

## **15. Decision of the Libyan Arab Jamahiriya to abandon its weapons of mass destruction programmes**

### **Initial proceedings**

#### **Decision of 22 April 2004 (4949th meeting): statement by the President**

At its 4949th meeting, on 22 April 2004, the Security Council adopted as its agenda the item entitled “Decision of the Libyan Arab Jamahiriya to abandon its weapons of mass destruction programmes”.

The President (Germany) made a statement on behalf of the Council,<sup>1</sup> by which the Council, inter alia:

Welcomed the decision by the Socialist People’s Libyan Arab Jamahiriya to abandon its programmes for developing weapons of mass destruction and their means of delivery and the positive steps taken to fulfil its commitments and obligations, including its active cooperation with the International Atomic Energy Agency and the Organization for the Prohibition of Chemical Weapons;

Took note that in its resolution 2004/18 the Board of Governors of the International Atomic Energy Agency recognized the decision of the Socialist People’s Libyan Arab Jamahiriya as a step towards the realization of the goal of an Africa and a Middle East free of weapons of mass destruction and at peace.

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<sup>1</sup> S/PRST/2004/10.

## **16. Items relating to the Sudan**

### **A. Letter dated 25 May 2004 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council**

#### **Initial proceedings**

##### **Decision of 25 May 2004 (4978th meeting): statement by the President**

At its 4978th meeting, on 25 May 2004, the Security Council adopted as its agenda the item entitled “Letter dated 25 May 2004 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council (S/2004/425)”. In the letter, the representative of the Sudan, referring to his meeting with the President of the Council on 17 May 2004 on the humanitarian situation in Darfur, stated that the Government of the Sudan had taken a number of actions to facilitate the entry and clearance of equipment imported to be used for humanitarian purposes, including granting entry visas within

48 hours to all humanitarian workers from the United Nations, donors, the Red Cross and international non-governmental organizations and suspending the travel permit requirement for Darfur. He noted that the Government of the Sudan had appealed to the African Union to expedite the deployment of ceasefire observers as an important step in further facilitating humanitarian activities. It had also appealed to the population of Darfur to return to their villages, reaffirming its commitment to provide security and protection. He also reiterated the commitment of his Government to continue its full cooperation with the United Nations and the international community in its quest to alleviate the humanitarian situation of its citizens.

The President (Pakistan) made a statement on behalf of the Council,<sup>1</sup> by which the Council, *inter alia*:

Expressed its grave concern over the deteriorating humanitarian and human rights situation and at the continuing reports of large-scale violations of human rights and of international humanitarian law in Darfur (Sudan);

Reiterated its call on the parties to ensure the protection of civilians and to facilitate humanitarian access to the affected population;

Emphasized the urgent need for all parties to observe the ceasefire and to take immediate measures to end the violence;

Welcomed the announcement by the Government of the Sudan that it would issue visas to all humanitarian workers within 48 hours of application;

Called upon the international community to respond rapidly and effectively to the consolidated appeal for Darfur;

Affirmed the need for the immediate appointment and appropriate accreditation of a permanent Resident Coordinator/Humanitarian Coordinator;

Encouraged the parties to step up their efforts to reach a political settlement to their dispute in the interest of the unity and sovereignty of the Sudan.

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<sup>1</sup> S/PRST/2004/18.

## B. Reports of the Secretary-General on the Sudan

### Initial proceedings

#### **Decision of 11 June 2004 (4988th meeting): resolution 1547 (2004)**

At its 4988th meeting,<sup>2</sup> on 11 June 2004, the Security Council adopted as its agenda the item entitled “Report of the Secretary-General on the Sudan (S/2004/453)”. The representative of the Sudan was invited to participate in the discussion. The President (Philippines) drew the attention of the Council to the report of the Secretary-General dated 3 June 2004.<sup>3</sup> In his report, following a request by the Council to initiate preparatory work on how the United Nations could fully support the implementation of a comprehensive peace agreement between the Government of the Sudan and the Sudan People’s Liberation Movement/Army (SPLM/A), the Secretary-General observed that the recent signing of the protocols on power-sharing, on the areas of the Nuba Mountains and Southern Blue Nile, and on Abyei, had given a real prospect for peace in the Sudan. He therefore recommended the deployment of an advance team, for an initial period of three months and under

the authority of a Special Representative of the Secretary-General, that would show the commitment of the international community to assist the parties and would also enhance the ability of the United Nations to engage quickly in assisting the Sudanese people in the transition to peace. The Secretary-General called on the parties to respect their commitments by implementing their agreements in good faith and by using their influence to ensure a complete halt to fighting, and also called upon the international community to continue to play its part during the final phase of negotiations and during the interim periods that would follow a comprehensive peace agreement. Observing that the situation in Darfur was catastrophic, the Secretary-General noted that a meaningful agreement on Darfur would be fundamental to the success of a future United Nations role in the Sudan, as to conduct a consent-based monitoring and verification operation in one part of the country while there was ongoing conflict in another part would prove politically unsustainable inside the Sudan and internationally, and therefore urged the parties to the conflict to conclude a political agreement without delay.

Statements were made by the representatives of Algeria, Germany, Pakistan, the United Kingdom and the United States. The President drew the attention of the Council to a draft resolution submitted by the United Kingdom;<sup>4</sup> it was put to the vote and adopted

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<sup>2</sup> During this period, in addition to the meetings covered in this section, the Council held a number of meetings in private with the troop-contributing countries to the United Nations Mission in the Sudan, pursuant to resolution 1353 (2001), annex II, sections A and B. The meetings were held on 21 September 2005 (5265th), 21 March 2006 (5391st), 18 September 2006 (5527th), 23 April 2007 (5666th) and 29 October 2007 (5771).

<sup>3</sup> S/2004/453, submitted pursuant to the statement by the President of 10 October 2003 (S/PRST/2003/16).

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<sup>4</sup> S/2004/473.

unanimously as resolution 1547 (2004), by which the Council, *inter alia*:

Welcomed the Secretary-General's proposal to establish a United Nations advance team in the Sudan as a special political mission;

Endorsed the Secretary-General's proposals for the staffing of the advance team, and in this regard requested the Secretary-General to conclude all necessary agreements with the Government of the Sudan as expeditiously as possible;

Declared its readiness to consider establishing a United Nations peace support operation to support the implementation of a comprehensive peace agreement, and requested the Secretary-General to submit to the Council recommendations for the size, structure, and mandate of this operation, as soon as possible after the signing of a Comprehensive Peace Agreement;

Endorsed the conclusions of the Secretary-General with regard to the situation in the Sudan, in particular Darfur and the Upper Nile, as set out in paragraph 22 of his report;

Called upon the parties to use their influence to bring an immediate halt to the fighting in the Darfur region, in the Upper Nile and elsewhere;

Requested the Secretary-General to keep it informed of developments in the Sudan.

Speaking after the vote, most representatives welcomed the progress made in the north-south peace talks for the Sudan (the Naivasha peace process), led by the Intergovernmental Authority on Development (IGAD), and welcomed the commitment of the United Nations to support the peace process as recommended by the Secretary-General.

The representatives of the United Kingdom and Germany welcomed the fact that the Council had demonstrated its unanimous support for the north-south peace agreement process for the Sudan and hoped to see similar progress in the difficult situation in Darfur.<sup>5</sup> In particular, the representative of Germany observed that a sustainable peace would only be possible when all conflicts in the Sudan had been resolved, including the widespread violations of human rights.<sup>6</sup> The representative of the United States, echoing the statement issued earlier by the leaders of the Group of Eight, urged the Government of the Sudan and SPLM/A to reach a comprehensive agreement that would include a timetable and security arrangements as quickly as possible. He also echoed the concern

expressed by the Group of Eight over the humanitarian, human rights and political crisis in Darfur, and welcomed the announcement by the Government of the Sudan that restrictions on humanitarian access would be eased.<sup>7</sup>

The representative of Algeria called for mobilization of all resources to accompany the peace process under way in southern Sudan in order to avoid the possibility of failure. He stated that his delegation would have liked the resolution to have guaranteed ongoing international mobilization to accompany the peace process. He fully endorsed the Secretary-General's recommendations, particularly those pertaining to the deployment of an advance team, with the prospect of establishing a United Nations operation after the conclusion of a comprehensive peace agreement in southern Sudan.<sup>8</sup>

Recalling that the cooperation of the relevant parties was vital for the implementation of any peace agreement, the representative of Pakistan stated that it was important to keep the Government of the Sudan engaged in the process. He noted that the resolution referred to the problems in Darfur, where there was a humanitarian crisis initiated by an armed rebellion and escalated by the response. He argued that what was important was for the international community to respond generously to the humanitarian crisis. He recalled that, as a State Member of the United Nations, the Sudan had all the rights and privileges under the Charter, including sovereignty and territorial integrity. Observing that long-term peace and unity in the Sudan were in the interest not only of its own people, but also of the international community, he stressed that it should be a matter of principle that any country concerned in any issue under the Council's discussion should have the right to participate and to speak in the Security Council and the Council should not have denied it in this case.<sup>9</sup>

**Decision of 30 July 2004 (5015th meeting):  
resolution 1556 (2004)**

At its 5015th meeting, on 30 July 2004, the Council continued its consideration of the report of the Secretary-General dated 3 June 2004.<sup>10</sup> The President

<sup>5</sup> S/PV.4988, p. 2 (United Kingdom); and pp. 2-3 (Germany).

<sup>6</sup> *Ibid.*, p. 2.

<sup>7</sup> *Ibid.*, p. 3.

<sup>8</sup> *Ibid.*, pp. 3-4.

<sup>9</sup> *Ibid.*, p. 4.

<sup>10</sup> S/2004/453.

(Romania) drew the attention of the Council to the following documents: a draft resolution submitted by Chile, France, Germany, Romania, Spain, the United Kingdom and the United States;<sup>11</sup> letters dated, respectively, 12 and 27 July 2004, from the representative of Nigeria, in his capacity as Chairman of the African Union, transmitting the communiqués adopted by the Peace and Security Council of the African Union on 4 and 27 July 2004;<sup>12</sup> and a letter dated 22 June 2004 from the representative of the Sudan, informing the Council about a number of measures adopted by the President of the Sudan in relation to the situation in Darfur.<sup>13</sup>

Statements were made by most Council members and the representative of the Sudan.

