



Sudan People's Liberation Movement – North (SPLM-N)



Submission to: The AUHIP and the Chair of IGAD

SPLM-N position on the implementation of the AUPSC road map and the UNSC res. 2046 on Sudan

Date: 28 July, 2012

Reiterating once again the SPLM-N full commitment to implement the AUPSC road map and the UNSC res. 2046 on Sudan with regards to the humanitarian and political tracks:

On the humanitarian track:

The SPLM-N delegation since 23 July 2012, has been engaging the AUHIP and the Sudan government delegation on the basis of article 4 of the UNSC res 2046. which states that the UNSC: *“Strongly urges Sudan and the SPLM-N to accept the tripartite proposal submitted by the African Union, the United Nations and the League of Arab States, to permit humanitarian access to the affected population in the two areas, ensuring in accordance with applicable international law, including applicable international humanitarian law, and guiding principles of emergency humanitarian assistance, the safe, unhindered and immediate access of United Nations and other humanitarian personnel, as well as the delivery of supplies and equipment, in order to allow such personnel to efficiently perform their task of assisting the conflict-affected civilian population”*.

And the AU union resolution which was reiterated and endorsed by the AUPSC 327th meeting at the levels of heads of states and governments, 14 July 2012 which states that {the} *“Council **reiterates its firm belief** that it is the responsibility of the relevant authorities, and in particular the Government of Sudan, to ensure that all affected areas have unfettered access to humanitarian assistance. Council **stresses the need** to ensure that humanitarian assistance is forthcoming as a matter of utmost urgency, delivered by competent, impartial, agencies, under the guidance and oversight of the three organizations. In this regard, Council **urges** the Government of Sudan and the SPLM-N to cooperate with the relevant United Nations agencies, in particular the UN Office for the Coordination of Humanitarian Affairs (OCHA). Council **requests** the Commission immediately to deploy monitors to the affected areas, to assist the Parties to maintain the neutrality and integrity of humanitarian assistance, consistent with respect for the sovereignty of the Republic of Sudan;”*

It is worth-mentioning that the humanitarian track, as a matter of utmost urgency and as per international humanitarian law and our previous experiences in Sudan, and in particular the OLS and Bergenstock agreement, should not be conditioned to the political agenda of either party as we have witnessed in this round of talks. We are here to implement the tripartite proposal as stipulated in the UNSC res. 2046 and the AUPSC road map and

subsequent AU communiqués. Denying access to the needy civilian populations remains a war crime in the international humanitarian law.

On the Political Track:

Given the long experience with successive regimes in Khartoum and in particular the NCP government over nearly a quarter of a century, the SPLM-N believes strongly that piecemeal solutions are a recipe for reproducing conflict and crises. Yet, the SPLM-N believes that the implementation of the UNSC res. 2046 should pave the way for a comprehensive national settlement that shall include all political forces, civil society (youth, women, students and trade unions) to address the historical question (How Sudan should be ruled before who rules it), through an inclusive national constitutional process.

In order to achieve a meaningful political process, the UNSC res. 2046 stated that the UNSC “Decides that the Government of Sudan and the SPLM-North shall extend full cooperation to the AUHIP and the Chair of IGAD, to reach a negotiated settlement on the basis of the June 28, 2011 Framework Agreement on Political Partnership between NCP and SPLM-N and Political and Security Arrangements in Blue Nile and Southern Kordofan States;”

Committed to implementing article (3) above, however, would require, before any direct engagement between the two parties, ground levelling for smooth and healthy engagement. The GoS and the ruling NCP party should be asked to remove all unilateral decisions and decrees that abrogated the June 28, 2011 Framework Agreement and have placed SPLM-N in a disadvantage; by addressing the following procedural and substantive matters:

- a. The government of Sudan to issue a public statement to recognise the June 28, 2011 Framework agreement to regain the necessary public confidence and momentum after being disowned and denounced.
- b. To immediately remove the unconstitutional ban on the SPLM-N and recognising it as a legal political party to qualify as a partner in this process as stipulated in article 2 of the 28 June Agreement, below:

2. The Parties affirm the right of the SPLMN to continue as a legal political party in Sudan.

- c. Release all political prisoners.
- d. Agree to an independent fact finding mission to investigation all human rights violations committed in Southern Kordofan and Blue Nile state in particular and in Sudan at large.
- e. Return all assets and properties of the SPLM-N confiscated by the GoS.
- f. Issuing a presidential decree to reinstate the elected governor of Blue Nile State who signed on behalf the SPLM-N on the June 28, 2011 Framework Agreement and unconstitutionally removed.
- g. Agreeing on a new procedure and guarantees that would ensure that any future agreement shall be respected and implemented.

