

SPEECH BY THE CHAIRPERSON OF THE AUPD, THABO MBEKI, AT THE SUMMIT MEETING OF THE AU PSC: ABUJA, NIGERIA: OCTOBER 29, 2009.

Your Excellency, President Umaru Musa Yar'Adua, Current Chairperson of the AU Peace and Security Council and President of the Federal Republic of Nigeria,
Your Excellencies, Heads of State and Government, Vice Presidents, and Honourable Ministers,
Your Excellency, Chairperson of the AU Commission,
Honourable invited guests,
Members of the AU High-Level Panel on Darfur,
Distinguished participants:

First of all, I would like to convey the apologies of two members of the African Union High-Level Panel on Darfur, Justice Mumba of Zambia and Minister Maher of Egypt, who cannot attend this important meeting, for reasons beyond their control.

Secondly, on behalf of the Panel, I would like to thank you, Chairperson, the other Heads of State and Government and African leaders, as well as the eminent representatives of the United Nations, the League of Arab States, the Organisation of the Islamic Conference, leading world powers, and others, for taking the time to convene here in Abuja, to consider the Report of the AU Panel on Darfur.

As Your Excellencies would have seen from our Report, the Panel places high value on the potential the Republic of Sudan has to contribute to the realisation of the vitally important goals the African Union has set, focused on the renewal of Africa.

It stands to reason that the sister country of Sudan can only play this role if it achieves stability on the basis of the resolution of the conflicts to which it has fallen victim, including the conflict in Darfur.

The high level participation at this meeting confirms that the peoples of Africa and the rest of the world are sensitive to this reality and are therefore determined to assist the people of Sudan to resolve their problems.

When the Chairperson of the AU Commission, Mr Jean Ping, requested us to serve on the Panel, all of us readily agreed, having understood the importance that our Continental organisation, the African Union, attaches to the speedy resolution of the conflict in Darfur.

I am happy to report to you, President Yar'Adua, and your esteemed colleagues, that all members of the Panel, the experts who assisted us in our work, as well as the leaders and staff of the AU Commission, who supported us, applied themselves to the task we were given with great seriousness and diligence.

I would also like to take advantage of this important meeting once more to convey the sincere thanks of the Panel to all our interlocutors inside and outside Sudan, who, at all times, treated the AU Panel on Darfur with great respect and worked to reinforce its independence, integrity and effectiveness.

These include the President and Government of Sudan, the Sudanese political parties and civil society, the IDPs and refugees of Darfur, the Darfur State Governments, the armed opposition, Darfur civil society, native administration, and nomads.

We also refer to various governments of countries neighbouring Sudan, some of which are represented here, the distinguished invited guests, as well as UNAMID, UNMIS and MINURCAT and the Darfur-Darfur Dialogue and Consultation, the DDDC.

We would also like to extend our gratitude to the governments of Burundi, Nigeria and South Africa which assisted greatly to support members of our panel and the panel as a whole.

Arising from the extensive process of consultation which the Panel undertook, which included consultation about the Recommendations the Peace and Security Council will consider, the Panel would like to convey some important conclusions to the Council.

As will be clear from what I am about to report in this regard, the Panel is certain that the Peace and Security Council will be greatly encouraged by the reality that there exists a critically important national consensus in Sudan, including Darfur, on the most fundamental issues that relate to the resolution of the conflict in Darfur.

The Panel is convinced that the fact of this consensus imposes an obligation on, and provides the opportunity to the AU, acting together with the UN and all its international partners in a coordinated and concerted manner, to intensify its interaction with the Sudanese Government and people to help accelerate the process towards the speedy resolution of the conflict in Darfur.

Your Excellency, we believe that the time to act is now.

The first of the conclusions of which I have spoken is that the Government and people of Sudan, including the Darfurians, are united in their view that the conflict in Darfur should be resolved as a matter of urgency. They look forward to the day when the diverse people of Darfur will, once again, live in peace with one another, and with the rest of Sudan, inspired by a spirit of regional and national reconciliation and a shared sense of national unity and patriotism.

Secondly, they are also united in the view that the conflict in Darfur is political in nature and must therefore be solved through negotiations, and consequently that a military solution is neither possible nor desirable.

In this context, they, including the IDPs and the refugees look forward to the armed

opposition groups urgently organising themselves to participate in the peace negotiations.

Thirdly, the Sudanese agree that the negotiations should be inclusive in nature, and stand ready to discuss the ways and means by which this inclusiveness could be realised.

