS FOR DARFUR

3. The Panel remained guided by the clear mandate it had been given, namely to examine the three principal pillars of peace, reconciliation and justice in the context of Darfur. In the view of the Panel, the objectives of peace, justice and reconciliation in Darfur are interconnected, mutually dependent and equally desirable. They must be pursued in a manner consistent with promoting democratic and socio-economic transformation in Sudan. The Darfur crisis can only be settled as part of an overall resolution of the Sudanese national crisis.

4. The Panel's Programme of Action includes steps for the implementation of the AUPD recommendations on Darfur. The majority of these recommendations concern the agenda and process of mediation to be conducted by the UN/AU Joint Chief Mediator (JCM), while some of them also require unilateral action by the Government of Sudan (GoS), or joint action by the GoS and the AU-UN Hybrid Operation in Darfur (UNAMID). The Panel's Programme of Action for Darfur is coordinated closely with UNAMID and Joint Special Representative (JSR) Ibrahim Gambari.

5. The Panel received a response from the GoS on its proposed Programme of Action in March. This response reiterated the GoS' commitment to cooperating with the Panel. Following the elections in April 2010, the Panel met with the President and Vice President and agreed on specific action points in the areas of unilateral actions by the Government of Sudan to improve security, establishment of mechanisms to take forward the justice and reconciliation strategy for Darfur, and the convening of the Darfur-Darfur Conference (DDC) as an inclusive and comprehensive political process intended to achieve a Global Political Agreement (GPA) for the Sudanese conflict in Darfur.

Peace and a Global Political Agreement

6. The AUPD report was clear that the people of Darfur demanded an inclusive political process leading to a GPA. In this process, the communities, groups and parties would each represent themselves as negotiating partners. The agenda would include peace, justice and reconciliation and Darfur's position within Sudan. The process of negotiating a ceasefire and political settlement with the armed opposition movements should constitute a component of this process. Nothing has happened in the intervening twelve months that might cause the Panel to reconsider this basic position.

7. The stated objective of the AUPD report was to achieve a GPA before the general elections of April 2010. However, no commitment to support such a process was forthcoming from the Government of Sudan until after the elections. In addition, during this period, the peace process in Doha focused primarily on the Justice and Equality Movement (JEM), and its principal achievement was a Ceasefire and Framework Agreement with JEM, signed in February 2010. The Panel welcomed the Agreement with JEM, but noted that its narrow scope, both in terms of the participants in the process and also the issues addressed, excluding the issues of justice and reconciliation, meant that it was not going to provide a route towards the required inclusive and holistic settlement. The Panel also welcomed the Agreement reached shortly afterwards with the Liberty and Justice Movement (LJM), but noted that a procedure based on reaching separate agreements with the different armed movements was likely to prove a problematic method of achieving a peace agreement.

8. In the light of this, the Panel proposed, at the inaugural meeting of the Sudan Consultative Forum (SCF) in Addis Ababa, on 8 May, a distinction between a 'peace process' and a 'political process.' The peace process is intended to bring an end to hostilities between belligerents, while the political process is a bigger process involving all political constituencies, intended to achieve a Global Political Agreement. The two processes are complementary and mutually supportive.

9. From 22 to 25 May 2010, the Chair of the Panel visited the State of Qatar, and met with the Emir and the Foreign Minister. In the meeting, the Chair reaffirmed his appreciation of their commitment to the Darfur peace process, and underlined the importance of a coordinated strategy that included both the peace process in Doha and the political process in Darfur.

In the meantime, JEM suspended its participation in the Doha talks. The sole armed movement at the talks was now the LJM. The mediation also organized a consultation with Darfur civil society. While welcoming the input of civil society actors into the process, the Panel observed that this kind of consultation should not be considered a substitute for the inclusive negotiation process envisaged in the AUPD.

10. The Panel visited Libya from 18 to 20 September 2010, and met with the Brother Leader, Muammar Ghaddafi. It also met with Dr. Khalil Ibrahim, the President of JEM. In that meeting, Dr. Khalil expressed the intention to return to Doha solely in order to demand that the format of the negotiating forum be changed, including a change in venue, and also that he should be able to return to Darfur as a precondition for engaging in any talks.

11. Shortly before the meeting of the SCF, held in Addis Ababa on 6 November 2010, the Mediation announced another timeline, intending to conclude the Doha mediation in December. Given the apprehension around the referendum in southern Sudan, the Panel considered it vitally important that there should be no political vacuum in Darfur at this critical juncture in Sudan's history. Consequently, the AU and the UN resolved that preparation for the Darfur political process, under the auspices of the AUHIP and UNAMID and in partnership with the State of Qatar, should begin as soon as possible, with a formal launch of the process in December, at which the Doha outcome document should be presented and used as the base for the ongoing discussions. By this point in time, it would no longer be feasible to propose that the Darfur political process should reach a solution before the end of 2010. However, the Panel proposed that a credible process be underway in Darfur by this time, aiming to reach an inclusive agreement in the early part of 2011.

Justice and Reconciliation

12. The AUPD Report calls for a Justice and Reconciliation Strategy for Darfur that encompasses a range of interventions to enhance accountability and consolidate peace. These include the establishment of a Truth, Justice and Reconciliation Commission (TJRC), the strengthening of the national judiciary, and the establishment of a Hybrid Court to try those who bear particular responsibility for crimes in Darfur.

13. The AUPD emphasized that justice and reconciliation are inextricably linked and should be approached and implemented with this reality in mind. While the Panel recommended that justice and reconciliation should form part of the agenda for the political talks to achieve a Global Political Agreement, it also insisted many of its recommendations, particularly those related to the strengthening of the criminal justice system, could and should begin to be implemented by the Government unilaterally. The AUHIP, therefore, has been engaging the Government to spur it into action in this direction. The Panel will continue to work with the Government of Sudan and the people of Darfur to assist to implement justice and reconciliation measures in a credible manner that will contribute to lasting peace for Darfur.

Security

14. The analysis of the AUPD was that armed violence between the Sudan Armed Forces and the Darfur armed movements did not constitute the major component of lethal violence in Darfur. Greater causes of insecurity included inter-tribal fighting (principally among Arab tribes), banditry, clashes among the movements, and undisciplined behaviour by militia, paramilitaries and other forces aligned with the GoS. It follows therefore that a ceasefire between the GoS and the rebels, while an essential component of an overall agreement, would not in itself eliminate insecurity in Darfur. Consequently, the Panel urged the GoS to take unilateral actions to promote stability and security in Darfur.

15. The Memorandum presented by the Panel to the GoS on 18 January included specification of unilateral security measures, including stepping up the organization of community police services in IDP camps (in partnership with UNAMID), imposing discipline on paramilitaries, accelerating the integration of signatory armed movements, fostering inter-tribal agreements, and measures to enhance the effectiveness of UNAMID. These recommendations were again submitted to the GoS in April.

16. One of the prerequisites for an effective GoS security strategy for Darfur has been full and effective coordination among the different arms of the GoS. The Panel, therefore, welcomed the GoS initiative to develop a single Darfur strategy involving all organs of central and state governments, as an essential step towards designing and implementing a security plan.

17. Furthermore, a comprehensive security plan for Darfur requires that social and economic factors contributing to insecurity be addressed. In the case of Darfur, these factors include lack of economic opportunities, environmental degradation, competition for natural resources, justice, reconciliation and compensation. Addressing these issues requires political and financial commitment from the GoS, and also an international assistance strategy that moves beyond a strictly humanitarian response into programmes for restoring and developing livelihoods, extending services, and rehabilitating the natural environment.

