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APLICACIÓN DE LA RESOLUCIÓN 60/251 DE LA ASAMBLEA GENERAL, DE 15 DE MARZO DE 2006, TITULADA "CONSEJO DE DERECHOS HUMANOS"

Nota verbal de fecha 14 de septiembre de 2006 dirigida a la Secretaría del Consejo de Derechos Humanos por la Misión Permanente del Sudán ante la Oficina de las Naciones Unidas en Ginebra

La Misión Permanente de la República del Sudán ante la Oficina de las Naciones Unidas y otras organizaciones internacionales en Ginebra saluda atentamente a la Secretaría del Consejo de Derechos Humanos y tiene el honor de transmitir adjunto el texto de la declaración del Ministro de Relaciones Exteriores del Sudán, pronunciada el 13 de septiembre de 2006 en Addis Abeba ante el Consejo de Paz y Seguridad de la Unión Africana, sobre la cuestión del despliegue de fuerzas internacionales en Darfur[*].

La Misión Permanente de la República del Sudán pide a la Secretaría del Consejo de Derechos Humanos que distribuya dicha declaración como documento oficial del segundo período de sesiones del Consejo de Derechos Humanos y aprovecha la oportunidad para reiterarle las seguridades de su consideración más distinguida.

[*] Se reproduce en el anexo únicamente en el idioma en que se presentó.

Annex

Allow me at the outset to congratulate you and your government for the Chairmanship of the Council for this month. I wish you all success in your endavour to which you are entrusted. I take this opportunity to assure you of the readiness of my country to support you and to facilitate your task under your Chairmanship to this September august Council.

Excellencies Members of the Council,

This meeting of your Council is being held under very critical and complicated circumstances facing the efforts of solving the conflict in Darfur in which your esteemed Council played an effective role. The short period since the establishment of this Council witnessed many positive developments towards solving the problem owing to many decisions issued by this Council. After Security Council Resolution 1706, concerning the transfer of the mandate of the African troops to the United Nations, is issued with all the justified rejection from my government and in light of the current preparations for holding a Ministerial Session for this Council in New York on the eighteenth of this month to take the appropriate decision with regard to the future of the African Union troops in Sudan, the government of the Sudan decided to deliver this statement before this Council to enlighten the Members of this Council about its position against the international troops and the reasons for it. Hoping that by this explanation for this stance the Council will be able to take the appropriate decision, which will effectively contribute to provide permanent and peaceful settlement to the conflict in Darfur.

Mr. Chairman,
Members of the Council,

It is not an easy decision for any country to accept any foreign troops. When the Sudan accepted to receive the African troops, it was based on its strong and clear conviction and commitment to the objectives and principles of the African Union.

It was also based on its keenness to solve African conflicts within the African continent. That is why the Sudan accepted to entrust the African Union with the Darfur case; to prove the capability of Africans to solve their own problems and to discourage interference from outside the continent to preserve the independence of its countries. Moreover the Sudan is very keen to implement provisions of the Charter of the United Nations that call for regional solution to issues through regional entities and institutions in addition to preserving the social fabric of the Darfur community in particular and the Sudan in General by accepting those who are closer to us in their customs, traditions and heritage. There is no doubt that the African Union achieved success in Darfur as testified by all assessment missions that visited the area and witnessed the performance of the African troops on the ground. It is true that the African troops faced financial and logistical difficulties, which has been one of the main reasons that forced the African Union to surrender its mandate in Darfur to the international troops to take over . But It is also true that the financial difficulties have been used as a pretext for transferring the mandate to the international troops in spite of the fact that my government and the Arab League expressed their desire to provide the necessary financial support for the African troops. However, this has not been given due attention by those in charge.

Mr. Chairman,
Members of the Council,

Many decision have been issued by your august Council reflecting the intention of transferring the mandate of the African troops to the international troops. We recall the decision of the Council issued in March 2006. This decision also emphasized on the importance of guiding the process of transition by many matters inter alia the readiness of the government of the Sudan to accept it. It indicated further that any decision regarding the mandate and size of the United Nations operation must be based on the developments on the ground including the conclusion of the peace talks in Abuja. Now that Security Council Resolution 1706 has been issued, my government has declared its total

rejection to it. Furthermore, the peace talks between the Sudanese parties culminated in the signing of the Darfur Peace Agreement. We have been expecting that these developments would move your august Council to cease supporting the ongoing efforts to transfer the mandate of the African Mission to the United Nations in accordance with your aforementioned decision. Especially that it became undoubtedly clear that the United Nations Security Council decided that international troops will take over the mandate of the African Union troops in Darfur in accordance with the decisions and positions of the Peace and Security Council of the African Union.

Mr. Chairman,
Members of the Council,

The conclusion of the Peace Agreement was not an easy task. It came out after difficult negotiations between the parties under the auspices of the African Union and the international community. Instead of protecting and maintaining the agreement, focusing on the efforts of its implementation and punishing those hampering it as stated in the decisions of the African Union Peace and Security Council, there was total laxity in that regard which pushed the non-signatories to escalate acts of violence after they found in the calls for replacement of the African troops by international troops and in the slackness of the international community enough pretext to continue their acts of aggression aiming at obstructing the implementation of the Darfur Peace Agreement.

Mr. Chairman,
Excellencies, Members of the Council,

The position of my government is very clear regarding Security Council Resolution 1706; which is total rejection to that Resolution. The rejection is a national decision that is met with public unanimity adopted by political and constitutional institutions in the country. Therefore, it cannot be withdrawn. We cannot be signatories to and implementers of the Darfur Peace

Agreement and at the same time accept Resolution 1706, which bears within its context the elements that would wreck the Agreement. The transition of the mandate of the African Union to the United Nations means breaking down the Abuja Agreement, since there is not a single provision in the Agreement that allows any of its parties to transfer its duties or mandate to any international organization.