Fourth, the Government and people of Sudan, including the Darfurians, are of the firm view that they have the sovereign responsibility, capacity and native wisdom to solve their problems, and that these problems cannot be addressed successfully through solutions imposed on the Sudanese people from outside.

Thus while they deeply value and seek to cultivate the friendship and support of the international community, their hope and prayer is that the rest of the world should consciously assume a supportive role, helping to create the necessary space for the Sudanese themselves to solve their problems, including negotiating the lasting and just resolution of the conflict in Darfur.

Fifth, the Government and people of Sudan, including the Darfurians, agree that any negotiated Darfur agreement must respond to the root cause of the conflict in this region of Sudan, and therefore address such issues as the equitable distribution of political power and wealth, the land question, improved and accountable governance and accelerated socio-economic development.

Sixth, the Sudanese agree that the negotiated Darfur agreement must incorporate decisions on the three central issues that served on the mandate of the AU Panel on Darfur, namely, (i) peace; (ii) justice, accountability and impunity; and, (iii) reconciliation and healing.

Further, in this regard, they agree that these three issues should be addressed as an integrated whole, since by their very nature and interconnection, they cannot be separated one from the other.

Seventh, especially the people of Darfur, conscious of the extremely dangerous, destabilising and widespread proliferation of weapons in their region, insist that their communities should be demilitarised through a comprehensive process of disarming the civilian population, ensuring that only the legitimate organs of state carry arms, as would be prescribed by the Constitution and the law.

Eighth, the Government and people of Sudan, including the Darfurians, are of one mind that everything should be done on a sustained basis to attend to the humanitarian and security needs of those most adversely affected by the conflict in Darfur, specifically the IDPs and refugees, without making this conditional on the conclusion of a global Darfur political agreement.

Ninth, the Sudanese look forward to friendly and peaceful relations of mutually beneficial cooperation with all the neighbouring countries, Africa as a whole, and the rest of the international community.

In this context they are keenly interested to work with all these to ensure that they act as reliable partners in the Sudanese processes towards peace, national reconciliation and development. They recognise the special role of the African Union in this regard and hope that the AU will do everything it can to respond to their expectations.

Tenth, the Sudanese Government and people, including the Darfurians, are very determined that the agreement that would be reached through the inclusive process of negotiations should be implemented in a vigorous, sustained and honest manner, and therefore that the Darfur global political agreement must make provision for the necessary and muscular monitoring and implementation mechanism to ensure that this objective is achieved.

The Panel unequivocally supports all these determinations made by the Sudanese people themselves, and which, we are convinced, also enjoy the support of Sudan's neighbours and the rest of the international community.

The Recommendations of the AU Panel on Darfur the Peace and Security Council will consider during this meeting contain detailed proposals about how the 10-point perspective we have explained might be achieved.

In this regard, there are a few salient points we would like to bring to the attention of the Council and the esteemed invited guests present here.

The first of these is that, as we have said, it is vitally important that the Sudanese people should be given the space to negotiate a truly Sudanese agreement to end the conflict in Darfur, thus to ensure that this agreement, owned by the Sudanese themselves, is durable, just and equitable.

Accordingly, such decisions as the Peace and Security Council takes, based on the Recommendations of the Panel, would serve as firm proposals of the AU which should be considered during the inclusive negotiations convened by the AU-UN Joint Chief Mediator.

Perhaps understandably, some outside Sudan and Darfur have wrongly interpreted the task of the Panel as consisting of a charge to address the issue of justice, especially in the light of the decisions that have been taken by the International Criminal Court.

However, as the esteemed members of the PSC know, the mandate of the Panel was to address the related and interconnected issues of peace, justice and reconciliation, which we have done.

In this context, we have recommended that the negotiations to conclude the Darfur Global Political Agreement must discuss the critical issue of the role of both domestic and international justice in the resolution of the conflict in Darfur, and therefore the institutions that should be used to achieve such justice.

The Panel holds the view that if the Sudanese people believe that international justice has a role to play in helping them to achieve peace, justice and reconciliation in Darfur, they should be free to act on this determination, whatever this entails.

Similarly, the Panel also holds the view that if the Sudanese people believe that domestic justice has a role to play in helping them to achieve peace, justice and reconciliation in Darfur, they should be free to act on this determination, whatever this entails.