18. On 26 August, the Panel convened a security meeting, involving the GoS, UNAMID and the US Government. At this meeting, the GoS presented its draft security strategy, while UNAMID and the US Special Envoy presented their proposed roles and contributions. This was followed by operational workshops involving the GoS and UNAMID on the specifics of implementing the security strategy. These meetings took place against a backdrop of deteriorating security in Darfur, making the strategy and its effective implementation all the more urgent and necessary.

19. The Panel remains convinced that a comprehensive security plan, implemented by the federal and state authorities in partnership with UNAMID, and supported by international donors, is an integral component of providing security for Sudanese citizens in Darfur. The Panel will continue to assist the GoS in developing and implementing such a strategy.

III. IMPLEMENTATION OF THE CPA

20. The Parties asked the Panel to follow up on key issues of CPA implementation, including the completion of the delimitation and demarcation of the internal north-south border, the establishment of the referenda Commissions for southern Sudan and Abyei, and other outstanding issues. The Panel has remained abreast of these issues, and has offered its facilitation as required.

21. All Panel activities with regard to the CPA are coordinated fully with the United Nations Mission in Sudan (UNMIS) and the Special Representative of the United Nations Secretary-General (SRSG), Haile Menkerios. The Panel has met with IGAD, the League of Arab States (LAS), the Special Envoys of the P5 countries, the European Union (EU) and Norway, and regularly with the Chairman of the CPA's Assessment and Evaluation Commission (AEC), in order best to ensure that the Panel's activities are fully coordinated with existing efforts to support the implementation of the CPA.

Southern Sudan Referendum Commission

22. The Panel has followed closely the steps taken by the Parties to establish the Southern Sudan Referendum Commission (SSRC). It repeatedly urged the Parties to expedite the establishment and functioning of the SSRC, in order for the Referendum to be conducted on time and in a credible manner. The Panel regretted that the SSRC was established only on 28 June, a date which provided a very challenging schedule for the Commission to carry out its tasks to ensure a credible referendum according to the timeline laid down in the CPA.

23. The establishment of the SSRC ran into deadlock during August over the appointment of its Secretary-General. The dispute related to the Parties' expectation that the individual appointed as Secretary-General would enjoy a large degree of executive power. On 18 August, the Panel wrote a Memorandum to the Presidency recommending that the executive powers of the Secretariat be divided among four positions, namely the Secretary-General, a Deputy Secretary-General, a Chief Referendum Operations Officer, and a Deputy Chief Referendum Operations Office. The details of this proposal were fleshed out in consultation with UNMIS. The proposals were discussed and adopted at the meeting of the Presidency on 3 September, thereby allowing the formation of the SSRC Secretariat to proceed, and operational planning for the Referendum to begin.

24. The delays in forming and operationalizing the SSRC have obliged the timeline for the Referendum, as laid down in the Referendum Act, to be truncated. The period for registration of voters and for finalizing the voters' list has been shortened considerably. The Panel holds the view that all efforts must be expended to ensure that the Referendum can be conducted on schedule on 9 January 2011, and that it is most important that the Referendum be conducted in a wholly credible manner. To this end, it is important that the Government provide the SSRC with all the support necessary to fulfill its mandate.

The Code of Conduct for the Referenda and Popular Consultations

25. The Panel considers it essential that the Referenda and the Popular Consultations should be conducted not only in a technically proficient manner, but that there should also be free and fair campaign or consultation processes, and that voters and participants are well informed of the nature and significance of the choices they make. The Panel, therefore, developed a Code of conduct to guide all stakeholders, during the referenda as well as the popular consultation processes scheduled to take place in Blue Nile and Southern Kordofan states.

26. The main Sudanese political parties, including the SPLM and the NCP, have subscribed to the Code of Conduct, which has provisions for the establishment of Political Parties Councils (PPCs) and Alternative Oversight Bodies, through which signatories to the Code can regulate their conduct and work together to promote civic education. In southern Sudan, the Panel has worked with the Parties to establish a PPC, which has drawn up a plan of action to extend its activities across the South and to cooperate with civil society organizations that have signed the Code of conduct. Efforts are also being pursued in the North to establish similar bodies to support civic education and ensure peaceful referenda processes.

North-South Border

27. The Panel has paid particular attention to the question of the north-south border, and has been briefed extensively by the Chairperson and Deputy Chairperson of the Ad Hoc Technical Committee for the Demarcation of the North-South Border. The Panel has, in close consultation with UNMIS, examined the issues surrounding the border areas which remain unresolved. Repeatedly, the Panel has pressed the Ad Hoc Technical Committee and the Parties to finalize the report on the disputed areas as soon as possible so that the outstanding issues can be resolved at the level of the Presidency.

28. The disagreements between the Parties concern, principally, four areas along the border where the available records give room for different interpretations as to where the border lay at independence, on 1 January 1956. In addition, the Parties did not agree fully on the process of demarcating the border on the ground, and especially on the role of the United Nations in this exercise. Unable to reach agreement on these issues, the Chair and Deputy Chair of the Committee were drawing up their own respective and differing reports, to present to the Presidency for decision.

29. Meeting with the Chair and Deputy Chair of the Committee on 8 August, the Panel was concerned to learn that a procedural dispute over the method of handing the reports over to the Presidency had once again delayed completion of the work of the Committee. The Panel offered to receive the reports itself and hand them over to the Presidency. The Deputy Chair immediately handed over his report, while the Chair asked for some additional days to receive the submissions from his members. Subsequently, the Chair provided his report directly to the Presidency.

30. In its Memorandum to the Presidency of 18 August, the Panel urged the Presidency to expedite the submission of the reports, and rapidly to come to a decision on the location of the border. In addition, the Panel proposed a formula for the demarcation before the end of the CPA period on 9 July 2011.

31. The Panel again met with the Chair of the Committee in Khartoum on 21 September, at the urging of the President, to discover that the process of the physical demarcation of the border had once again stalled over disagreements over technical matters among members of the Committee. During the interparty negotiations leading to the Framework Agreement in November, the Parties agreed to an accelerated demarcation of the border, in all areas in which agreement had been reached, parallel commitments to the demarcation of the border and to holding the referendum on time, and to a procedure for resolving the status of the five remaining areas before the end of the Interim Period. The Panel will be closely monitoring the implementation of this Agreement.

Bordering States

32. The Parties asked the Panel to pay attention to the ten states adjacent to the internal north-south border. These are the states that would be most affected by any vote for secession in southern Sudan. In addition, two of these states (Southern Kordofan and Blue Nile) are located within northern Sudan, but contain substantial minorities that are ethnically and politically aligned with southern Sudan.

33. The Panel attended the inaugural Conference of Governors of the bordering states, in Kadugli, South Kordofan State, on 27 and 28 February. The theme of the Conference was *tamazuj* or 'intermixing', and the major topics discussed included plans for infrastructure linking the states, shared natural resource use, and a common security strategy. These measures provide an important confidence-building and conflict prevention mechanism in the event of tensions along the border. The Panel also attended the second Governors' Forum, held in Aweil, Northern Bahr al Ghazal State, on 14 and 15 July. Subsequently, the Panel visited Ad Damazin (Blue Nile State), Kadugli (South Kordofan State), Bentiu (Unity State) and Malakal (Upper Nile State), during the months of July and August, to hold discussions with the leadership of those states, with a view to encouraging cross-border cooperation. The Panel has commissioned experts to study options that would make it possible for a "soft border", to be managed in such a way that it causes minimum disruption to the lives and livelihoods of the people and communities that live adjacent to the border on either side, or make use of resources on both sides of the border.