Moreover, Resolution 1706 constitutes a flagrant violation to the Sovereignty of the Sudan because it gives the mandate to the United Nations to intervene in restructuring the Sudanese Police and design a training programme for its individuals and to reform them. It gives the United Nations the mandate to assist in establishing the so-called independent judicial system. So what national sovereignty is left to our government by this resolution?! We might all agree that no government on earth would accept such flagrant violations to its independence and sovereignty.

Mr. Chairman,

Excellencies, Members of the Council,

Necessity dictates rectifying the widespread understanding that the Sudan is heading for expelling the African Union from its territories, which is a completely contrary to the reality. The rejection of the Sudan to Resolution 1706 is taken on the bases of its adherence to the role of the African troops in Darfur. It has been clear to all that the African Union Peace and Security Council was the first to initiate signalling to the possibility of termination of the mandate of the African troops in Sudan by 30 September 2006 because of lack of funds after this period. We would like to state here that all that the African Union can do if its mission failed for any reason is to withdraw from Sudan and it cannot hand over its duties to any party except the government of the Sudan, since there is no provision in the Protocol establishing the African Union Peace and Security Council that allows the African Union to transfer its mandate to the United Nations. It only gives the African Union the possibility to request for financial and logistic support from the United Nations. Based on that, the government of the Sudan is ready to take its responsibilities to

protect its civilians if the African Union decided to withdraw from Darfur. However, there should be a process of handing over from the African Union to the Sudanese Armed Forces when the African troops are withdrawn.

Mr. Chairman,

Excellencies, Members of the Council,

The hasty process to table Resolution 1706 for vote then its adoption revealed beyond doubt that the issuance of the Resolution became a goal in itself rather than pooling efforts to find out solutions and to support the Darfur Peace Agreement and to encourage the spirit of the peace process.

The preparations for this resolution have been under-way for a long time, specifically, since November 2005 when some donor countries declared that they are going to stop providing their financial commitment to the African Union. The pressure campaigns against Sudan were launched to prevent it from assuming the Chairmanship of the African Union after the failure of the efforts which aimed at preventing the African Summit to convene in Khartoum. The United States led a very strong campaign aiming at preventing the Arab summit to convene in Khartoum also, but to no avail. Thereafter, it went for issuing a resolution from your august body during its chairmanship to the Security Council for the month of February 2006.

Before the end of April 2006, the deadline set by the African Union for reaching the Darfur Peace Agreement, the government of Tanzania presented a draft resolution supporting the peace negotiation and encouraging the parties for signature. Instead of adopting the Tanzanian draft resolution its consideration was postponed and another draft resolution was tabled to impose sanctions against a number of Sudanese officials, banning them from travel and freezing their assets, which encouraged some parties to persist on their refusal and obstinate. The United States continued to spoil the efforts for reaching peace in Darfur. When Sudan presented its plan for achieving peace and stability in Darfur to the United Nations in accordance with a prior agreement with the Secretary General, Mr. Koffi Anan, the response to the plan

came from the United States, not from the Secretary General. The Minister of Foreign Affairs of the Republic of the Sudan received an invitation from the Secretary General to consult with regard to Resolution 1706. He accepted the invitation. The Sudan received also another invitation from the President of the Security Council for the month of August (Ambassador of Ghana) to consult along side with the Arab League, Organization of Islamic Conference and the African Union. Though the Sudan requested for postponement of the consultative meeting as well as did the Arab League and the Organization of Islamic Conference, all these requests have been ignored, the meeting was convened and Resolution 1706 was adopted.

Mr. Chairman,
Excellencies, Members of the Council,

I intended by this detailed explanation to show that the steps taken from some of the Western powers or within the Security Council expose in all the intentions of imposing a new reality in the Sudan through which it accepted the presence of international troops on its territories. The powers opposing Sudan attempted with all their strength and manoeuvre to exploit the African Union and its organs to pass its own agenda related to Sudan.

Mr. Chairman,

After the success of the endeavours of the African Union and the partners to achieve the Darfur Peace Agreement which is honoured by the signatory parties which are committed to implement it - In fact, the government of the Sudan started its actual implementation through series of procedures and preparations - we were expecting from the same parties to show keenness and seriousness to give the non-signatories a deadline for joining the peace process and not to allow them to hinder the peace process nor to allow them to carry out acts of aggression against the process and to impose sanctions against them if they do not comply. We are still to this moment, regretfully, not seeing any move from the African Union or the Security Council to

impose sanctions against these groups. These groups went as far as to attack the African Union and the innocent people to prove its existence on the ground. Why would the African Union and the United Nations Security Council allow these groups to hinder the Peace Agreement, threaten the peace and security in the region and terrorize the civilians who were relieved by the advent of peace. It became clear that the Security Council and the international community applies double standards; instead of containing and punishing enemies of peace, they are containing and punishing the peacemakers by unjust resolutions.

Mr. Chairman,

We still see that there is room for movement and opportunity to reconsider the position of your august Council which is bearing a great historic responsibility to find a way out of this dark tunnel caused by Resolution 1706. According to the Secretary General, Koffi Anan, the proposed budget for these international troops is not less than a billion and seven hundred million dollars, while the African Union troops need around four hundred and fifty million dollars. As you can see, less than a quarter of this budget is enough to secure the needs of the African troops or even is enough to solve the root causes of the conflict in Darfur as a whole. The case as you all well know is of economic roots in the first place.