Speaking before the vote, the representative of China stated that a satisfactory resolution of the political situation in Darfur would require three elements: first, the speedy alleviation of the severe humanitarian situation; secondly, the expediting of political negotiations to reach, as soon as possible, a comprehensive agreement based on respect for the Sudan's sovereignty and territorial integrity; and, thirdly, expeditious assistance by the international community. Expressing the hope that the Government of the Sudan would continue to honour its commitment to disarm the Janjaweed militia and other illegal groups, he held that the Government bore the primary responsibility to resolve the situation in Darfur and that the international community should make every effort to assist in this regard. Noting that the draft resolution under consideration by the Council still included mandatory measures against the Government of the Sudan, he believed that, since the parties were speeding up diplomatic efforts, such measures could not be helpful in resolving the situation in Darfur and might further complicate it. Regretting that the sponsors of the resolution had not taken seriously into consideration the concerns put forward by his delegation, the representative of China stated that his country would abstain in the voting of the draft resolution.<sup>14</sup>

The draft resolution was then put to a vote; it received 13 votes to none, with 2 abstentions (China,

Pakistan), and was adopted as resolution 1556 (2004), by which the Council, acting under Chapter VII of the Charter of the United Nations, *inter alia*:

Endorsed the deployment of international monitors to the Darfur region of the Sudan under the leadership of the African Union;

Urged Member States to provide personnel and other assistance including financing, supplies, transport, command support and communications;

Demanded that the Sudan fulfil its commitments to disarm the militias and requested the Secretary-General to report in 30 days and monthly thereafter on progress made;

Decided that all States should take the necessary measures to prevent the sale or supply of arms or related materiel of all types to entities operating in the Sudan, including technical training;

Decided that the measures imposed should not apply to supplies and related technical training and assistance to monitoring, verification or peace support operations; or supplies of non-lethal military equipment for humanitarian or human rights monitoring or supplies of protective clothing for United Nations and humanitarian personnel;

Requested the Secretary-General to activate inter-agency humanitarian mechanisms;

Extended the special political mission for an additional 90 days, to 10 December 2004, and requested the Secretary-General to incorporate into the mission contingency planning for the Darfur region.

Speaking after the vote, Council members who had voted in favour of the draft resolution, *inter alia*, expressed satisfaction that the resolution had been adopted since the gravity of the situation in Darfur called for a clear and urgent response by the Council; stressed that the resolution underlined in particular the Council's commitment to ensure that the Government of the Sudan fulfilled its duty to protect its own citizens; underlined the need for the Government of the Sudan to implement all the commitments it had made in its joint communiqué with the United Nations signed on 3 July 2004; expressed the hope that the situation on the ground would be greatly improved and that humanitarian assistance would reach all the people in need by the time of the next review; further expressed the hope that significant progress would be made in the political process and in establishing credible security conditions for civilians and humanitarian actors, and in disarming the Janjaweed militias and bringing their leaders to justice; and emphasized and welcomed the

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<sup>11</sup> S/2004/611.

<sup>12</sup> S/2004/561 and S/2004/603.

<sup>13</sup> S/2004/513.

<sup>14</sup> S/PV.5015, pp. 2-3.

crucial role of the African Union both at the political and peacekeeping level.

Noting that resolution 1556 (2004) was the necessary response to help save the people of Darfur, the representative of the United States stated that the responsibility for the humanitarian disaster lay with the Government of the Sudan, which had not met the commitments undertaken in the joint communiqué with the Secretary-General to address the situation in Darfur. Against this background, he explained that the resolution, while not labelling the present situation in Darfur as genocide, did explicitly condemn acts of violence “with an ethnic dimension” and anticipated sanctions against the Government of the Sudan if the regular monthly cycle of reporting revealed a lack of compliance. He therefore added that the resolution gave the Government of the Sudan one small window of opportunity to improve the situation dramatically “in days and weeks, not months or years”.<sup>15</sup> The representative of the United Kingdom, echoed by the representative of France, stated that the message to the Government of the Sudan and the rebels should be clear and firm and that, if commitments were not met and peace talks were not entered into constructively and in good faith, and if the atrocities did not end, the Council, when reviewing progress the following month, would be considering measures as provided for in Article 41 of the Charter.<sup>16</sup> Similarly, the representative of Spain stated that if the Government of the Sudan did not fulfil its commitments, the Council must be prepared to adopt all measures necessary to guarantee the fulfilment of those commitments,<sup>17</sup> while the representative of Germany stated that the Council explicitly reserved the right to impose sanctions if the Government of the Sudan failed to act rapidly.<sup>18</sup>

On the other hand, the representative of Pakistan explained that his delegation was not in a position to support the resolution since his country did not believe that the threat or imposition of sanctions against the Government of the Sudan was advisable. Believing that the Security Council would not need to take such further measures, and echoed by the representative of the Philippines, he looked forward to the report of the Secretary-General to be issued in 30 days, which, he hoped, would confirm that the Government of the

Sudan and the rebel groups were complying with their commitments and obligations.<sup>19</sup> The representative of Pakistan welcomed the emphasis contained in the resolution on the need for a political solution to the Darfur crisis, as well the reference to the principle of preserving the territorial integrity of the Sudan. However, echoed by the representative of Brazil, he did not believe that the adoption of the entire resolution under Chapter VII was necessary.<sup>20</sup> The representative of Brazil added that although he recognized the reference to Article 41 of the Charter as a compromise, he believed that the text should have made clear that measures such as those envisaged in Article 41 should be adopted solely for the purpose of giving effect to the decisions of the Security Council contained in the resolution.<sup>21</sup>

The representative of the Russian Federation said that it was of fundamental importance that resolution 1556 (2004) did not foresee further Security Council action with regard to Darfur, which could only be taken to implement the Council’s decisions in the light of further developments in the situation and on the basis of relevant recommendations of the Secretary-General. He expressed the hope that the Council was sending a clear signal to the Government of the Sudan and the rebels regarding the need to implement quickly the commitments made.<sup>22</sup>

The representative of Algeria, speaking on behalf of the three countries representing Africa on the Council, namely, Angola, Benin and his own country, stated that his delegation had supported the resolution in the belief that the international community could not remain passive and indifferent to the humanitarian crisis unfolding in Darfur. He was satisfied that the resolution contained strong and unequivocal support for and endorsement of the African Union’s leadership role and the various dimensions of its engagement in Darfur, including humanitarian, military and political, with the deployment of monitors and a protection force. He added that the resolution also supported the possibility of the African Union creating a full-fledged peacekeeping operation and sponsoring talks between the Government of the Sudan and the rebel groups,

<sup>15</sup> Ibid., pp. 3-5.

<sup>16</sup> Ibid., p. 5.

<sup>17</sup> Ibid., p. 8 (United Kingdom); and p. 9 (France).

<sup>18</sup> Ibid., p. 7.

<sup>19</sup> Ibid., pp. 9-10 (Pakistan); p. 11 (Philippines).

<sup>20</sup> Ibid., p. 10 (Pakistan); p. 8 (Brazil).

<sup>21</sup> Ibid., p. 8.

<sup>22</sup> Ibid., pp. 6-7.

with a view to reaching a political solution to the tensions in Darfur.<sup>23</sup>

The representative of the Sudan regretted the adoption of the resolution at a time when his Government was acting quickly to implement its agreement with the United Nations to address the situation in Darfur. He explained that his Government had sought to deal with the rebel groups through serious dialogue with the international community and had engaged in a constructive effort in good faith with the United Nations, as well as bilaterally with members of the international community, as established in the joint communiqué of 3 July 2004. Noting that his Government had started to implement the obligations contained in the joint communiqué, covering humanitarian, human rights, security and political issues, he stated that his Government had fulfilled all its commitments related to humanitarian issues and had established an independent investigation commission into human rights violations. He further regretted that, contrary to resolution 1547 (2004), which was adopted under Chapter VI of the Charter, resolution 1556 (2004) was adopted under Chapter VII. Nevertheless, he concluded that, despite such elements, his Government would comply with the provisions of the resolution, would continue its efforts to mitigate the suffering of civilians in Darfur and restore stability, and would redouble its efforts to ensure a peaceful settlement of the problem.<sup>24</sup>

**Decision of 18 September 2004 (5040th meeting): resolution 1564 (2004)**

At its 5027th meeting, on 2 September 2004, the Council included in its agenda the report of the Secretary-General dated 30 August 2004.<sup>25</sup> In his report, observing that the conflict in Darfur had resulted in the forced displacement of more than 1.3 million people within Darfur and across the border to Chad, the Secretary-General noted that, although certain measures taken by the Government of the Sudan in accordance with the joint communiqué of 3 July 2004 and the Darfur Plan of Action had resulted in some progress, the Government of the Sudan had not fully met its obligation to stop attacks against civilians and ensure their protection and had not taken concrete

steps to bring to justice or identify any of the militia leaders or the perpetrators of the attacks, allowing the violations of human rights and the basic laws of war to continue in a climate of impunity. Recalling that, in both the joint communiqué and the Plan of Action, the Government had promised to resume the political talks on Darfur to reach a comprehensive solution acceptable to all parties in the conflict, the Secretary-General reported that the search for a political solution on Darfur was currently under way at the Abuja peace talks and urged the parties to continue and redouble their efforts, with the assistance of the African Union and the other international mediators, and to exercise maximum restraint on the ground and fully respect the Humanitarian Ceasefire Agreement. The Secretary-General believed that a substantially increased international presence in Darfur was required as quickly as possible to help decrease the level of violence and enhance the protection of the civilian population, particularly those who had been displaced, as well as to monitor more effectively the implementation of the parties' commitments, including those under the Humanitarian Ceasefire Agreement. By providing the population with an increased sense of security and protection, he added, a sizeable international presence would ease the level of tension, and create the necessary conditions for the population of Darfur to start their own reconciliation process and permit a voluntary and safe return, although not any time soon, of the displaced people. Lastly, the Secretary-General recalled that the crisis in Darfur could not be seen in isolation from the search for a comprehensive peace in the Sudan, therefore requiring simultaneous efforts by all concerned to restart and conclude the Naivasha peace talks as soon as possible in order to prove that peace negotiations could indeed produce results. Noting that the outcome of the talks in Naivasha could serve as a model for the talks on Darfur and instil more confidence among the rebels in the process, the Secretary-General concluded that any effort to make the conclusion of the IGAD-led process conditional on an end to the crisis in Darfur would be counterproductive, with consequences that could further destabilize the country and the region, and ultimately prolong the crisis in Darfur.

The Council heard a briefing by the Special Representative of the Secretary-General for the Sudan and head of the peace support operation. The President (Spain) drew the attention of the Council to a letter dated 19 August 2004 from the representative of the

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<sup>23</sup> Ibid., pp. 5-6.

<sup>24</sup> Ibid., pp. 11-15.

<sup>25</sup> S/2004/703, submitted pursuant to paragraphs 6 and 13 to 16 of resolution 1556 (2004).