Popular Consultations

34. The Panel sees the process of Popular Consultations in South Kordofan and Blue Nile States, as not only an integral component of the CPA, but also as a valuable exercise in developing new, more equitable, consultative and inclusive models of governance that could and should be applied to the rest of Sudan. These two states were in the front line of the war

between the GoS and the SPLM for twenty years, and contain important constituencies with distinct ethnic identities and which have been politically aligned with the SPLM. Nowhere in post-CPA Sudan are the processes of reconciliation, integration of formerly hostile constituencies, and the development of government based on unity in diversity more important. The integrity of the Popular Consultation process and the respect for its outcomes is important, not only for the minority groups that inhabit these states, but for Sudan as a whole. It is in these Popular Consultations that the commitment to Sudan, as a multi-ethnic, multi-religious state, based on full and equal citizenship and justice for all, will be tested.

35. The Panel visited Blue Nile State, on 7 July, and South Kordofan State, on 11 August. In Blue Nile State, the Panel met with the authorities (including Governor Malik Aggar, a member of SPLM, and Farah Agar, leader of the NCP, and community leaders), and discussed in depth the challenge and opportunity of the Popular Consultation process. In South Kordofan, the Panel visited Kauda, headquarters of the SPLM administration, as well as the state capital Kadugli. It met with Governor Ahmad Haroun and other leaders of the administration and the communities. In South Kordofan, the timetable for completing the Popular Consultations has slipped behind, because the rerun of the census in the state meant that the elections are now scheduled for early 2011. There is some uncertainty whether the Popular Consultations in Blue Nile State can be completed in advance of the Referendum, as stipulated in the CPA. The Panel is following the process carefully.

Abyei and AUHIP mediation on Outstanding CPA Issues and Post-Referendum Arrangements

36. The issue of Abyei area has proven one of the most difficult and contentious in the implementation of the CPA. The Parties requested the Panel to examine the issue of the eligibility criteria for voters in the Abyei Referendum, this issue being the stumbling block in efforts to establish the Abyei Area Referendum Commission. The Panel visited Abyei and the town of Muglad, the principal centre of the Misiriya, from 6 to 7 July 2010, and met with community leaders and experts on the area. The importance of ensuring a settlement of the issue, compatible with the livelihoods and historic access to resources, of both the Ngok Dinka and Misiriya, was emphasized by the spokespeople of the two communities. The local leaders also stressed their long history of cooperation and their readiness to achieve an accommodation that would enable them to live as good neighbours.

37. In the opinion of the Panel, a settlement of the Abyei issue will need to be holistic. Such a settlement would include the implementation of existing agreements, notably the Abyei Protocol of the CPA and its provision for a referendum to be held by the people of Abyei Area, to decide whether they belong in Kordofan (northern Sudan) or greater Bahr al Ghazal (southern Sudan), and the decision of the Permanent Court of Arbitration in The Hague on the position of the northern border of Abyei Area. It would also take into account the concept of Abyei as a 'bridge' between north and south, as specified in the CPA, the interests of the communities, and the context of post-referendum arrangements.

38. The Panel scheduled a meeting for high-level representatives of the Parties for 30 August, and presented the two leaderships with an agenda that reflected the Panel's holistic approach. After receiving the agenda, on 25 August, the Parties requested more time to prepare internally. The meeting was rescheduled for 7 September and again postponed, with the promise that the Parties would seek to resolve the issue on a bilateral basis. In the event, the Parties initially sought to use the trilateral mechanism of talks facilitated by the US in order to achieve a breakthrough on Abyei. The US Special Envoy to Sudan, Gen. Scott Gration, convened two meetings of the Parties, one at the Greentree Estate in New York, from 25 to 26 September, and the second in Addis Ababa, from 3 to 12 October. These meetings failed to reach agreement on the resolution of the Abyei issue. Instead, the Parties agreed that any solution to the Abyei impasse could only be achieved by addressing all related issues, including outstanding issues in the implementation of the CPA and post-referendum arrangements. Thus the Parties requested the Panel to convene a mediation process that addressed all the outstanding issues in a comprehensive and holistic manner, at the level of the First Vice President and the Vice President, in Addis Ababa, on 27 October.

39. The Panel met in Khartoum on 19 October and considered this request. The Panel decided that it was more important to ensure that any talks that were convened reached a successful outcome, which would require proper preparation and consultation with the Parties, rather adhering to the date of 27 October as proposed. Accordingly, the Panel initiated intensive bilateral engagement with the Parties, in parallel to a process of exploring technical options and drawing upon expertise from its partners.

40. On 7 November, the Panel convened a meeting of the Political Committees of the two Parties to negotiate and adopt the Framework Agreement that would set the parameters within which they would address the various outstanding issues relating to the implementation of the CPA, and within which they would conduct their discussions on the post-referendum arrangements. In addition to Abyei, the outstanding issues of the CPA included the north-south border, security arrangements and Popular Consultations in Blue Nile and South Kordofan states. The post-referendum arrangements included the issues of citizenship, economic arrangements, including oil sharing, currency and assets and liabilities, security arrangements and legal issues. The Panel decided that the matter of Abyei should be dealt with at the level of the President and the First Vice President of Sudan, in parallel to negotiations on the Framework Agreement to be conducted by the Political Committees of the two Parties.

41. Unfortunately, a planned meeting of the President and the First Vice President scheduled for 13 November could not take place. At the time of finalization of this report, agreement had been reached for the Principals to start intensive discussion of the issue on 27 November. In the meantime, the negotiations on the Framework concluded successfully on 13 November when the Parties reached agreement on a "Framework for Resolving Outstanding Issues Relating to the Implementation of the Comprehensive Peace Agreement and the Future Relations of North and South Sudan". In this Agreement, the Parties recognized that the people of southern and northern Sudan have close ties of history, culture, geography and economy, as well as close personal relations that cannot be severed, regardless of the outcome of the South

Sudan referendum. In case of a vote for southern secession, the Parties committed to the creation of two viable states, and never to return to war. The Parties committed themselves to the concepts of “soft borders”, mutual security and good neighbourliness, and mutually beneficial economic cooperation. The Parties also agreed to resume accelerated negotiations on all post-referendum arrangements, beginning on 28 November 2010.

Inter-Communal Violence in Southern Sudan

42. The Panel was asked to attend to the problem of inter-communal violence in southern Sudan. On this issue, the Panel has consulted and met with key stakeholders, including the Government of Southern Sudan (GoSS). On 31 March, the Panel met with the leaders of the Sudanese churches, in Juba, with a view to deepening understanding of a potential role for the Panel in addressing these conflicts. In different locations within southern Sudan, including Juba and Malakal, the Panel has been briefed on the various communal conflicts. In this respect, the Panel sent a strong message of support to the Kejiko II Conference, held in Juba from 5 to 7 October.

43. The Panel participated in the All-Southern Sudan Political Parties’ Conference, in Juba, from 13 to 17 October, which met under the theme “Southern Sudan United for Free Fair and Transparent Referendum”. Twenty of Sudan’s political parties, including the National Congress Party, in addition to several civil society and faith-based organizations sent delegates to the Conference. The Panel was encouraged by the thoughtful and constructive decisions taken by the Conference, including the meeting’s commitment to promote peace, reconciliation and respect for democracy, rule of law, political pluralism and fair referendum processes. In this connection, the Panel welcomes the adoption by the Conference of the Common Code of Conduct for the Referenda and Popular Consultations, a document that was prepared by the Panel to assist the Sudanese Parties to realize free fair and transparent referenda and popular consultations.

44. The Panel welcomes and strongly commends the clear hand of political reconciliation that has been extended by the SPLM leadership to political opponents of the SPLM. In this regard, the participation in the Conference of leaders of political parties and independent candidates who contested against the SPLM during the April elections was particularly heartening. The Government of Southern Sudan has extended an amnesty to the various groups and individuals who had over the years rebelled against its authority, including in the aftermath of the April 2010, elections. The Panel also views the reactivation of the Southern Sudan Political Parties’ Leadership Forum as an encouraging demonstration of the determination by the southern Sudanese leadership to face jointly the challenges that the dispensation beyond January 2011 might bring.