Addressing the above-mentioned requirements through the engagement of the panel with the parties separately until the ground levelled for to two parties to engage directly.

The Two Areas:

The political and security committees stipulated in the June 28, 2011 Framework Agreement shall deal with the Political and Security issues of the two areas. Moreover, consistent with the broad national dialogue the Addis Ababa Framework Agreement is pursuing, the SPLM-N suggest similar Committees to address the grievances of particular areas: of Darfur, Eastern Sudan, the Dams Areas, Northern Kordofan, Gezira Scheme, etc.

The Transitional Period:

- The national constitutional dialogue should open the way to an inclusive transitional government to implement a national programme that would lead to start building a new democratic Sudanese state of equal citizenship.
- Likewise, there is a need for an inclusive regional constitutional process in the various regions of the Sudan that will define the relations between the centre and the regions/states that would address important issues in the respective regions such as land, reconciliations and healing, etc
- An agreed national formula on the issues of genocide, war crimes and human rights violations that seeks justice and close the door for impunity and the recognise international standards is required.
- Restructuring of the Sudanese army and the security organs to reflect their national character to avoid the negative experience of the past is required in order to have a single Sudan army and security organs.
- The economy of Sudan remain a cardinal issue for the prosperity and progress of a social welfare State of Sudan, a comprehensive end to the wars all over Sudan is key to the economy. It will enable the Sudanese to use the 70% of the budget currently used in war and security to be directed to basic services and development. In addition, the comprehensive end to the wars will enable Sudan government to retrieve its normal ties with regional and international and will finally to lifting of economic sanctions on Sudan as well as opening the rural areas of Sudan where the war current being waged for national and international investment.
- The objective of all parties should remain an honourable soft landing that shall transition Sudan from war to peace and from dictatorship to democracy.

Relations between the Two Sudans:

As per June 28, 2011 Framework Agreement, article 6.d below stated:

6. The Parties agree to form a joint committee to discuss issues of national concern. This committee shall include the following in its agenda:

d. Working to establish good relations with the neighbours and the international community, with a special emphasis on South Sudan.

- That will enhance the Sudanese economy and the Republic of South Sudan economy as well, given the mutual interests and the historical ties. The SPLM-N can play a vital positive role in this regard. Furthermore, integration plan between the border states of Sudan and South Sudan will further the common wealth and strengthen permanent peace and stability between the two countries. Sudanese States such as Blue Nile and Southern Kordofan/Nuba Mountains, as well as other border states, can serve as role models of cooperation and integration given the historical ties, existing social capital and strategic geopolitical location.
- The SPLM-N will pursue the objective of reuniting Sudans, a unity between two viable, democratic and independent States based on mutual interest of the two countries and the entire continent and global cooperation.

Conclusion:

The June 28 Framework agreements provided for an inclusive, holistic and national process in many of its articles such as: articles 3.f and 3.g and articles 6.a, 6.b and 6.c below:

f. Negotiations shall be undertaken in the context of broader dialogue and political processes at the national level, recognizing the importance of cooperation between the Parties for stability, development, democracy and constitutional reform in Sudan.

g. In pursuit of the above, the Parties shall work together towards an inclusive national process in the Republic of Sudan, aimed at constitutional reform.

6. The Parties agree to form a joint committee to discuss issues of national concern. This committee shall include the following in its agenda:

- a. An inclusive constitutional review process, including mechanism, timeframe, and guiding principles based on citizenship, democracy, and recognition of the diversity of Sudan.
- b. The relationship between the centre and the states.
- c. Preservation of relevant articles in CPA Chapter II and Interim National Constitution as the foundation of a new constitution.

The SPLM-N would like to underline that the above two articles shall guide the future engagement and open the way for an inclusive national political process.

Finally it has been proven beyond doubt that no matter how the agreement between the NCP government and any other party is beautiful, the real hurdle remain in the implementation. The present set up of one party system continue to be unfavourable soil for any transformation and peaceful settlement that would lead to a permanent peace, democracy and equal citizenship State that will preserve the unity of Sudan in diversity. This is an arduous task which requires to be addressed in this process.

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