Sudan, transmitting a message from the Minister for Foreign Affairs regarding the situation in Darfur and Security Council resolution 1556 (2004);<sup>26</sup> a letter dated 31 August 2004 from the representative of the Sudan, enclosing a letter from the Minister for Foreign Affairs regarding the measures taken by the Government of the Sudan in compliance with resolution 1556 (2004) and the Darfur Plan of Action;<sup>27</sup> and a letter dated 18 August 2004 from the Permanent Observer of the League of Arab States (LAS) addressed to the Secretary-General, transmitting the outcome of the extraordinary session of the Ministerial Council of LAS held on 8 August 2004 concerning the situation in Darfur.<sup>28</sup>

In his briefing, the Special Representative of the Secretary-General for the Sudan informed Council members that through intensive discussions within the framework of the Joint Implementation Mechanism, the United Nations and its partners had been able to maintain pressure on the Government of the Sudan, while also offering to help in meeting the initial requirements contained in resolution 1556 (2004). Affirming that the Government had made progress in this respect, the Special Representative specified, *inter alia*, that it had improved security in some areas with concentration of internally displaced persons; had ceased all offensive military operations in these areas; had accepted international human rights monitoring and had established national mechanisms to investigate abuses; and had engaged in negotiations with rebel movements without pre-conditions. He emphasized, however, that the Government had not met its commitments in two key areas: it had not been able to stop attacks by militias against civilians, or to disarm those militias; and had not taken any concrete steps to bring to justice, or even identify, any militia leaders or perpetrators of those attacks. Affirming the responsibility of the Government to protect its people against attacks and violations of human rights, he urged the Government, if unable to fully protect its citizens by itself, to seek assistance from the international community. At minimum, he added, this would mean interpreting the monitoring mandate more broadly in order to cover the implementation of all agreements and be more pro-active. He therefore indicated that an expanded African Union mission in

Darfur could provide a path towards that end that was independent from the parties, widespread, neutral, efficient and reliably backed by logistics and resources supplied by the international community. Echoing the report of the Secretary-General and affirming that there could be no end to the suffering in Darfur without a political settlement leading towards sustainable peace, he urged the parties to stay at the negotiation table and to seek assistance from the African Union and United Nations facilitators and mediators.<sup>29</sup>

At its 5040th meeting, on 18 September 2004, the Council continued its consideration of the report of the Secretary-General dated 30 August 2004.<sup>30</sup> The President (Spain), drew the attention of the Council to a draft resolution submitted by Germany, Romania, Spain, the United Kingdom and the United States;<sup>31</sup> and to a letter dated 16 September 2004 from the representatives of Australia, Canada and New Zealand, requesting the Security Council to take a number of actions which included, *inter alia*, the support of an expanded African Union mission, the establishment of clear benchmarks in terms of actions expected by the Government of the Sudan, and the establishment by the Secretary-General of an impartial commission of experts to investigate violations of war crimes and crimes against humanity.<sup>32</sup> Statements were made by Council members as well as the representative of the Sudan.<sup>33</sup>

Speaking before the vote, the representative of Algeria stated that, in the light of the progress made by the Government of the Sudan in implementing its obligations under resolution 1556 (2004), his delegation would have expected the Security Council to take note of the progress and urge the Government of the Sudan to undertake further efforts in areas where shortcomings had been emphasized, particularly in the area of security. He added that his delegation did not expect the Council to again threaten the use of sanctions against the Government of the Sudan. He therefore observed that, despite some improvements made to the text of the draft resolution, the latter continued to pose problems for a number of reasons.

<sup>29</sup> S/PV.5027, pp. 2-5.

<sup>30</sup> S/2004/703.

<sup>31</sup> S/2004/744.

<sup>32</sup> S/2004/739.

<sup>33</sup> The representative of Angola did not make a statement at the meeting. The Secretary-General was present but did not make a statement.

<sup>26</sup> S/2004/671.

<sup>27</sup> S/2004/701.

<sup>28</sup> S/2004/674.

First, the draft resolution did not take into account the positive steps taken by the Government of the Sudan, but rather exclusively highlighted the shortcomings detected in the implementation of the Government's commitments. Second, the draft resolution foresaw the use of sanctions in reaction not only to non-compliance with the Council resolution, but also if there was a lack of cooperation with the African Union concerning the extension of its mandate, even though the Government had requested that the latter's mission be extended and strengthened and had committed itself to serious cooperation with the United Nations and the African Union. Third, the text called for the establishment of an international commission of inquiry charged with determining whether genocide had been committed in Darfur, despite the fact that the international community had deliberately set aside that question, at least for the time being, in order to avoid jeopardizing the provision of humanitarian aid. Regretting that the sponsors of the draft resolution had not shown flexibility on the aforementioned points, the representative of Algeria stated that, although recognizing some of the highly positive elements of the draft resolution, his delegation would abstain from the vote.<sup>34</sup>

The President then put the draft resolution to the vote; it received 11 votes to none, with 4 abstentions (Algeria, China, Pakistan, Russian Federation), and was adopted as resolution 1564 (2004), by which the Council, acting under Chapter VII of the Charter, inter alia:

Declared its grave concern that the Government of the Sudan had not fully met its obligations noted in resolution 1556 (2004) and deplored the recent ceasefire violations by all parties;

Urged the Government of the Sudan and SPLM to conclude a comprehensive peace accord expeditiously as a critical step towards the development of a peaceful and prosperous Sudan;

Demanded that the Government of the Sudan submit to the African Union mission for verification documentation, particularly the names of those arrested for human rights abuses and violations of international humanitarian law;

Demanded that all armed groups, including rebel forces, cease all violence;

Requested that the Secretary-General rapidly establish an international commission of inquiry in order immediately to

investigate reports of violations of international humanitarian law and human rights law in Darfur by all parties;

Declared that the Council, in the event the Government of the Sudan failed to comply fully with resolution 1556 (2004) or the present resolution should consider taking additional measures as contemplated in Article 41 of the Charter of United Nations.

Speaking after the vote, the representative of the Russian Federation, emphasizing that the Government of the Sudan had achieved a certain amount of progress in implementing its obligations under resolution 1556 (2004), stated that the threat of sanctions was far from the best method of inducing the Government to fully implement its obligations with the United Nations. Noting that only "approved diplomatic methods" should be used, he held that linking sanctions with the peacebuilding efforts of the African Union was counterproductive and, therefore, stated that his delegation was unable to support the draft resolution.<sup>35</sup>

Observing that the situation in Darfur was gradually improving, the representative of China was of the view that the Council and the international community should focus on encouraging the Government of the Sudan to continue to cooperate, rather than doing the opposite, and fully support the mediation efforts of the African Union, rather than increase its difficulties. He added that the Council should also work for an early agreement with a view to achieving a political solution between the Government and the rebels rather than sending the wrong signals and making negotiations difficult. For those reasons, he observed that his delegation had serious reservations about the text of the resolution, expressing concern that it would not contribute to a solution. Nevertheless, he added, since a key element of the current work of the Council was to support the African Union in extending its deployment in Darfur, his delegation had refrained from blocking the text. Taking note of the fact that the sponsors had repeatedly stated that the threat of sanctions would not be automatically implemented, the representative of China reiterated that his country's position against sanctions remained unchanged, consistent with the view that instead of helping resolve problems, they made them more complicated. Expressing his support for the expansion of the African Union's deployment in Darfur, he continued to believe that only a political settlement, achieved through

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<sup>34</sup> S/PV.5040, pp. 2-3.

<sup>35</sup> *Ibid.*, p. 4.



negotiation, would lead to a final resolution of the crisis in Darfur.<sup>36</sup>

Recalling that the resolution failed to recognize the progress made by the Government of the Sudan, the representative of Pakistan held that his delegation could not endorse the use or threat of sanctions, which he believed would be unhelpful, and therefore had abstained from the vote on the resolution. Adding that the impact of the threat of sanctions directed explicitly and solely against the Government of the Sudan could have a broader potential impact than resolution 1556 (2004), he stated that, apart from being unfair, such a threat might provoke a response that would be counterproductive, threatening international humanitarian relief, hardening the position of the rebels and eroding the mediation efforts of the African Union.<sup>37</sup>

In their statements, the other speakers generally welcomed the adoption of the resolution; expressed the hope that the resolution would serve the purpose of relieving the suffering of the civilian population in Darfur; regretted that the Government of the Sudan had not fulfilled its commitments, in particular those concerning the disarmament of the Janjaweed, the protection of the civilian population, and the bringing to trial of those responsible for war crimes and crimes against humanity; urged the Government of the Sudan to fulfil its commitments under resolution 1556 (2004); supported the work of the African Union both in its efforts to facilitate a political agreement between the rebels and the Government of the Sudan and the role of the African Union mission; and underlined the importance of establishing a commission of inquiry to help ensure that those who were responsible for war crimes and crimes against humanity were brought to justice.

The representative of the United States observed that the purpose of resolution 1564 (2004) was mainly threefold: first, to fully back the African Union in undertaking an increased mission in Darfur; second, to call for the urgent completion of the north-south Naivasha negotiations as well as the Darfur negotiations in Abuja; and third, to encourage the international community to fulfil its pledges of humanitarian assistance to Darfur. Noting that action was necessary because the Government of the Sudan

had failed to fully comply with resolution 1556 (2004), he recalled that the resolution stated that if the Government of the Sudan continued to persecute its people and did not cooperate fully with the African Union, the Council would have to consider sanctions against it and against individuals responsible for the crisis.<sup>38</sup>

The representative of Germany, echoed by the representatives of France and the United Kingdom, observed that there had been some progress made by the Government of the Sudan in fulfilling its commitments, although its scope had been limited particularly with regard to the disarmament of the Janjaweed, the prosecution of human rights violations and the overall security situation for the population and the internally displaced persons in Darfur.<sup>39</sup> Observing that resolution 1564 (2004) struck the right balance between the application of pressure, which included the threat of sanctions without creating any automaticity, and the need for dialogue, the representative of Germany, supported by the representative of the United Kingdom, stated that pressure should be exerted on the Sudan in order to achieve the fulfilment of its responsibility to protect its own population. Stressing that the main point of the resolution was to support the role of the African Union in solving the crisis in Darfur and to obtain the cooperation of the Government of the Sudan with an expanded African Union mission, he noted that the Government of the Sudan should quickly take advantage of the present opportunity and demonstrate that it was prepared to take steps in the right direction, and concluded that the Council would have to keep the situation in the Sudan under close scrutiny in the coming weeks.<sup>40</sup>

Similarly, the representative of France, in supporting the adoption of resolution 1564 (2004), stated that in order to pursue the sole objective of saving human lives, the Council should act resolutely and responsibly, exerting strong pressure on the Government of the Sudan and energetically supporting the African Union, whose role was essential if the requirements of the international community were to be met and the necessary cooperation of the Government of the Sudan was to be secured.

<sup>36</sup> Ibid., pp. 4-5.

<sup>37</sup> Ibid., pp. 6-7.

<sup>38</sup> Ibid., pp. 5-6.

<sup>39</sup> Ibid., p. 7 (Germany); p. 8 (France); and p. 9 (United Kingdom).

<sup>40</sup> Ibid., pp. 7-8 (Germany); and p. 9 (United Kingdom).