Security

45. On 10 August, the SPLM presented evidence to the Panel, alleging that security personnel associated with the northern Sudanese security establishment were providing arms

to the rebellion of Gen. George Athor in Jonglei State, southern Sudan. It further claimed that this was only the tip of the iceberg, and that there was a systematic plan by security and military agents in Khartoum to destabilize southern Sudan before, during and after the Referendum. The Panel has examined the evidence carefully and has raised the issue at the highest levels. In its Memorandum to the Presidency of 18 August, the Panel further raised its concern that inflammatory and divisive public statements were causing anxiety and potentially destabilizing.

46. The Panel notes that the CPA institutions for preventing violence are both weak and insufficiently established. The Ceasefire Joint Monitoring Commission can react only to violations of the ceasefire that have actually occurred, and cannot act pre-emptively. The Joint Military Command, which has a mandate for such preventive action, has not been institutionalized and lacks a secretariat. For the remaining period of the CPA and indeed, thereafter, joint mechanisms for conflict prevention will be needed, most especially in the border areas.

IV. PROMOTING DEMOCRATIC TRANSFORMATION

47. During the period January-April 2010, in anticipation of the April general elections, the Panel's priorities included steps to promote the democratic transformation of Sudan. This stemmed from the Panel's commitment to the principle of democratization as a guiding principle for the African Union, as well as the recognition that the implementation of the CPA requires that the final phase of the Interim Period be presided over by democratically elected governments in both Khartoum and Juba.

48. In the run-up to the general election, the Panel consulted regularly with the leaders of all the main political parties in Sudan, both the two signatory parties to the CPA and other parties, in government and in opposition, and with other key stakeholders, including civil society. As part of its promotion of democratic values, the Panel successfully facilitated the convening of a Summit Meeting of Political Parties in Juba, Southern Sudan, from 1 to 2 March. The meeting was attended by representatives of fourteen political parties. A separate meeting of nine independent gubernatorial candidates was convened in parallel.

49. During this Summit Meeting, all Southern political parties and a number of national political parties, including the SPLM, the NCP, the Popular Congress Party (PCP) and the Umma Party, adopted an Electoral Code of Conduct (ECoC) and a Declaration of Common Commitments (DoCC). The ECoC was a voluntary Code that complemented electoral law and the procedures of the National Elections Commission, providing a set of norms for political conduct by political parties during the elections. The DoCC was a commitment by all political parties, including non-signatories, to the Comprehensive Peace Agreement, the Darfur Peace Agreement, and the basic tenets of democratization in Sudan.

50. The ECoC contained provision for the establishment of the Political Parties' Council (PPC), a dispute resolution mechanism comprised of all political parties, based on the principle of self-regulation of political conduct. Over the subsequent weeks, experts attached to the Panel conducted training workshops for the PPC members leading to agreement on the membership of the Council, the establishment of rules of procedure and a complaints mechanism. The Panel also located offices for the PPC and assisted the PPC to raise funds for its operations during the elections. The AU Commission provided monitors to assist the PPC in fulfilling its functions. The success of the model of the ECoC and the PPC led the Panel to agree to set up similar structures for the referendum process. Disagreements among the political parties in northern Sudan meant that it was not possible to convene a summit meeting of these parties. However, the Panel was able to negotiate the substance of the Electoral Code of Conduct with the major parties.

The Election

51. The Panel was present in Sudan during the voting period of the general elections (11-15 April) and its aftermath. During this period, it consulted closely with the AU Elections Observer Mission headed by H.E. President John Kufour and also consulted with other election observer missions. During this period, the Panel met with the leaders of the Government of Sudan and all the major political parties. The Panel remained in Sudan during the period of the counting of votes and the declaration of the results, consulting regularly with the Parties in order to best ensure that the winners of the election acted in a spirit of generosity and inclusiveness. The Panel also remained in close contact with the other political parties to monitor their reactions to the electoral outcomes and respond accordingly.

Postponed Elections

52. For various reasons, elections in some constituencies were re-run, and elections to the state assemblies of Gezira and South Kordofan were re-scheduled for later in 2010. The Panel has continued to follow these elections. The state elections in South Kordofan are a matter of particular interest to the Panel, given that this state contains the most substantial constituency of SPLM supporters in northern Sudan, and that the postponed date of the election is close to the end of the CPA Interim Period. The Panel has engaged with the political leaders of the NCP and SPLM, at national and state level, with a view to ensuring that the elections in South Kordofan are free and fair, and that they also contribute to peaceful coexistence among political constituencies and local communities residing in the state.

Addressing Gender Concerns in Sudan

53. In July 2010, the AUHIP made significant strides towards ensuring that the gender dimension of its work is taken into account, through the recruitment of a gender officer into the AUHIP support team.

54. In September 2010, the Panel carried out a preliminary field assessment and mapping of stakeholders on gender issues, with a particular emphasis on southern Sudan. The assessment aimed at, among other things, exploring the involvement of women in the upcoming Referendum and negotiations on the post referendum arrangements. After the field assessment, a report was produced which detailed the context of ongoing efforts and the challenges, while outlining specific recommendations for the various stakeholders. The report was shared with the Ministry of Gender and with the various stakeholders consulted during the field assessment.

55. From 12 to 14 October 2010, staff of the AUHIP attended the Southern Sudan Women's Conference on the Referendum, held in Juba and organized by the Office of the President and the GoSS Ministry of Gender, Social and Religious Affairs, in collaboration with UNIFEM. The Conference produced an action plan and a communiqué, which called on the Government of Southern Sudan and the region's political parties to ensure the participation of women in the preparation towards the Referendum and recognition of their importance in the post referendum period. The AUHIP has developed close relations with UNIFEM to promote the role of women in the south Sudan referendum, and is also collaborating with that organization to promote the participation of women in the Popular Consultations in South Kordofan and Blue Nile states. The AUHIP has also held preliminary discussions with UNIFEM and local women's organizations to examine ways in which to ensure that their role is taken into account and local women's groups are engaged in the preparations for the DDC.

56. Gender concerns also featured prominently in the report of the AUPD, in particular with regard to concerns over justice for women who have experienced sexual violence, and dealing with the consequences of the particular impact of the violence in Darfur on the status of women and children. The AUHIP intends to follow the process closely to ensure that women's demands for justice are addressed.

V. NEGOTIATIONS ON POST-REFERENDUM ARRANGEMENTS

57. The Panel met with the task forces for negotiations on post-referendum, of the NCP and SPLM respectively, on 12 and 13 May. It also discussed post-referendum issues with the leaders of the Parties on several occasions, as well as with UNMIS, the AEC and international partners. Subsequent to these discussions, the Parties signed a Memorandum of Understanding (MoU) in Mekelle, Ethiopia, on 23 June, whereby they agreed to conduct the negotiations on post-referendum arrangements on a bilateral basis, with the Panel invited to serve as the facilitator and convener, supported by IGAD, the IGAD Partners' Forum and the UN. According to this arrangement, the Panel will be the witness to the talks, and the sole international intermediary for the negotiations, although the Parties will be able to call on international advice and support on a bilateral basis. The Mekelle MoU defined the methodology for the negotiations on the post-referendum arrangements.

58. A 'Joint Exposure Session' was held in Juba on 19-20 July, facilitated by the Panel and assisted by the UNMIS and the AEC. At this event, selected international experts presented experience from elsewhere in the world, general principles, and best practices. The Parties had the opportunity to discuss in detail their working methods and principles.