With regard to the latter, the Panel recommends that with the agreement of the Sudanese parties, the African Union should appoint judges and investigators from outside Sudan who would help their Sudanese counterparts to investigate, prosecute and adjudicate the war and other crimes committed during the Darfur conflict.

The Panel did not conduct any inquiry into whether the Sudanese judiciary, prosecution and investigation authorities are “willing and able” properly to investigate, prosecute and adjudicate the relevant crimes allegedly committed in Darfur.

In other words the Panel has no basis, derived from its own detailed investigation, to make any statement about the will and ability of the Sudanese criminal justice system to handle the crimes allegedly committed in the context of the Darfur conflict.

Indeed, the Panel is fully aware of the high calibre of the Sudanese legal community and the fact that, because of this, many of its members also serve in high positions in the judicial systems of many countries, outside Sudan.

The Panel also knows that many in Darfur, including the IDPs and refugees, and others in the rest of Sudan, rightly or wrongly, have questioned the independence and impartiality of the Sudanese criminal justice system.

In the light of the foregoing, the Panel came to the firm conclusion that especially those most adversely affected by the conflict in Darfur, the IDPs and refugees, should genuinely trust and have confidence in all such institutions as would be charged with the responsibility to deal with the crimes arising from the Darfur conflict.

The Panel is convinced that the suggested AU intervention would generate this trust and confidence, and therefore effectively address the important challenge that the aggrieved are satisfied that justice is done and seen to be done.

We are therefore making the point, firmly, that exceptional measures must be put in place to assure the people of Darfur that justice will be done, taking into account the objective reality that a number of them have little confidence in the independence and impartiality of their national criminal justice system.

The panel also makes the suggestion that there should be established a Truth, Justice and Reconciliation Commission, and that the traditional Darfur systems of justice and reconciliation should be activated, which, in tandem with the criminal justice system,

would effectively address the issue of justice, accountability and impunity to which all member states of the AU, including Sudan, are committed.

The next important point we would like to make relates to the April 2010 elections.

The Darfurians see themselves as an integral part of Sudan. Accordingly none among them presented the Panel with any demand for self determination.

The essence of their demands in this context is that they should have the possibility fully to participate with other Sudanese in determining the future of their country.

It will therefore be vital that all necessary steps are taken to ensure the participation of the Darfurians in the 2010 General Elections. In this regard, both the Government of Sudan and the National Electoral Commission assured the Panel that as the situation stands, it would be possible to conduct these elections in over 90% of the territory of Darfur.

The Panel has noted with appreciation the determination communicated both by the government and the Electoral Commission that the forthcoming elections should indeed be democratic, free and fair.

One of the areas of importance of this with regard to Darfur is that it would provide the Darfurians with a democratically mandated governance system, which would play a vital role in the process of post-conflict reconstruction and ensuring popular involvement in the implementation of any Darfur Peace Agreement.

We also mention the 2010 elections because we are convinced that it is necessary to conclude the Darfur peace negotiations before these elections are held, precisely to ensure the participation of which we have spoken.

If we are correct in this view, it is obvious that the necessary balance will have to be found between attempting to move the negotiations forward at too fast a pace and allowing them to drag on for too long.

The essential point however is that the Panel is of the view that the process of negotiations should be speeded up as the situation both in Darfur and in Sudan as a whole does not permit of a long delay with regard to concluding the new Darfur agreement.

Before we conclude, we must report to the PSC that the Darfurian are very keen that the African Union should play a leading role in assisting the Sudanese people to end the conflict in Darfur as well as helping to position Sudan so that she plays her rightful and important role in the reconstruction, development and renewal of Africa.

Accordingly, the Panel recommends that an institutional framework should be put in place to realise this outcome while ensuring that it works in the closest partnership with the UN and the important non-African governments represented here.

We are certain that the concerted effort that would result from this would give great impetus to the earliest possible conclusion of the Darfur Global Political Agreement we have proposed.

To conclude, Your Excellency, the Panel would like to thank the current Chairperson of the Peace and Security Council assisted by the current Chairperson of the AU Commission for convening this meeting at such a high level.

On behalf of the AU High Level Panel on Darfur, I am honoured, Your Excellency, President Umaru Musa Yar'Adua, to commend to the PSC, through you, the Report and Recommendations of the Panel.

We sincerely hope that they will assist this august body as it deliberates on what next should be done to accelerate progress towards the achievement of peace, justice and reconciliation in Darfur.

Thank you for your attention.