Nevertheless, as also noted by the representative of Benin, he had hoped the resolution would have received a higher number of favourable votes, given the importance of a united Security Council on such an issue.<sup>41</sup>

Echoed by the representative of Brazil, the representative of Benin supported the lead role of the African Union and voiced regret that a reference to Chapter VIII of the Charter, which would have highlighted the cooperation between the United Nations and the regional organization, had not been included in the text of resolution 1564 (2004). He also noted that the reference to the petroleum sector with respect to the threat of sanctions had lessened the prospect of a consensus given the controversial interpretations to which it might be subject.<sup>42</sup>

Observing that the situation in Darfur remained extremely serious, the representative of the United Kingdom stated that it was appropriate for the Council to consider the issue under Chapter VII of the Charter. Recognizing that the progress achieved so far by the Government of the Sudan was provoked by the pressure of the international community, he believed that by repeating the clear threat of sanctions, the Council was underlining its commitment to ensuring that the Government of the Sudan achieved the targets set and met its responsibilities, the most basic of which was the protection of its own citizens. Adding that the resolution was equally addressed to the rebels, who were called upon to cooperate, he stressed that the resolution should not be interpreted as giving cover to the rebels to carry on their unacceptable behaviour.<sup>43</sup>

Noting that he had voted in favour of the draft resolution on the understanding that its main thrust was to save lives in Darfur, the representative of Brazil was of the view that the resolution could have also acknowledged other positive steps taken by the Government of the Sudan, particularly those concerning the beginning of disarmament, improved security in certain areas of internally displaced persons and the deployment of additional police forces to the region. He noted with interest that the resolution also addressed the issue of the Sudanese rebel groups. In his view, however, the “excessive use of Chapter VII as an umbrella” for the whole operative part of the resolution

ran the risk of misleading the parties concerned, which might understand that the peaceful settlement of disputes and diplomatic negotiations were not options considered by the Council. As for the possibility of the Council considering additional measures as contemplated by Article 41 of the Charter, the representative of Brazil stated that it was his understanding that the Council was not prejudging the nature of its substantive decision to be taken at an appropriate time.<sup>44</sup>

Considering resolution 1564 (2004) as a follow-up to resolution 1556 (2004), which had received wide support in the Council and which he considered the framework resolution for the Council’s consideration of the question of Darfur, the representative of Romania, joined by the representative of Spain, stated that the resolution was a fair balance between acknowledging progress and continuing to provide energetic and continuous engagement of the Sudan to fully comply with its commitments.<sup>45</sup> Recalling that the resolution contemplated the imposition of sanctions, he specified that it did not contemplate their automatic imposition, which remained a matter of an adequate and gradual approach in keeping with the evolution on the ground, since the Council should continue to work with the Government of the Sudan to implement its commitments.<sup>46</sup>

The representative of the Philippines recalled that a State had the responsibility to protect its citizens and, if unable or unwilling to do so, the international community, and in particular the Security Council, had the moral and legal authority to enable that State to assume such a responsibility.<sup>47</sup>

Acknowledging that resolution 1564 (2004) was balanced and pressured both the Government of the Sudan and the rebel groups to negotiate in good faith, the representative of Spain expressed hope that the Government’s promises to cooperate with the African Union would soon be fulfilled through “sufficient and well-defined steps”, since the crisis not only posed a threat to regional security, but also to international peace and security which, in turn, required the

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<sup>41</sup> Ibid., p. 8 (France); and p. 8 (Benin).

<sup>42</sup> Ibid., p. 8 (Benin); and p. 10 (Brazil).

<sup>43</sup> Ibid., p. 9.

<sup>44</sup> Ibid., p. 10.

<sup>45</sup> Ibid., p. 11 (Romania); and p. 12 (Spain).

<sup>46</sup> Ibid., p. 11.

<sup>47</sup> Ibid., p. 12.

international community to assist in finding a solution.<sup>48</sup>

The representative of the Sudan, rejecting resolution 1564 (2004) as unfair, stated that his Government had shown that it had honoured its commitments and questioned whether the reference to sanctions in the resolution would help to resolve the problem or complicate it further. He stated that the quality of the resolution might have been improved by delaying its adoption since, as it stood, the resolution discouraged the people of Darfur from seeking a solution to the current crisis, rather than encouraging them to maintain cooperation and ongoing participation towards peace. Opining that the adoption of the resolution had undermined negotiations and the African Union's efforts, he added that proof of this was that the rebels had recently set impossible conditions, which had been drawn from the text of the draft resolution as originally submitted to the Council.<sup>49</sup>

**Deliberations of 5 October and 4 and  
18 November 2004 (5050th, 5071st and  
5080th meetings)**

At its 5050th meeting,<sup>50</sup> on 5 October 2004, the Council included in its agenda the report of the Secretary-General dated 28 September 2004.<sup>51</sup> In his report, the Secretary-General observed that the special political mission mandated by resolution 1547 (2004) had been in place for three months, due to its relatively speedy initial deployment, with a considerably expanded focus since the adoption of resolution 1556 (2004). The Secretary-General also reported that work was under way to establish a future peace support operation to help facilitate the implementation of a comprehensive peace agreement between the Government and SPLM/A, although he expected considerable logistical and political challenges. Welcoming the decision of the Government and SPLM/A to resume negotiations in the context of the IGAD-led peace process, the Secretary-General observed that the parties were standing on the

threshold of an agreement and should work together to agree to mutually acceptable implementation modalities for the pre-interim and interim periods that would follow a comprehensive peace agreement. Restating that the IGAD-led peace process was central to comprehensive peace in the Sudan, he noted that the peace process required an irreversible momentum and a defining agreement that would signal a break with the past. A successful conclusion of the peace process, he added, could be a catalyst to addressing the Darfur crisis and the wider problems of economic and political marginalization that adversely affected many in the Sudan, signalling to other marginalized peoples and groups in the Sudan, particularly the rebel groups in Darfur, that negotiation could succeed and peace could be attainable through political compromise. He therefore urged the parties to seize the opportunity before them and use it to ensure that a comprehensive and lasting peace could take hold throughout the Sudan.

The Council heard a briefing by the Special Representative of the Secretary-General for the Sudan and head of the peace support operation. The President (United Kingdom) drew the attention of the Council to the report of the Secretary-General dated 4 October 2004 on the Sudan.<sup>52</sup> In his report, the Secretary-General observed that despite the fact that the progress made by the Government of the Sudan had not been reversed, the Government had not fully met its obligations in key areas such as: the implementation of the ceasefire, the stopping of attacks on the civilian population, the disarmament of the militia and the prosecution of the perpetrators of atrocities. He noted that the most important step to be taken in the coming weeks was the beginning of the deployment of the expanded African Union force with a broad mandate, which could include, inter alia, the protection of the rights of internally displaced persons and refugees in their areas of origin; the safety of displaced persons in the camps and the safe and voluntary return of refugees and internally displaced persons to the areas of origin; monitoring the behaviour and actions of the police; and disarming fighters, including the Popular Defence Forces, the Janjaweed and other militia groups. Noting that the protection of civilians was a task belonging to the Government of the Sudan, he nevertheless observed

<sup>48</sup> Ibid., pp. 12-13.

<sup>49</sup> Ibid., pp. 13-15.

<sup>50</sup> At its 5046th meeting, held in private on 30 September 2004, the Council heard a briefing by the Minister for Foreign Affairs of the Sudan and had a constructive exchange of views.

<sup>51</sup> S/2004/763, submitted pursuant to paragraph 7 of resolution 1547 (2004).

<sup>52</sup> S/2004/787, submitted pursuant to paragraph 15 of resolution 1564 (2004) and paragraphs 6, 13 and 16 of resolution 1556 (2004).

that such a task could not be left to the Government alone, since too much confidence had been lost. He therefore emphasized that a third party, such as the African Union, could help to protect people by being present over a wide area and by acting as a deterrent. Turning to the Naivasha peace talks, the Secretary-General reiterated that, if successful, resumption of the north-south talks would contribute to the attainment of a political solution in Darfur, serving as a model. He therefore invited all parties to invest all their political energy in reaching a final result at the Naivasha peace talks and urged the international community to ensure that the momentum was sustained.

In his briefing on the situation in Darfur, the Special Representative of the Secretary-General and head of the peace support operation stated that the Sudan had still not met its commitments in the key areas of systematically improving the security of civilians and making progress towards ending impunity. Regretting that there were still breaches of the N'Djamena ceasefire on both sides, he was of the view that a truly respected ceasefire could only come from the Abuja peace talks. Despite the lack of progress in the key areas of security and impunity, the Special Representative of the Secretary-General noted that resolution 1564 (2004) had laid a good foundation for further progress on the political front through supporting an expanded African Union mission and paving the way for resumed political negotiations. Turning to the peace talks in Naivasha between the Government and SPLM/A, he suggested that to ensure that the momentum was sustained, the Council could send a small mission to observe the peace talks and make clear that the international community would not easily accept further delays or hindrances from either party. Noting also that the Abuja talks on Darfur had been only partially successful, he found it deplorable that those had not addressed the main issues of political objectives and future economic development, especially since the lack of development represented one of the root causes of the crisis in the region. He therefore outlined three conditions to be met in order to achieve a comprehensive and sustainable solution to the conflicts in the Sudan: first, political leaders should protect citizens and guarantee their rights; second, the constitutional and institutional framework of the Sudan should reflect its existing diversities; and third, an economic development policy which fairly distributed the country's resources should be pursued. In helping the Sudan meet those conditions, the Special

Representative of the Secretary-General stated that the international community should follow a long-term, comprehensive and unified strategy, which would include providing adequate humanitarian assistance; ensuring security and addressing root causes of the conflicts; creating conditions for a swift transition from relief and protection to rehabilitation, capacity-building and development; increasing financial assistance; supporting a comprehensive political solution, including through the use of the agreements reached in the north-south protocols as a model; pressuring the political leaders to change their policies towards the above objectives; and building confidence between opposing groups and preventing the conflicts from turning into general antagonism between people with different religious and ethnic backgrounds.<sup>53</sup>

At its 5071st meeting, on 4 November 2004, the Council included in its agenda the report of the Secretary-General dated 2 November 2004 on the Sudan.<sup>54</sup> In his report, the Secretary-General observed that, in spite of some progress in the peace talks, breaches of the ceasefire on an unacceptable scale had occurred including attacks and killings against civilians in Darfur. The failure of the Government to act convincingly to end impunity, as well as the increases in the numbers of internally displaced persons, he added, reflected the severity of the protection and security situation in Darfur. Recalling that the outcome of the north-south peace process could serve as a model for Darfur, he encouraged the international community to exercise a firm pressure on all parties to finalize the agreements by the end of the year and move to the implementation phase. He then added that negotiators at the north-south peace talks should commit themselves to working together to resolve the Darfur conflict immediately after the signature of the comprehensive agreement, for instance by strengthening and underpinning the political process already under way in Abuja. Observing that there was reluctance and distrust at the negotiation table in Abuja, he called on all parties and Member States with influence over the parties to reverse the worrisome trend. Finally, he called upon the Security Council to consider creative and prompt action to ensure effective

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<sup>53</sup> S/PV.5050, pp. 2-5.

<sup>54</sup> S/2004/881, submitted pursuant to paragraph 15 of resolution 1564 (2004) and paragraphs 6, 13 and 16 of resolution 1556 (2004).

implementation of the demands set out in its earlier resolutions.

The Council heard a briefing by the Special Representative of the Secretary-General for the Sudan and head of the peace support operation. He expressed concern that the political agreements reached at the negotiating table might come too late to stop the rising violence and human suffering in Darfur and feared that the situation in Darfur might become unmanageable, and might easily enter a state of anarchy, unless greater efforts were made both at the negotiating table and on the ground. He therefore stated that the situation could be reversed only by a three-pronged approach: the speedy deployment of the expanded African Union force to deter violations; the speeding up of all negotiation processes; and ensuring that political leaders were held accountable for ongoing violations of agreements and violence. In conclusion, reiterating that the protection of people was the obligation of the Government of the Sudan and that movements were bound by the same principles of humanitarian law as formally recognized Governments, the Special Representative of the Secretary-General said that it was also the duty of the international community to consider further action if the action taken so far proved to be insufficient.<sup>55</sup>

At the 5080th meeting, held in Nairobi, on 18 November 2004, statements were made by the President of Kenya, the Secretary-General, the First Vice-President of the Sudan, the representative of Nigeria in his capacity as Chair of the African Union, the Chairman of SPLM/A, and the President of Uganda in his capacity as Chairman of IGAD.