59. Progress in the negotiations has been slow due to the lack of strategic direction from the Lead Negotiation Panel and the weakness of the Joint Technical Secretariat established by the Mekelle MoU. The AU has finalized an MoU with the Joint Technical Secretariat and the AEC, whereby it agreed to support the Secretariat to the tune of US\$ 200,000, in support of the overall negotiations process. The Parties agree, by this MoU, to fund the negotiation process to the tune of US\$ 300,000, while the AEC will provide US\$ 500,000. At the time of finalization of this report, the AU was preparing to sign the MoU in support of the negotiations. It is hoped that this financial support, together with the political and principal guidance provided by the Framework Agreement, will expedite the process of negotiations on the details of the post-referendum arrangements.

VI. REGIONAL AND INTERNATIONAL COORDINATION

Engagement with the Region

60. Ensuring regional and international coordination of engagement in Sudan has been a major focus of the Panel's activities. During February 2010, the Panel consulted with the neighboring States, including Ethiopia (January, June and November 2010), Uganda (4 to 5 February), Kenya (5 to 8 February), Chad (10 February), Egypt (11 to 12 and 13 to 14 February and September), Libya (12 to 13 February). The members of the Panel also visited Eritrea (22 to 23 April). During all these visits, the Panel met with the Heads of State and Government of the countries concerned, with a view to encouraging them to support Sudan's peace process, soliciting such views as they might hold about how best to speed up the search for lasting peace and democratization in Sudan and mobilizing support for the work of the Panel in this regard.

61. On 22 June 2010, the Panel held another meeting with Prime Minister Meles Zenawi of Ethiopia, Chair of IGAD, to review the situation in the aftermath of the April General Elections and in light of the preparations for the self-determination referendum and negotiations on the post-referendum arrangements. Furthermore, on 9 March 2010, the Panel participated in the summit meeting of IGAD States, in Nairobi, devoted specifically to the situation in the Sudan. On 23 November, in Addis Ababa, the Panel participated in the 16th Extraordinary Session of the IGAD Assembly of Heads of State and Government. The Summit reviewed extensively progress in the implementation of the CPA. It expressed its readiness to support the efforts of the AUHIP by all means possible, and requested the Panel to keep IGAD updated, through its Chairperson, on the evolution of the negotiations. More generally, the Panel is in continued interaction with the Chair of IGAD, Prime Minister Meles Zenawi of Ethiopia.

62. The Panel welcomed the normalization of relations between Sudan and Chad that began in February, and congratulated both governments on their progress in this regard. The Panel has subsequently continued to monitor the situation on the border between the two countries, and is encouraged by the extent to which insecurity has diminished and normal economic and social activities have resumed. The Panel regards the normalization of Sudan-Chad relations as a sine qua non for the political resolution of the conflict in Darfur, and an important step towards providing security for the people of both countries.

League of Arab States

63. The AUHIP has maintained close consultation with the Arab League officials, including Secretary-General Amre Moussa, during its visits to Cairo, in February and March 2010. Needless to stress the critical role that the Arab League plays in Sudan and the importance of close partnership between this organization and the AU. Furthermore, while in Cairo, the AUHIP attended, on 21 March, the International Donors' Conference for the Development and Reconstruction of Darfur. The Conference, organized by the Organization of the Islamic Conference (OIC), was co-hosted by Egypt and Turkey. The Conference sought pledges of USD 2 billion for long-term development projects. However, it succeeded in raising only USD 850 million.

Engagement with Europe

64. On 22 March, at the invitation of Norwegian authorities, the Panel travelled to Oslo, where it consulted with a number of officials, including the Minister of Foreign Affairs. The Norwegian authorities expressed their commitment to the implementation of the CPA and support to the AU and the efforts of the Panel, as well as their readiness to provide assistance in areas such as the post-referendum process, border demarcation, and the reconciliation process and capacity building in southern Sudan.

65. From 23 to 24 March 2010, the Panel visited Brussels, where it met with a number of EU officials and institutions, including Baroness Catherine Ashton, the EU High Representative for Foreign Affairs and Security Policy and Vice-President of the European Commission, the Peace and Security Committee, the European Parliament, and the then EU Special Envoy for Sudan, Torben Brylle. These meetings provided an opportunity to conduct detailed and comprehensive discussions on all aspects of the situation in the Sudan. The EU officials expressed their support for the report of the AUPD and AU's efforts, stressing the EU's readiness to provide support to the work of the Panel. While in Brussels, on 24 March, the Panel met with members of the African Group of Ambassadors accredited to the EU and briefed them on the Panel's activities.

African Union Commission-United Nations Secretariat Coordination

66. As part of the overall efforts to support the implementation of the CPA, the political process to achieve a solution to the Sudanese crisis in Darfur and in order to facilitate the democratic transformation of the Sudan, the AU Commission convened a High Level Strategic

Review Meeting of the AU and the United Nations in Addis Ababa, on 7 May 2010. The meeting, which I chaired, was attended by members of the AUHIP, the AU Commissioner for Peace and Security, the UN Under Secretary-General for Peacekeeping Operations, the JSR for UNAMID, the AU/UN JCM for Darfur, and the SRSB for UNMIS. The second AU-UN Strategic Review Meeting took place on 5 November 2010. These meetings have been critical in enhancing coordination between the AU and the UN, in support of the Sudanese Parties.

67. On 14 June 2010 the members of the Panel met in New York with the UN Under-Secretary-General for Peace Keeping Operations, the JSR, the SRSB for Sudan and the JCM. During the meeting, they reviewed the status of the political talks in Doha, the activities of UNAMID, as well as the various consultations that were undertaken by the AUHIP, and agreed to work closely and coordinate their activities both with regard to the political negotiations in Doha, as well the implementation of the CPA.

Establishment of the Sudan Consultative Forum

68. Similarly, I convened a consultative meeting on the Sudan, in Addis Ababa, on 8 May 2010. This meeting took place as a follow-up to the Abuja decision of October 2009, referred to above. In addition to myself, members of the AUHIP and the AU Commissioner for Peace and Security, the meeting was attended by IGAD (Ethiopia, as Chair, and the Secretariat), the United Nations, the League of Arab States, the Organization of the Islamic Conference, the European Union, neighboring countries of the Sudan (namely, Chad, Democratic Republic of Congo, Egypt, Kenya, Libya and Uganda), the Special Envoys or their representatives of the permanent members of the UN Security Council, other AU partners, as well as representatives of Qatar and the AEC. The Chair of the PSC and Malawi, as Chair of the AU, also participated in the meeting. The JCM, the JSR and the UN SRSB for Sudan were also in attendance.

69. The meeting reviewed and assessed the situation in the Sudan in the aftermath of the April 2010 General Elections, and in light of the progress made and challenges encountered in the implementation of the CPA and in the search for peace, security, justice and reconciliation in Darfur. The meeting stressed that, with the peaceful holding of elections, resulting in elected representatives at all levels of Government, a new reality had emerged, which should inform and contribute to peacemaking and peace building efforts in Darfur. The meeting recognized that developments in Sudan are of critical importance to the region and to the African continent, as well as to the rest of the international community. In this respect, the meeting welcomed the decision of the AU to operationalise the Consultative Forum established pursuant to the Peace and Security Council decision of 29 October 2009.

70. Regarding more specifically the implementation of the outstanding provisions of the CPA and the negotiation of post-referendum arrangements, the meeting agreed, *inter alia*, on the following: (a) the need to do everything possible to assist the Sudanese Parties to fulfill their commitments under the CPA; (b) creating the required conditions for the successful holding of the referenda in Southern Sudan and Abyei; (c) support for capacity building and conflict mitigation in Southern Sudan. With respect to Darfur, the meeting resolved that a

Darfur political process should be initiated, in accordance with the recommendations of the AUPD, that is inclusive of all stakeholders in Darfur and which comprehensively addresses all issues. The meeting emphasized that the Doha peace process, conducted between the belligerents, should in the meantime continue with the objective of finding a definitive end to armed conflict between the GoS and the armed movements, as an essential component of this process.