The President (United States) recalled that the Security Council was meeting in accordance with its resolution 1569 (2004). Observing that the location of the meeting was highly unusual, he stated that it was the demonstration of the very strong interest of the Council in the situation in the Sudan and its commitment to the country's future.<sup>56</sup>

The President of Kenya, encouraged by the fact that the Council had decided to meet in Nairobi, stated that the international community should remain seized of the Naivasha peace process until the end, as the only

way to demonstrate its commitment to the realization of enduring peace for the people of the Sudan.<sup>57</sup>

The Secretary-General welcomed the fact that the Council had taken the rare and highly symbolic step of meeting in Africa. With reference to the Naivasha peace process, he emphasized the importance of an early conclusion of the negotiations, before the end of the year between the Government of the Sudan and SPLM/A and of an immediate implementation of what had been agreed, to help curb the spread of conflict and as a basis for resolving other conflicts. Turning to the conflict in Darfur and welcoming the signing by the parties in Abuja of protocols on the humanitarian situation and on security, the Secretary-General called upon the parties to abide strictly by those agreements. At the same time, he regretted that the security situation in Darfur continued to deteriorate, as both the Government and the rebel groups had breached the ceasefire agreements. He therefore said that, when crimes on such a scale were being committed and when a sovereign State appeared unable or unwilling to protect its own citizens, the international community, and specifically the Security Council, had a responsibility to act. So far, he noted, the Council had decided to exercise its responsibility by demanding compliance with its mandatory resolutions, while giving its full support to the efforts of the African Union mediation and monitoring mission. After the conclusion of the Naivasha process, he said that it was time to quickly involve all Sudanese stakeholders in a national conference to discuss the future governance of the country, with the United Nations and the African Union joining to support the process.<sup>58</sup>

Recalling that the Government of the Sudan had made genuine efforts in the search of peace and had taken part in serious negotiations without any preconditions, the representative of the Sudan reiterated his country's support to finalizing the Naivasha peace process as soon as possible and looked forward to a genuine partnership with the international community in the implementation of the peace agreement. He concurred with the Secretary-General's view that the peace agreement would open the door to conducting a national dialogue to form a broad-based Government including other parties that were not party to the Naivasha negotiations. With reference to the

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<sup>55</sup> S/PV.5071, pp. 2-5.

<sup>56</sup> S/PV.5080, p. 2.

<sup>57</sup> *Ibid.*, p. 2.

<sup>58</sup> *Ibid.*, pp. 3-5.

situation in Darfur, reiterating his Government's commitment to all agreements reached in Abuja, he stated that the clear policy of his Government was to address the humanitarian situation, to end the fighting and all forms of hostility and to bring about sustainable development in the region. He also added that his country's vision of a political resolution in Darfur was based on the provisions of the Naivasha agreements and on the establishment of a foundation for decentralized government within a federal framework that provided the citizens of Darfur and the other peoples of the Sudan's governorates the ability to participate and to have additional authority in managing their own affairs.<sup>59</sup>

The representative of Nigeria, in his capacity as Chair of the African Union, called for a total and comprehensive engagement of the Security Council and the international community in the peace process in the Sudan. Urging the parties to continue to cooperate with the Council and the international community to facilitate effective implementation of the resolutions adopted by the Council, he supported the Secretary-General's recommendation that outstanding issues should not be allowed to prevent the successful completion of the peace talks, since any delay in resolving them would adversely affect the United Nations pre-deployment arrangements in southern Sudan and other conflict areas.<sup>60</sup>

The Chairman of SPLM/A reaffirmed the commitment of the movement to the peace process in the Sudan and to the Naivasha peace talks, assuring that SPLM/A was willing and prepared to work with the other party to swiftly complete and sign the framework comprehensive peace agreement in the shortest time possible. He then assured the Council that SPLM/A would seek to participate effectively in the coalition government of national unity and other levels of government to ensure the realization of a new political dispensation in the Sudan. He said that they were committed to the preservation of peace and the territorial integrity in the interim period, and to ensuring the holding of a free internationally monitored referendum on the right of self-determination for southern Sudan towards the end of the six-year interim period. Regarding the conflict in Darfur, recognizing that the situation was rapidly deteriorating, he held that

the only way forward would be to expedite the conclusion of the Naivasha peace talks and subsequently install a broad-based coalition Government of national unity that could best deal with such threats. Reiterating that he did not see any serious obstacles that would prevent the signing of the final peace agreement by the end of 2004, he called upon the Council to adopt a resolution that, *inter alia*, recognized the six protocols signed already by the Government of the Sudan and SPLM/A as binding and irreversible commitments that the parties could not under any circumstances renegotiate and that should be implemented.<sup>61</sup>

The President of Uganda, in his capacity as Chairman of IGAD, held that, in a situation of conflict where internal forces had failed to address the problem, the regional players, with a close knowledge of the problem and often directly affected, should first intervene, followed by the international bodies such as the United Nations. With reference to the situation in the Sudan, he observed that the six protocols agreed upon at the Naivasha peace talks were a reasonable package and therefore urged the parties to resolve the outstanding issues without delay.<sup>62</sup>

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<sup>61</sup> *Ibid.*, pp. 9-12.

<sup>62</sup> *Ibid.*, pp. 12-13.

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<sup>59</sup> *Ibid.*, pp. 5-7.

<sup>60</sup> *Ibid.*, pp. 7-9.

**Decision of 19 November 2004 (5082nd meeting): resolution 1574 (2004)**

At the 5082nd meeting,<sup>63</sup> held in Nairobi on 19 November 2004, statements were made by all Council members, the representatives of Australia (also on behalf of New Zealand), Japan, the Netherlands (on behalf of the European Union),<sup>64</sup> Norway, the Sudan, the Chairman of SPLM/A, and the Director of African Administration and African-Arab cooperation of LAS (on behalf of the Secretary-General of LAS).<sup>65</sup> The President (United States) drew the attention of the Council to a draft resolution;<sup>66</sup> it was put to the vote and adopted unanimously as resolution 1574 (2004), by which the Council, *inter alia*:

Declared its strong support for the efforts of the Government of the Sudan and SPLM/A to reach a comprehensive peace agreement, encouraged the parties to redouble their efforts;

Urged the joint assessment mission of the United Nations, the World Bank and the parties, in association with other bilateral and multilateral donors, to continue their efforts to prepare for the rapid delivery of an assistance package for the reconstruction and economic development of the Sudan;

Demanded that Government and rebel forces and all other armed groups immediately cease all violence and attacks, including abduction, refrain from forcible relocation of civilians, cooperate with international humanitarian relief and monitoring efforts, ensure that their members comply with international humanitarian law, facilitate the safety and security of humanitarian staff, and reinforce throughout their ranks their agreements to allow unhindered access and passage by humanitarian agencies and those in their employ;

Decided to monitor compliance by the parties with their obligations in that regard and, subject to a further decision of the Council, to take appropriate action against any party failing to fulfil its commitments;

Strongly supported the decisions of the African Union to increase its mission in Darfur to 3,320 personnel;

Urged Member States to provide the required equipment, logistical, financial, material, and other necessary resources, and urged the Government of the Sudan and all rebel groups in Darfur to cooperate fully with the African Union.

After the vote, welcoming the balanced approach of the resolution which addressed coherently both the Naivasha negotiations in the framework of the north-south peace process and the Abuja negotiations on the Darfur conflict, many speakers, *inter alia*, applauded the initiative of the Council to hold a meeting on the Sudan in Africa; encouraged the Government of the Sudan and SPLM/A to sign a comprehensive peace agreement as soon as possible and, at the latest, by the end of the year; concurred that a successful conclusion of the Naivasha peace talks would also contribute to the solution of other conflicts, particularly the one in Darfur; expressed concern at the deteriorating humanitarian situation in Darfur; welcomed the signing in Abuja of the humanitarian and security protocols by the Government and the rebel groups and urged the parties to fulfil their obligations; and supported the efforts by the African Union and IGAD.

Reiterating that both the Government of the Sudan and the rebels should fulfil their commitments within the humanitarian and security protocols and end the attacks against the civilians in Darfur, the representative of the United Kingdom stated that resolution 1574 (2004) should not be interpreted as a reduction of the parties' commitments and obligations as set out in resolutions 1556 (2004) and 1564 (2004). Reiterating that the situation in the Sudan remained a threat to international security and stability in the region, he said that the Council needed to remain seized of the issue and stand ready to take tougher action if and when it was needed to enforce implementation.<sup>67</sup> Similarly, the representative of Spain stated that, if necessary, the Council should be prepared to take additional measures to oblige the parties to honour their commitments,<sup>68</sup> while the representative of France held that the parties should be aware that the Council would not fail to be extremely

<sup>63</sup> At its 5081st meeting, held in private in Nairobi on 18 November 2004, the Council heard statements by the Minister for Foreign Affairs of Egypt and the Special Envoy for the Intergovernmental Authority on Development on the Sudan. The members of the Council, the Secretary-General, the First Vice-President of the Sudan, the representative of Nigeria and representative of the Chairman of the African Union, and the Chairman of SPLM/A had a constructive exchange of views.

<sup>64</sup> Albania, Bulgaria, Croatia, Iceland, Norway, Romania, Serbia and Montenegro, the former Yugoslav Republic of Macedonia and Turkey aligned themselves with the statement.

<sup>65</sup> Norway was represented by its Minister of International Development; the Sudan was represented by its First Vice-President.

<sup>66</sup> S/2004/903.

<sup>67</sup> S/PV.5082, pp. 3-4.