71. On 17 July, the Sudan Consultative Forum convened in Khartoum, co-chaired by the AU Commissioner for Peace and Security, Amb. Ramtane Lamamra, and the UN Under Secretary-General for Peacekeeping Operations, Mr. Alain Le Roy. The NCP and SPLM each made presentations to the opening session of the Consultative Forum and then responded to questions posed by the participants.

72. The Forum addressed issues relating to CPA implementation. *Inter alia*, it stressed the imperative of reaching agreement on the outstanding processes of the CPA, including putting in place the necessary structures for the full operationalization of the Southern Sudan Referendum Commission, the popular consultations in Blue Nile and South Kordofan states, and the demarcation of the North-South border in accordance with the CPA obligations. The Forum welcomed the progress made with the launching of the post-referendum negotiations.

73. The Forum reiterated the call for an inclusive Darfur political process that would address all the key issues of concern to the people of Darfur. The meeting commended the efforts of the JCM and the Government of Qatar in overseeing negotiations in Doha and encouraged preparations to be expedited for an internal political process within Darfur through, notably, the convening of the Darfur-Darfur Conference, to complement the efforts in Doha. The Forum called on JEM and the Sudan Liberation Army/Abdul Wahid to join the process without delay. Noting the recent deterioration in the security situation in Darfur, the Forum called upon the GoS to take all necessary steps, unilaterally as well as in close collaboration with UNAMID, the AUHIP and other partners, effectively to improve security in Darfur and to promote the protection of civilians. The Forum also emphasized the need to pursue and intensify efforts towards the early recovery and development of Darfur.

74. The second meeting of the SCF took place in Addis Ababa, on 6 November, under the co-chairmanship of Commissioner Ramtane Lamamra and USG Alain Le Roy. The meeting interacted with the Sudanese Parties, and had an in-depth exchange of views on the implementation of the CPA and the situation in Darfur.

75. The participants noted that the SCF was convening its second meeting at a critical juncture in the history of Sudan, with the referendum of self-determination little more than two months away. The meeting welcomed the commitment of the Parties to ensure the successful conclusion of the implementation of the CPA, and encouraged them to increase efforts towards resolving outstanding issues, including security, Abyei and border demarcation, and draw particular attention to the issue of citizenship rights. On Darfur, the meeting commended the perseverance of the JCM and the State of Qatar in attempting to bring all

Parties to the negotiating table and to obtain an agreement, welcomed the progress made by GoS and LJM in their discussions, and called on JEM and SLM (Abdul Wahid al Nur) to immediately participate in the talks without preconditions, with the objective of reaching an agreement before the end of the year. In this regard, the meeting agreed that the Doha negotiations should result in an Outcome Document to be completed no later than December 2010, in accordance with the timetable agreed to by the Parties. The outcome of the Doha negotiations will be the point of departure for the initial meeting of the Darfur Political Process, which is scheduled to take place in Darfur in December, under the auspices of the AUHIP and UNAMID, in partnership with the State of Qatar. The participants further agreed that this meeting would set the agenda for the Darfur political process, which will lead to a Darfur-Darfur Conference in early 2011. The meeting expressed support for the sustained efforts of the AUHIP and the leadership it has demonstrated in all aspects of its engagement in the Sudan.

Meetings at the United Nations Security Council

76. The Panel visited New York from 13 to 15 June 2010. On 14 June, the Chair of the Panel briefed the Security Council, informing its members of the Panel's activities. The members of the Security Council made statements underscoring the challenges facing the Sudan and the need for supporting the Sudanese Parties. They expressed their support to the strong engagement of the AU, particularly through the AUHIP, to secure long-term peace in Sudan. The Panel also met the African Group of Ambassadors.

77. On 16 November, during the United Kingdom's chairmanship of the UN Security Council, Sudan once again came under the consideration of the Security Council, at a meeting held at the Ministerial level. The Chair of the Panel made a presentation to the Council via video link, in which he briefed Council on the recent activities of the Panel, including the "Framework For Resolving Outstanding Issues Relating to the Implementation of the Comprehensive Peace Agreement and the Future Relations of North and South Sudan" that had recently been agreed to by the Parties, and ongoing efforts to resolve the issue of Abyei. The Security Council reiterated its continued support to the work of the Panel.

High-Level Meeting at the UN General Assembly

78. The AU Commission and the Panel participated in the High-Level Meeting convened by the UN Secretary General in New York, on the sidelines of the UN General Assembly, on 24 September. The Chair of the Panel and I addressed the Security Council, highlighting the efforts of the AU, through the Panel, in facilitating negotiations on the the outstanding issues in the implementation of the CPA, the post-referendum arrangements, and the quest for peace, justice and reconciliation in Darfur. On the margins of that meeting, the Panel met with senior members of both the NCP and the SPLM, as well as with US government officials, representatives of AU member states and other international partners.

Engagement with the United States

79. From 15 to 18 June 2010, the Panel visited Washington DC. On 16 June, the Panel met with Secretary of State Hillary Clinton, Gen. Scott Gration, US Special Envoy for the Sudan, Amb. Jeff Herbst, Coordinator for Reconstruction and Stabilization, Ms. Esther Brimmer, Assistant Secretary for International Organisation, Amb. Johnny Carson, Assistant Secretary for African Affairs, and other senior Administration officials. That same day, the Panel met with President Barack Obama, the National Security Advisor, Gen. James Jones, and other senior National Security Council officials. President Obama and the other senior officials expressed their appreciation for the efforts of the AU, and underscored the support of the Administration to the work of AUHIP and their commitment to the successful conclusion of the ongoing processes in the Sudan. On 17 June, the members of the AUHIP met with leaders of Congress and the Senate. They also briefed the African Group of Ambassadors. President Mbeki had, earlier, on 10 June 2010, also met US Vice President Joe Biden in South Africa, during which meeting they discussed the situation in Sudan.

80. On 23 October 2010, the Panel met with Chair of the US Senate Committee on Foreign Relations, Senator John Kerry, in Khartoum. During that meeting, the Panel briefed Senator Kerry on its work in Sudan. For his part, Senator Kerry outlined the U.S. position on Abyei. He expressed the USA's full and continued support for the work of the Panel, and discussed ways in which the US government and Congress was considering providing support and incentives to the Parties in this crucial final stage of the CPA. On 6 November 2010, the Panel again met with Senator Kerry, who had returned to Sudan to discuss a package of incentives to the Parties to encourage speedy action in the implementation of the outstanding issues of the CPA.

VII. OBSERVATIONS

81. I wish to conclude this Report to Council with the following observations, drawn from the experience of the Panel over the twelve months of its mandated period, and associated recommendations to the Sudanese Parties and to African and international organizations.

(i) Darfur

82. In the twelve months since the completion of the AUPD report and the acceptance of its recommendations as AU policy, the implementation of those recommendations has been rather disappointing. On the key dimensions of justice and reconciliation, security, and the peace process and political process, substantive progress has been little than I had hoped.

Justice and Reconciliation

83. Concerning justice and reconciliation, the measures for ensuring accountability and reconciliation with respect to the crimes committed in Darfur during the conflict have not yet been adopted in the manner envisaged by the AUPD report. Whilst acknowledging the practical and other challenges of conducting investigations, trials or meaningful reconciliation processes

in a volatile security environment in Darfur, there is a need for renewed focus on justice and reconciliation issues. An approach which would defer justice and reconciliation until after the complete end of hostilities would fail to meet the needs of the people of Darfur.