<sup>68</sup> *Ibid.*, p. 7.

exacting to ensure that they complied fully with their commitments.<sup>69</sup> The representative of the United States emphasized that the resolution was a very clear message from the Council to the parties to stop the violence and atrocities perpetrated in Darfur.<sup>70</sup>

The representative of the Russian Federation stated that an important part of stabilizing the situation in Darfur was to be played by the African Union monitoring mission, which, he added, should be appropriately supported. Further, he said, the Security Council should continue providing political assistance in the efforts to normalize the situation in Darfur and ensure implementation of agreements between the Sudan and the United Nations.<sup>71</sup> The representative of China, echoed by the representative of Romania, noted that the signing of a comprehensive peace agreement would be only the first step in the north-south peace process, as the implementation of the agreement would be crucial. He therefore hoped that, once the agreement had been signed, the United Nations would deploy a peace operation and the international community would immediately begin a package of programmes to assist the Sudan in economic rehabilitation, development and reconciliation.<sup>72</sup>

The representative of the Sudan confirmed his country's commitment to the implementation of the protocols and agreements signed, assuring the Council that the conclusion of the comprehensive peace agreement with SPLM/A was the quickest way to settle the crisis in Darfur.<sup>73</sup> Similarly, the Chairman of SPLM/A stated that his movement was committed to fulfilling the commitments that they had undertaken.<sup>74</sup>

**Deliberations of 7 December 2004 to  
16 February 2005 (5094th, 5109th, 5119th,  
5120th and 5125th meetings)**

At its 5094th meeting, on 7 December 2004, the Council included in its agenda the report of the Secretary-General dated 3 December 2004.<sup>75</sup> In his

report, the Secretary-General observed that the optimism generated on the political front by the commitments of the Government of the Sudan and SPLM/A to conclude the north-south peace talks and reach a final peace agreement by 31 December, as well as the signature of the humanitarian and security protocols in Abuja by the Government and the rebel movements, had been overshadowed by regression in the security situation. Reporting that in Darfur chaos was looming as order was collapsing, with ceasefire violations perpetrated even a few days after the commitments made by the parties to the Abuja protocols, he called upon the parties to abide by their commitments. Expressing concern that some elements on both sides had an interest in undermining the chances of concluding a comprehensive peace agreement by the end of the year, the Secretary-General stated that spoilers could not be allowed to derail the peace process. Recognizing that the conclusion of a comprehensive peace agreement would raise tremendous challenges for a United Nations mission in the Sudan and for the international community at large, he reported that the United Nations had started planning for the implementation phase of such a mission.

The Council heard a briefing by the Under-Secretary-General for Political Affairs, who reported that the month of November was marked by an increase of violence and a deterioration of the security situation in Darfur, including increased clashes between Government forces and the Sudan Liberation Movement/Army (SLM/A); reports of attacks in Western Darfur by the National Movement for Reform and Development; and increased activity by the Janjaweed and other pro-Government militias, leading to clashes with the Sudan Liberation Army. While stating that SLA was thought to be responsible for instigating much of the violence, he held that ceasefire violations occurred on both sides and noted that the Government of the Sudan had made little progress in disarming the Janjaweed and other pro-Government militias. Stating that the Government's inaction regarding the disarming of the militia underlined the need to strengthen even further the capacity of the African Union Mission in the Sudan (AMIS), as the only monitoring mechanism present in Darfur, the Under-Secretary-General observed that he was encouraged by the Mission's robust approach to get the parties to comply with their commitments. Emphasizing that the Mission would continue to play a

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<sup>69</sup> Ibid., p. 13.

<sup>70</sup> Ibid., p. 15.

<sup>71</sup> Ibid., pp. 4-5.

<sup>72</sup> Ibid., p. 5 (China); and p. 8 (Romania).

<sup>73</sup> Ibid., p. 16.

<sup>74</sup> Ibid., p. 17.

<sup>75</sup> S/2004/947, submitted pursuant to paragraphs 6, 13 and 16 of resolution 1556 (2004), paragraph 15 of resolution 1564 (2004), and paragraph 17 of resolution 1574 (2004).



critical role in establishing a secure environment, despite the increasingly challenging circumstances and the limited resources, he appealed to the international community to provide all necessary support to the Mission. Despite the escalation of violence in Darfur and the dire humanitarian situation, he noted that progress had been made at the negotiations in Abuja, with the next round of talks due to resume early in December to discuss the Declaration of Principles, which would form the basis of political objectives and institutions in Darfur.

Finally, recalling the pledge made in Nairobi by the Government and SPLM/A to conclude a final peace agreement by 31 December 2004, the Under-Secretary-General noted that the north-south peace talks provided some room for optimism since the technical-level discussions, as well as the high-level talks, had resumed in what was hoped would be the final round of talks. He concluded by stating that, once the comprehensive peace agreement had been signed, the Secretary-General would report to the Council and present his recommendations regarding the size, structure and mandate of a full mission to replace the existing advance mission, as recommended in resolution 1574 (2004).<sup>76</sup>

At its 5109th meeting, on 11 January 2005, the Council included in its agenda the report of the Secretary-General dated 7 January 2005.<sup>77</sup> In his report, the Secretary-General observed that the situation in Darfur was in a political stalemate with regard to the peace talks, the parties having yet to commit to the implementation of the humanitarian ceasefire. With regard to reports that the armed groups were rearming and the conflict was spreading outside Darfur, the Secretary-General expressed his concern that a period of intense violence could occur unless swift action was taken. With regard to the political process itself, he held that action in three areas could be key to putting the Abuja process on the right track: first, encouraging the parties to commit themselves to proceeding with the political talks without further delay; second, assisting the parties to agree on a declaration of principles addressing the core issues of power and wealth-sharing, as well as integrating the

Darfur peace talks into the wider process of peacemaking in the Sudan; third, creating a broad and strong support base for a sustainable peace through reconciliation and restoration of the social fabric in the region. The Secretary-General concluded by noting that it was essential to deploy as many personnel on the ground as possible as all agreed that an international presence often dissuaded attacks. He underlined that the African Union force, itself under threat of attack, had done more than any other outside agent to improve the security situation on the ground and whatever new initiatives were undertaken, the African Union, both in its troops on the ground and its leadership of the political process, remained, for the foreseeable future, the best mechanism for promoting peace in Darfur.

The Council heard a briefing by the Special Representative of the Secretary-General for the Sudan and head of the peace support mission, who stated that the signing on 9 January 2005 of the Comprehensive Peace Agreement between the Government of the Sudan and SPLM/A constituted a milestone which heralded the definitive end of nearly four decades of brutal conflict and marked the beginning of the peacebuilding process. The next priority task should be stopping the fighting and resolving the conflict in Darfur. Reporting that the armed groups were rearming and that the conflict was spreading outside Darfur, the Special Representative of the Secretary-General observed that, despite regular statements to the contrary, the parties had yet to commit in practice to the implementation of the humanitarian ceasefire. The stalemate at the negotiating table, he reported, had led to the worsening of the security situation on the ground which, in turn, had not contributed to the willingness of the parties to engage in a dialogue on the root causes of the conflict and on political objectives. Emphasizing that the parties must be persuaded that it was in their interest to respect the ceasefire and to pursue a settlement through peaceful means, he outlined eight steps to do so, namely, (1) de-linking the talks on the political future of Darfur from those concerning security and humanitarian access; (2) empowering the Darfur ceasefire institutions as in the case of the north-south conflict; (3) urging the Governments and the rebel movements to exercise full restraint, avoiding any attacks as well as retaliation; (4) encouraging the Government and the rebel movements to withdraw behind reasonable and well-defined lines; (5) ensuring that the parties identified practical means to ensure the basic survival needs of their forces to diminish stealing

<sup>76</sup> S/PV.5094, pp. 2-4.

<sup>77</sup> S/2005/10, submitted pursuant to paragraphs 6, 13 and 16 of resolution 1556 (2004), paragraph 15 of resolution 1564 (2004), and paragraph 17 of resolution 1574 (2004).

and looting; (6) calling upon the Government to make a new start by disarming the Popular Defence Forces; (7) convincing the rebel movements to avoid blocking or disrupting peaceful seasonal movements of nomadic tribes and their cattle; and (8) ensuring that the Government prosecuted those responsible for major violations of human rights. Acknowledging the political momentum derived by the signature of the Comprehensive Peace Agreement, he concluded that innovative action, consensus among all international actors, steady cooperation, perseverance and a well-defined common strategy were required.<sup>78</sup>

At its 5119th meeting, on 4 February 2005, the Council included in its agenda the report of the Secretary-General dated 31 January 2005.<sup>79</sup> In his report, the Secretary-General observed that, following the signature of the Comprehensive Peace Agreement, the peace agreement should be immediately implemented and utilized to help to resolve other conflicts, particularly the one in Darfur. He recommended that the Security Council, acting under Chapter VI of the Charter, authorize the deployment of a multidimensional United Nations peace support operation with adequate resources, including a troop strength of 10,130, whose mandate would include, *inter alia*, providing good offices and political support for the peace process; monitoring adherence to the ceasefire and ensuring the security and freedom of movement of the United Nations personnel; taking action to protect civilians under imminent threat of physical violence; providing humanitarian assistance; and providing assistance to the Government of the Sudan in some aspects of governance, such as the development of a civilian administration and of a reformed police service.

The Council heard a briefing by the Special Representative of the Secretary-General and head of the peace support operation, who said that, in order to render peace sustainable, a comprehensive and unified approach was needed, addressing all causes of conflict in a holistic and balanced way, with peace and development being run by the Sudanese people themselves, and only facilitated by the international community.<sup>80</sup>

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<sup>78</sup> S/PV.5109, pp. 2-6.

<sup>79</sup> S/2005/57, submitted pursuant to resolutions 1547 (2004), 1556 (2004), 1564 (2004) and 1574 (2004).

<sup>80</sup> S/PV.5119, pp. 2-4.

At the 5120th meeting, on 8 February 2005, statements were made by the representative of the Sudan, the Chairman of SPLM/A, the Special Representative of the Secretary-General and head of the peace support operation, and the Special Representative of the Chairperson of the Commission of the African Union in the Sudan.<sup>81</sup>

The President (Benin) drew the attention of the Council to the reports of the Secretary-General dated 31 January 2005<sup>82</sup> and 4 February 2005;<sup>83</sup> the latter documented the overall performance by the Government of the Sudan and the rebel movements in terms of action taken to fulfil obligations and commitments related to Darfur over the period of approximately six months, from the signing of the joint communiqué on 3 July 2004<sup>84</sup> and the adoption of resolution 1556 (2004) to February 2005. The President also drew attention to a letter dated 31 January 2005 from the Secretary-General addressed to the President of the Security Council, transmitting the report of the International Commission of Inquiry on Darfur.<sup>85</sup>

The President then made a statement on behalf of the members of the Council. Praising the signature of the Comprehensive Peace Agreement as an historic moment for the Sudan, the President stressed the great responsibility of the international community to assist the parties in fulfilling their commitments and expressed support for the initiative to convene a donors' conference. He noted that Council members were starting to work on a resolution on ways and means for the establishment of a full-fledged United Nations peace support operation to help implement the Agreement. On Darfur, the President voiced the Council's deep concern at the continued ceasefire violations as well as attacks on civilians, humanitarian workers and African Union observers. He expressed full endorsement for the constructive and crucial role played by the African Union, and supported the Secretary-General's recommendation that the United

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<sup>81</sup> The Sudan was represented by its First Vice-President.

<sup>82</sup> S/2005/57, submitted pursuant to resolutions 1547 (2004) and 1574 (2004). See also the 5119th meeting above.

<sup>83</sup> S/2005/68, submitted pursuant to paragraphs 6, 13 and 16 of resolution 1556 (2004), paragraph 15 of resolution 1564 (2004) and paragraph 17 of resolution 1574 (2004).

<sup>84</sup> See S/2004/635, annex.

<sup>85</sup> S/2005/60.

Nations peacekeeping operation under consideration should cooperate with and support the African Union mission in Darfur. To prevent a further deterioration of the situation in Darfur, the President urged all parties to resume the Abuja talks in good faith and, in particular, the Vice-President of the Sudan to assume his new responsibility as the Government's chief negotiator.<sup>86</sup>

The representative of the Sudan assured the Council of his Government's continued cooperation with the United Nations and readiness to discuss the details of the upcoming peace support operation. He called on the international community to, *inter alia*, support the parties' efforts towards a sustainable and permanent peace and, in this connection, requested them to lift any economic and trade restrictions and sanctions. Stressing the importance of the Comprehensive Peace Agreement as a basis for solving other conflicts in the Sudan, he provided a comprehensive vision to quickly conclude negotiations on Darfur, encompassing humanitarian, security, social and economic as well as political issues. In closing, he reiterated his Government's intention to negotiate peace in all parts of the Sudan on the basis of the principles of democracy, decentralization, good governance and equal rights, while, at the same time, highlighting the importance of the international community's constructive support.<sup>87</sup>

On the establishment of a United Nations peace support operation in the Sudan, the Chairman of SPLM/A indicated that discussions were needed on the size of the force and on the troop-contributing countries. Stressing that the Comprehensive Peace Agreement was based on the concept of a "one country-two systems model", he appealed to the United Nations to accept this concept and to always reflect it when dealing with the Government of National Unity. At the end of the six-and-a-half-year interim period envisioned by the Agreement, he noted, the south would vote on whether to preserve a unified Sudan or opt for self-determination. Emphasizing that SPLM/A could share its views on how to adapt the Comprehensive Peace Agreement to the conflicts in Darfur and in eastern Sudan, he suggested that the parties in Darfur should be encouraged, preferably in the presence of the United Nations, to accept the

Agreement as the basis for solving the conflict and commit themselves to a deadline for agreeing on the details of a negotiated settlement. He also strongly advised against waiting for a solution to Darfur before the implementation of the Comprehensive Peace Agreement, insisting that southern Sudan should be able to enjoy a peace dividend irrespective of a resolution of the Darfur crisis.<sup>88</sup>

Introducing the report of the Secretary-General on Darfur dated 4 February 2005,<sup>89</sup> the Special Representative of the Secretary-General for the Sudan and head of the peace support operation reiterated that over the past six months, the performance of the Government had been uneven. While humanitarian access had improved, due to the lifting of restrictions on humanitarian assistance delivery, action on human rights, particularly measures to end impunity, had fallen short of what the Council had demanded and the ceasefire had not been complied with. He recalled that, although it had determined that the situation in Darfur was not genocide and that while the mass killings had stopped, the International Commission of Inquiry had concluded that the pattern of systematic violence had continued. The Special Representative of the Secretary-General stressed that violence could only be stopped by a third-party force and that any lasting solution required a political settlement. In this respect, he commented that the mandate of the African Union force was broad enough, but the force was too small and its deployment too slow, and appealed to all parties to find a creative way to expand the current force into one which could stop all attacks on civilians. Finally, he was of the view that with a third-party force acting as a buffer, the international community could help the parties in Darfur to reach a peace accord speedily, as in the case of the north-south peace process.<sup>90</sup>

The Special Representative of the Chairperson of the Commission of the African Union in the Sudan, stating that the Secretary-General in his report on Darfur shared the African Union's concern over the deterioration of the security situation, said that the leadership of the African Union would carefully consider the recommendations of the Secretary-General on Darfur. On the deployment of the African Union force in Darfur, he informed the Council that, as at 7 February, of the 3,320 personnel that had been

<sup>86</sup> S/PV.5120, pp. 2-4.

<sup>87</sup> *Ibid.*, pp. 4-8.

<sup>88</sup> *Ibid.*, pp. 8-12.

<sup>89</sup> S/2005/68.

<sup>90</sup> S/PV.5120, pp. 12-15.

authorized, 370 military observers, 1,410 protection troops, 35 military police officers and 81 civilian police officers had been deployed, while 300 additional troops were expected from South Africa and Chad, with the expectation of achieving the full deployment in a few months. However, he emphasized that, regardless of the number of troops deployed, it was the responsibility of the Sudanese parties to bring the crisis to an end and he could not currently affirm that the parties had shown sufficient commitment in that regard.<sup>91</sup>

At its 5125th meeting, on 16 February 2005, the Council included in its agenda a letter dated 31 January 2005 from the Secretary-General addressed to the President of the Council, transmitting the report of the International Commission of Inquiry on Darfur pursuant to resolution 1564 (2004).<sup>92</sup>

The Council heard briefings by the Secretary-General and the United Nations High Commissioner for Human Rights. The President (Benin) drew the attention of Council members to a letter dated 8 February 2005 from the representative of the Sudan addressed to the President of the Council, containing the response of the Government of the Sudan to the report of the International Commission of Inquiry on Darfur;<sup>93</sup> and to a letter dated 23 January 2005 from the representative of the Sudan addressed to the President of the Council, transmitting a summary of the report of the Commission of Inquiry established by the President of the Sudan on 8 May 2004 to investigate alleged human rights violations committed by armed groups in Darfur.<sup>94</sup>

In his introductory statement, the Secretary-General, stressing that the report of the International Commission of Inquiry constituted one of the most important documents in the recent history of the United Nations, noted that such report made for “chilling” reading and was a call to “urgent action”. He reported that the Commission had established that many people in Darfur had been the victims of atrocities perpetrated on a very large scale for which the Government of the Sudan and the Janjaweed were responsible, including war crimes and, very likely, crimes against humanity. He also noted that the Commission had found credible

evidence that rebel forces were responsible for serious violations, which might amount to war crimes. The Secretary-General recalled the Commission’s recommendation that the Council immediately refer the situation of Darfur to the International Criminal Court to ensure that those responsible for the aforementioned crimes were held accountable and did not go unpunished. The Secretary-General then appealed to the international community, led by the Security Council, to act urgently to stop further death and suffering in Darfur by considering the full range of options — including targeted sanctions, stronger peacekeeping efforts, new measures to protect civilians, and increased pressure on both sides for a lasting political solution.<sup>95</sup>

In her briefing, the United Nations High Commissioner for Human Rights recalled that, following the adoption of Security Council resolution 1564 (2004), the Secretary-General had appointed five outstanding international legal and human rights experts to form the International Commission of Inquiry with a mandate to, first, investigate reports of violations of international humanitarian law and human rights law in Darfur by all parties; secondly, determine whether or not acts of genocide had occurred; and thirdly, identify the perpetrators of such violations with a view to ensuring that those responsible were held accountable. Observing that they were clear and thoroughly documented, she reported that the Commission found that large-scale war crimes and crimes against humanity had been committed by Sudanese Government officials and by the Janjaweed militia and that, with regard to the rebels, the Commission had found credible evidence that members of SLM and the Justice and Equality Movement were also responsible for serious violations that might amount to war crimes. Secondly, she reported that the Commission had concluded that the Government of the Sudan had not pursued a policy of genocide, as the Commission did not find a demonstrated and specific intention, expressed as Government policy, to exterminate, in whole or in part, a national, ethnic, racial or religious group protected under the definition of genocide. However, she added, the Commission recognized that only a competent court could determine, on a case-by-case basis, whether individuals, including Government officials, ordered or participated in atrocities motivated by the genocidal

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<sup>91</sup> *Ibid.*, pp. 15-17.

<sup>92</sup> S/2005/60.

<sup>93</sup> S/2005/77.

<sup>94</sup> S/2005/80.

<sup>95</sup> S/PV.5125, p. 2.

intent to exterminate a protected group, in which case they could be found guilty of genocide. She therefore held the view that nothing in the Commission's report precluded the possibility of individuals being convicted of acts of genocide in relation to the events in Darfur. Thirdly, the High Commissioner reported that the Commission had identified 51 individuals suspected of having committed international crimes in Darfur, although it had decided to withhold the names from the public domain. Noting that the Commission had also reviewed the steps taken by the Government of the Sudan and the judicial authorities to address those crimes, she reported that the Commission had concluded that both the Government and the judiciary institutions were unwilling and unable to act and that any new initiative proposed by the Government of the Sudan to address these crimes could not be supported due, in particular, to the extent of involvement of Government officials. She therefore underlined the Commission's recommendation that the Security Council refer the situation of Darfur to the International Criminal Court, as the only credible way to bring alleged perpetrators to justice, having advised against other measures such as, for example, the establishment of mixed courts or an ad hoc international tribunal. Recalling that the Court, activated by the Security Council's referral, would be empowered to prosecute any persons for acts committed in Darfur that amounted to any of the crimes listed under the Rome Statute, she stated that the Court could be activated immediately. She also noted that the Commission had suggested the establishment of an international compensation commission for the victims as well as other immediate actions, including, for example, the protection of witnesses and victims and granting full and unimpeded access by the International Committee of the Red Cross and by United Nations human rights monitors to all those detained by the Sudanese authorities in relation to the situation in Darfur. The High Commissioner concluded her statement by emphasizing that the findings of the Commission of Inquiry irrefutably demonstrated that peace in Darfur would not be sustainable without immediate access to justice.<sup>96</sup>

**Decision of 10 March 2005 (5137th meeting):  
resolution 1585 (2005)**

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<sup>96</sup> *Ibid.*, pp. 3-5.

At the 5137th meeting, on 10 March 2005, the President (Brazil) drew the attention of the Council to a draft resolution;<sup>97</sup> it was put to the vote and adopted unanimously and without debate as resolution 1585 (2005), by which the Council, *inter alia*, decided to extend the mandate of the United Nations Advance Mission in the Sudan (UNAMIS), established by its resolution 1547 (2004), until 17 March 2005; and to remain actively seized of the matter.

**Decision of 17 March 2005 (5143rd meeting):  
resolution 1588 (2005)**

At the 5143rd meeting, on 17 March 2005, the President (Brazil) drew the attention of the Council to a draft resolution;<sup>98</sup> it was put to the vote and adopted unanimously and without debate as resolution 1588 (2005) by which the Council, *inter alia*, decided to extend the mandate of UNAMIS until 24 March 2005; and to remain actively seized of the matter.

**Decision of 24 March 2005 (5151st meeting):  
resolution 1590 (2005)**

At its 5151st meeting, on 24 March 2005, the Council included in its agenda the report of the Secretary-General dated 31 January 2005 and the addendum thereto dated 1 March 2005, including the financial implications for the deployment of a United Nations peacekeeping operation in the Sudan;<sup>99</sup> the letter dated 31 January 2005 from the Secretary-General addressed to the President of the Council, transmitting the report of the International Commission of Inquiry on Darfur;<sup>100</sup> and the reports of the Secretary-General dated 4 February 2005;<sup>101</sup> and 4 March 2005.<sup>102</sup> By the latter report, the Secretary-General observed the lack of any significant progress in the search for a political solution to the crisis in Darfur over the preceding month, as both sides had failed to capitalize on the momentum that was generated by the signing of the Comprehensive Peace Agreement. Following a meeting with the Chairperson

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<sup>97</sup> S/2005/154.

<sup>98</sup> S/2005/173.

<sup>99</sup> S/2005/57 and Add. I. See also the 5119th meeting above.

<sup>100</sup> S/2005/60. See also the 5125th meeting above.

<sup>101</sup> S/2005/68. See also the 5120th meeting above.