84. Justice and reconciliation issues have featured in the negotiations between the Government of Sudan and LJM, with specific proposals emerging from the LJM and in the draft agreement presented to the parties by the Joint Mediation. The Government has also adopted a Darfur Strategy which refers to the issue of justice and reconciliation and needs to be elaborated more fully on the ground and in line with the recommendations of the AUPD.

85. An example of steps being taken by the Government with respect to justice is the recent appointment of a new Prosecutor General for crimes in Darfur. In meetings with the Panel, representatives of the Government, including the Prosecutor General for Darfur, have given assurances that previous investigations are being actively reviewed, and that fresh crimes, including the killings in Tabra on 2 September 2010, will be seriously investigated. Officials have informed the Panel that the Government intends to bring timely prosecutions before the Special Criminal Courts for Events in Darfur. The Panel will continue to follow-up these and other commitments.

86. In implementing these measures, I note that the Government has demonstrated awareness of the need to review various aspects of the criminal justice process to ensure that all elements work in an integrated manner to deliver justice. Amongst other things, officials have identified the obligation to develop and implement consistently measures for protection of witnesses and victims participating in criminal justice processes, the provision of effective legal representation for the defence, and the need to promote reconciliation in the aftermath of crimes as areas to which attention would need to be paid.

87. In order to achieve the overall objective of delivering justice and reconciliation with respect to Darfur, it will be necessary, as recommended by the AUPD, for the Government to approach these interlinked elements systematically, and through an overall framework. This will allow for gradual introduction of measures, ranging from unilateral actions to the interventions that are the outcome of a political settlement of the conflict.

88. The Panel indicates to me that it will therefore continue to engage the GoS on the details of its proposals to promote criminal justice and reconciliation, including specific measures to strengthen the Special Criminal Courts for Events in Darfur which will be the main forum for the prosecution of the Darfur crimes. Through the Darfur Political Dialogue, the Panel will encourage the active participation of the population of Darfur in the process of identifying and endorsing the specific measures that will be required to implement the strategy. It will work with other partners on the ground, especially the UNAMID to encourage practical support in strengthening the criminal justice system in Darfur, in particular, and to facilitate reconciliation efforts.

89. Although the AUPD proposal on the establishment of the Hybrid Court met with skepticism among some sections of Sudanese society, the AUPD recommendation was motivated by concerns expressed by significant sections of Sudanese society, especially groups in Darfur that any justice initiatives need to win the confidence of the people of Darfur. The Hybrid Court, and the principle of hybridization, remains a central part of the Justice and Reconciliation Response for Darfur, as set out in the AUPD report. The Panel will continue to engage the Government on this matter, which will also be discussed, as the AUPD envisaged, within the Darfur Political Process and Darfur-Darfur Conference.

90. Both the Panel and I consider that visible progress in preparatory work and implementation of criminal justice and other initiatives will be a litmus test of the Government's commitment to a just peace in Darfur, and an important step in rebuilding confidence between the people and the Government. To be effective, these efforts must be part of a broader strategy which links peace, justice and reconciliation as envisioned by the AUPD.

Security

91. Concerning security, the Panel has continued to monitor the security situation in Darfur, including the statistics for violent incidents gathered by UNAMID. Until early 2010, the trends evident in the previous two years continued, namely a general if slow overall decline in levels of violence, with the majority of incidents attributable to inter-tribal conflict and crime. A disturbing increase in hostage taking was also noted. In May 2010, there was a very sharp increase in lethal violence, consequent on the breakdown of the ceasefire agreement between the GoS and JEM, and the consequent increase in fighting between the Sudan Armed Forces and JEM. Fortunately, this intensified combat did not extend into June, although incidents have recurred. May and June also witnessed an increase in inter-tribal conflict, particularly among Arab tribes. In July, there was a disturbing new development which was the outbreak of violence within the IDP camp at Kalma, in which groups respectively supportive of, and opposed to, the Doha peace talks came into conflict, leaving at least six people dead. In September, this conflict spread to Humeidiya camp, near Zalingei, leaving up to ten dead. I was also disturbed by the massacre of a number of civilians at Tabra IDP camp, on 2 September, the worst such incident of its kind for several years, which came at a time of increasing violence, including armed combat in different parts of Darfur.

92. These incidents, and the overall pattern, demonstrate vividly the dangers of allowing a situation of generalized insecurity to persist, without taking decisive action to resolve it. The level of militarization in society at large and the weakness of institutions to provide law and order, against a backdrop of unresolved political conflict, creates an inherently perilous situation in which fresh outbreaks of violence are to be expected. In this context, I re-emphasize the importance of unilateral actions by the GoS, in coordination with UNAMID, to create security for its citizens in Darfur.

Peace and a Political Settlement

93. On the search for a Global Political Agreement, I am encouraged that there has been widespread support, both in Sudan and internationally, for the principle that a resolution of the conflict in Darfur must be the outcome of an inclusive negotiating process, involving both belligerent and non-belligerent parties and constituencies, on a comprehensive agenda. Among the arguments for this approach is the observation that, negotiating solely with armed rebels, provides an incentive for disaffected groups or individuals to abandon civic political engagement in favour of armed rebellion, and provides an opportunity for armed rebels, irrespective of the extent of their popular support, to hold the peace process hostage to their narrow agendas. This analysis and recommendation was welcomed in Sudan and was the basis for the adoption of the AUPD Report by the AU Peace and Security Council and its subsequent endorsement by the UN Security Council.

94. While the AU-UN Joint Chief Mediator has made efforts to involve Darfurian civil society in the peace talks, his effort has, to date, been purely consultative, selective and ad hoc. This has had the unfortunate result of becoming an issue within Darfur itself. And by limiting the talks to the armed groups, this process has empowered the armed movements to act as spoilers if they so wish, and the two most significant movements, the JEM and the SLM-Abdul-Wahid, have refused to participate in the Doha talks, rendering any agreement that is signed moot.

95. I strongly concur with the Panel's view that the Darfur conflict still requires the inclusive and holistic process of negotiation outlined in the AUPD. At the time of writing, conditions for establishing such a political process, in the form of a Darfur-Darfur Conference, are less propitious than at earlier points. In particular, the polarization induced by recent violent incidents and the anxieties associated with the referendum have placed additional obstacles in the path of convening such a conference. However, such considerations in no way detract from the political imperative of convening the Darfur-Darfur Conference with the objective of reaching a Global Political Agreement. I am encouraged by the consensus reached in this respect by the last meeting of ACF.

(ii) CPA Implementation

96. The successful implementation of the CPA is the single biggest challenge facing Sudan. To date, the Sudanese Parties have fulfilled their major commitments to the provisions of the CPA. The major milestones in CPA implementation have been met, although the schedule has slipped significantly for many of them. The implementation of most CPA commitments has been achieved despite pervasive mistrust between the Parties, a mistrust that has caused much delay and acrimony, and has at times threatened even to jeopardize the peace. However, the spirit of the CPA, which was that it was a joint effort by the Parties to make unity attractive, has not been fulfilled.

The Referendum in Southern Sudan

97. The holding of the referendum on self determination in southern Sudan is the linchpin of the CPA and of the future of Sudan. I firmly believe that it is of the utmost importance that this referendum should be held in a way that is credible, legitimate and peaceful. All those who are entitled to vote and wish to do so should be able to do so, and there should be no room for doubt about the authenticity and legitimacy of the outcome. Towards this end, the Commission intends to send an observer mission, which will work closely with other international observer missions.

98. At the current time, the schedule for holding the referendum is on time is desperately tight, and voices have been raised questioning whether it is technically feasible to complete the registration process, the finalization of the voters' roll, and the campaign, in the remaining two months. It is perfectly legitimate for such questions to be raised. What would not be legitimate, however, would be to advocate or take any step that might slow down or jeopardize the referendum. I support the Panel's recommendations that all efforts be made to accelerate the preparations for the referendum, without compromising on fundamental democratic principles.

Abyei

99. The question of Abyei is among the most difficult in all of Sudan. I am convinced that a solution to Abyei can be found, and believes that the situation demands that the leadership of Sudan rises to the challenge to find an equitable solution in line with existing agreements and which acknowledges the principle of Abyei as a bridge between north and south. In the meantime, the Panel continues to support efforts by the Sudan Council of Churches to promote reconciliation and healing between the Ngok Dinka and Misseriya communities in Abyei.

The North-South Border

100. I urge that the demarcation of those parts of the border that are not in dispute should be completed on the ground as soon as possible. The UN and the AU stand willing to assist in this process. I urged the Parties, at the highest level, to reach agreement on those parts of the border that remain in dispute. Noting that full resolution of these issues and demarcation on the ground is unlikely to be completed by January, I strongly urge that the process of border negotiation and demarcation continue after the referendum, with the objective of concluding the exercise before 9 July 2011.

Bordering States

101. I join the Panel in commending the Parties, and especially the Governors of the ten states adjacent to the north-south border, for their efforts in promoting cooperation and good neighbourliness, and their attention to the practicalities of cooperation and conflict prevention. This is an important initiative. I endorsed the Panel's proposal that the Governors' Forum of the ten bordering states be institutionalized and continued after the referendum and after the end

of the CPA Interim Period. In the event of the southern Sudanese choosing unity, the bordering states will become the fulcrum for that unity. In the event of secession, good relations across the border will be no less important.

Popular Consultations

102. The Popular Consultations in South Kordofan and Blue Nile States were envisaged at a time when, the Parties assumed, the CPA would make unity attractive. The timing and process of Popular Consultations were designed accordingly. Today, the Popular Consultations are unfolding against a very different political backdrop, including the referendum in southern Sudan.

103. This different context makes the Popular Consultations no less important. Indeed, the prospect of South Kordofan and Blue Nile States falling within the northern part of a partitioned Sudan makes the questions about minority rights, ethnic and religious diversity, and unity in diversity, even more important. Should they be separated from their southern brethren, members of self-identified 'African' groups in these states, and especially supporters and members of the SPLM, will feel themselves to be a vulnerable minority. The future governance of northern Sudan will depend crucially on the conduct of the Popular Consultations and the faithful implementation of its outcome.

104. In this regard, I would like to call attention to the significance of the National Constitutional Review Commission, which is mandated by the CPA (Article 2.12.10) to conduct a participatory and inclusive process of Constitutional Review before the completion of the Interim Period. This obligation has been unjustly neglected, and the Panel recommends that, as soon as the referendum and Popular Consultations have been completed, that the NCRC should begin this process of review.

Violence within Southern Sudan

105. The Panel remains seized of the issue of inter-communal violence within southern Sudan. Its inquiries indicate that much of the violence has its roots in the legacy of the civil war and the associated breakdown in governance. Immediate interventions to secure a cessation of the violence are essential, whilst efforts are made to address the deeper causes of the conflict. The Panel continues to support the efforts by the Government of Southern Sudan, the Sudanese churches and civil society to promote peace and reconciliation among the communities of southern Sudan. I note that these efforts will need to be sustained beyond the referendum.

(iii) Democratic transformation

106. One of the objectives of the Panel has been to assist all the Sudanese political parties, in government and in opposition, to promote the democratic transformation of the country. The results of the Panel's efforts in this regard have thus far been disappointing. The 'Juba Alliance'

Parties, mostly opposition parties based in northern Sudan, proved unable to agree on a strategy for engagement in the electoral process. During the election itself, their performance disappointed their supporters. The exercise in electoral democracy resulted in a National Assembly and a Southern Sudan Legislative Assembly that are dominated, to a greater degree than before, by the ruling parties.

107. The pre-election period witnessed a remarkable relaxation of state control over the media and a more open debate on national political issues than had been seen for more than two decades. This represents an important step towards the democratization of Sudanese political life. Although there have been some retrograde steps since the election, much of the progress towards greater openness has been sustained. This is commendable. The verdict of most international and domestic observer teams on the April 2010 general elections was that they failed to meet all international standards. The Panel itself did not pass judgment on the conduct or quality of the elections. However, it noted that the aspirations of many Sudanese, for a parliament and executive that reflect the plurality of political opinions in Sudan, both nationally and within southern Sudan, have yet to be fulfilled. The electoral authorities, the ruling parties, and the opposition parties, all face challenges in ensuring that the next elections meet a higher standard.

(iv) Negotiation on Post-Referendum Arrangements

108. The negotiations between the Parties on post-referendum arrangements are proceeding. They need to be accelerated and to be better coordinated. The principal challenge to the post-referendum negotiation process is, however, the lack of a common vision concerning the relations between northern and southern Sudan after the referendum. I hold the view that the technical issues confronting the negotiating teams, however complex they may be, can be overcome in the context of a high-level political agreement on the fundamentals of the north-south relationship.

109. For this reason, the current mediation by the Panel has had as one of its initial outcomes the adoption of a Framework Document which, while still operating at the level of principles and generality, nevertheless would provide guidance and sufficient detail to the Parties to enable them to negotiate the detailed arrangements on the future relations between north and south. Of particular importance during the post-referendum is the respect for human rights, including citizenship rights, for all Sudanese people, I am confident that, whatever the outcome of the referendum, the Sudanese parties will take the necessary steps to protect these rights.

(v) Coordination of Regional and International Responses

110. African and international engagement with Sudan and its peace processes and politics has become a crowded field. Coordination of this engagement is important. One of the greatest successes of the African Union has been in its ability to assert, thanks to the activities of the Panel, African leadership of international engagement in Sudan. I am pleased that the AU's

initiative, in establishing the Sudan Consultative Forum, has been universally endorsed and has become the principal instrument for information sharing and policy coordination.

111. At a day-to-day level, coordination between the Panel and the two international missions in Sudan, namely UNMIS and UNAMID, has been exemplary. The complete convergence of objectives and strategies and the complementarity of operating modalities between the Panel and UNMIS augur well for a continued coordinated approach to the challenges of completing the CPA. More efforts need to be made to enhance cooperation in the Darfur peace and political process. In this respect, the conclusions of the last meeting of the SCF provide the appropriate way forward. The efforts of the State of Qatar have been exceptionally diligent, generous and helpful to the Darfur peace process. Qatar has sought to prevail in the most difficult and unrewarding circumstances.

(vi) Conclusion

112. Sudan stands at a crossroads of its national history. The coming months will mark the culmination of the CPA, itself a magnificent achievement.' The single most important provision in the CPA is the recognition that the people of southern Sudan should exercise the right of self-determination in a referendum with the two options of unity or secession. The moment of truth at which they will make this choice is almost upon us. During the period, just shy of six years, since the CPA was signed, Sudan has navigated some exceptionally difficult challenges. There have been both successes and setbacks, but the single most important reality is that peace has held between north and south, and preparations for the referendum in southern Sudan are well under way, and southern Sudanese are growing in confidence that a credible referendum will indeed be held in which they can determine their collective future.

113. Critical to Sudan's success in navigating the challenges of the next few months is leadership. The President and First Vice President of Sudan will both be called upon, separately and together, to exercise exceptional national leadership. Such leadership must transcend partisan concerns and constraints, and deal with national issues with the perspective that they require. Africa is a partner in Sudan's journey from war to peace, from crisis to recovery, within a genuinely representative democracy.

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PSC Outcomes

Press Statements

2010-11-30

Press Statement of the 250th Meeting of the Peace and Security Council of the African Union Held on 30 November 2010, Tripoli, Libya.

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