<sup>102</sup> S/2005/140, submitted pursuant to paragraphs 6, 13 and 16 of resolution 1556 (2004), paragraph 15 of resolution 1564 (2004) and paragraph 17 of resolution 1574 (2004).

of the African Union Commission, the Secretary-General reported that it had been agreed that an African Union-led assessment of current peacekeeping requirements in Darfur would be undertaken as a matter of urgency, with the United Nations and other key partners actively participating in the assessment. Finally, the Secretary-General emphasized that the international community should not miss the opportunity to strengthen the position of the African Union force in Darfur, as a fully staffed and effective AMIS would increase the chances that serious clashes could be prevented or minimized.

Statements were made by the Under-Secretary-General for Peacekeeping Operations and the representative of the Sudan. The President (Brazil) drew the attention of the Council to a draft resolution;<sup>103</sup> it was put to the vote and adopted unanimously and without debate as resolution 1590 (2005), by which the Council, *inter alia*:

Decided to establish the United Nations Mission in the Sudan (UNMIS) for an initial period of six months and further decided that UNMIS would consist of 10,000 military personnel and 715 civilian personnel;

Requested the Secretary-General to report to the Council within 30 days on options for how UNMIS could reinforce the effort to foster peace in Darfur;

Requested that the Secretary-General transfer all functions performed by UNAMIS to UNMIS and keep the Council regularly informed of the progress in implementing the Comprehensive Peace Agreement, respect for the ceasefire, and the implementation of the mandate of UNMIS;

Requested that the Secretary-General continue to report on a monthly basis on the situation in Darfur;

Requested the Secretary-General to take the necessary measures to achieve actual compliance in UNMIS with the United Nations zero-tolerance policy on sexual exploitation and abuse;

And, acting under Chapter VII of the Charter:

Decided that UNMIS was authorized to take the necessary action, in the areas of deployment of its forces and as it deemed within its capabilities, to protect United Nations personnel, facilities, installations, and equipment;

Requested that the Secretary-General and the Government of the Sudan, following appropriate consultation with SPLM, conclude a status-of-forces agreement within 30 days of the adoption of the resolution;

Underscored the immediate need to rapidly increase the number of human rights monitors in Darfur and urged the Secretary-General and the United Nations High Commissioner for Human Rights to accelerate the deployment of human rights monitors in Darfur to move forward with the formation of civilian monitoring protection teams.

After the adoption of the draft resolution, the Under-Secretary-General for Peacekeeping Operations, speaking on behalf of the Secretary-General, welcomed the Council's decision authorizing the establishment of UNMIS. Stating that UNMIS would play a key role in assisting the implementation of the Comprehensive Peace Agreement and reinforce efforts to foster peace in Darfur, especially through supporting AMIS, he underlined the necessity to have the full cooperation of the parties to overcome the serious political hurdles that continued to confront the peace process. He warned that the United Nations would face unprecedented logistical obstacles in establishing a United Nations peace support operation in the Sudan given its extreme climate and prohibitive terrain. On Darfur, he welcomed the Council's explicit wish to reinforce efforts to foster peace, especially through support by UNMIS to the African Union mission. Stating that it was clear that the present state of affairs in Darfur could not be accepted, he recalled the clear recommendation of the International Commission of Inquiry that the Council immediately refer the situation to the International Criminal Court and stressed that "sanctions must also be kept on the table".<sup>104</sup>

Reiterating his country's full commitment to implementing the Comprehensive Peace Agreement, the representative of the Sudan welcomed the establishment of UNMIS and expressed his gratitude for the Council's efforts at supporting the implementation of the peace agreement. He asserted that his Government would continue to work towards creating a government of national unity that would carry out repatriation and reconstruction and stop the conflict in Darfur, and called on the Council to support his country in assuming its responsibilities.<sup>105</sup>

**Decision of 29 March 2005 (5153rd meeting):  
resolution 1591 (2005)**

At its 5153rd meeting, on 29 March 2005, the Council again included in its agenda the report of the Secretary-General dated 31 January 2005 and the

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<sup>103</sup> S/2005/198.

<sup>104</sup> S/PV.5151, pp. 2-3.

<sup>105</sup> *Ibid.*, pp. 3-4.

addendum dated 1 March 2005;<sup>106</sup> the letter dated 31 January 2005 from the Secretary-General addressed to the President of the Council;<sup>107</sup> and the reports of the Secretary-General dated 4 February 2005<sup>108</sup> and 4 March 2005.<sup>109</sup>

Statements were made by the representatives of Algeria, China, the Russian Federation, the Sudan, the United Republic of Tanzania and the United States. The President (Brazil) drew the attention of the Council to a draft resolution submitted by the United States,<sup>110</sup> which was put to a vote. It received 12 votes to none, with 3 abstentions (Algeria, China, Russian Federation), and was adopted as resolution 1591 (2005), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided, in the light of the failure of all parties to the conflict in Darfur to fulfil their commitments, to establish a Committee of the Security Council consisting of all the members of the Council to monitor implementation of the measures referred to in the resolution and paragraphs 7 and 8 of resolution 1556 (2004);

To request the Secretary-General to appoint for a period of six months, within 30 days, a Panel of Experts comprising four members and based in Addis Ababa, to travel regularly to El-Fasher and other locations in the Sudan, and to operate under the direction of the Committee;

That those individuals who impeded the peace process, constituted a threat to stability in Darfur and the region, committed violations of international humanitarian or human rights law or other atrocities, violated the measures implemented by Member States in accordance with paragraphs 7 and 8 of resolution 1556 (2004) and paragraph 7 of the resolution as implemented by a State, or were responsible for offensive military overflights described in the resolution, should be subject to the measures identified below;

That all States should take the necessary measures to prevent entry into or transit through their territories of all persons as designated by the Committee;

That all States should freeze all funds, financial assets and economic resources that were on their territories on the date of adoption of the resolution or at any time thereafter, that were owned or controlled, directly or indirectly, by the persons designated by the Committee;

Decided that the measures referred to in the resolution should enter into force 30 days from the date of adoption, unless

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<sup>106</sup> S/2005/57 and Add.1.

<sup>107</sup> S/2005/60.

<sup>108</sup> S/2005/68.

<sup>109</sup> S/2005/140.

<sup>110</sup> S/2005/206.

the Security Council determined before then that the parties to the conflict in Darfur had complied with all the commitments and demands referred to therein.

Speaking after the vote, the representative of Algeria, supporting the approach of the African Union to the settlement of the crisis in Darfur, regretted that the Council had been unable to adopt the resolution unanimously. Noting that there was consensus within the Council on the need to send a strong message to the parties to encourage them to return unconditionally to the Abuja peace talks and terminate the attacks against civilians, he stated that constructive proposals, in line with those of the African Group, had been put forward to rebalance the text of the resolution. Recalling his doubts concerning the usefulness of certain measures laid down by the resolution regarding the evolution of the crisis in Darfur and the negative impact they might have on the north-south peace process, he felt that the resolution did not take into consideration the early signs of a trend towards both parties respecting the ceasefire and regretted that the sponsors of the draft resolution had not made any effort to promote a consensus.<sup>111</sup>

The representative of the Russian Federation held the view that the potential of political and diplomatic measures to defuse the conflict in Darfur had not been exhausted and stated that implementing such measures was particularly relevant at the beginning of the deployment of the United Nations peacekeeping operation in the south of the Sudan. Adding that it was important to give time to the Government of National Unity to show itself in a positive light, including with regard to Darfur, he stated that the imposition of sanctions against the Government was unlikely to create a constructive atmosphere for those efforts. He reiterated that sanctions were also hardly likely to help in drawing up an effective mechanism to assist the parties to quickly resume and move forward in the Abuja peace talks and raised doubts as to the practical ability to implement the sanctions regime imposed by the Security Council. He therefore emphasized that, if the situation allowed, the Council should as quickly as possible review the decision to impose an arms embargo, particularly in the light of the formation of the coalition Government of the Sudan, and take into account that both the African Union and LAS were unequivocally opposed to the strengthening of sanctions in the Darfur context. In these circumstances,

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<sup>111</sup> S/PV.5153, pp. 2-3.

he concluded, his delegation was regrettably not in a position to support the resolution.<sup>112</sup>

Expressing his delegation's serious reservations about the resolution, the representative of China emphasized that his country had always taken a cautious approach to the issue of sanctions, abstaining on both resolutions 1556 (2004) and 1564 (2004). He therefore noted that it had been his delegation's consistent view that in dealing with the issue of Darfur, the Council should exercise the greatest caution with respect to measures that could make negotiations more difficult and have a negative impact on the peace process.<sup>113</sup> The representative of the United Republic of Tanzania stated that the situation in Darfur — with the peace process stalled and no sign of improvement in the humanitarian situation — had compelled him to vote for the resolution. Recalling that, following the signature of the Comprehensive Peace Agreement, the Government of the Sudan had committed to pursue a peaceful solution to the Darfur crisis, he observed that the new transitional Government should not be immediately subjected to a sanctions regime and should be given a chance to start in a positive atmosphere and an unfettered environment, and therefore appealed to the Council to consider reviewing the measures as soon as the new Government was in place.<sup>114</sup>

The representative of the Sudan argued that measures such as sanctions complicated the situation, since the Abuja negotiations had remained stalemated precisely because the other side had been waiting for the Council to impose sanctions against the Government.<sup>115</sup> The representative of the United States pointed out that 12 members of the Council, including two African States, had voted for the resolution, which, he hoped, would address the situation in Darfur, contribute to ending the violence and lead to a successful resolution of the Abuja peace process.<sup>116</sup>

**Decision of 31 March 2005 (5158th meeting):  
resolution 1593 (2005)**

At its 5154th meeting, on 30 March 2005, the Council continued its consideration of the letter dated

31 January 2005 from the Secretary-General addressed to the President of the Council.<sup>117</sup> The President (Brazil) informed Council members that, following a request from the delegation of France, he had agreed to delay the consideration of the item for 24 hours.

At its 5158th meeting, on 31 March 2005, the Council resumed its consideration of the item. All members of the Council, as well as the representative of the Sudan, made statements. The President drew the attention of the Council to a draft resolution submitted by the United Kingdom,<sup>118</sup> which was put to a vote. It received 11 votes to none, with 4 abstentions (Algeria, Brazil, China, United States), and was adopted as resolution 1593 (2005), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to refer the situation in Darfur since 1 July 2002 to the Prosecutor of the International Criminal Court;

Decided that the Government of the Sudan and all parties to the conflict in Darfur should cooperate with the Court and the Prosecutor; invited the Court and the African Union to discuss practical arrangements that would facilitate the work of the Prosecutor;

Also encouraged the Court to support international cooperation with domestic efforts to promote the rule of law, protect human rights and combat impunity in Darfur;

Decided that nationals, current or former officials or personnel from a contributing State outside Sudan which was not a party to the Rome Statute of the International Criminal Court should be subject to the exclusive jurisdiction of that contributing State for all alleged acts or omissions arising out of or related to operations in the Sudan established or authorized by the Council or the African Union, unless such exclusive jurisdiction had been expressly waived by that contributing State;

Recognized that none of the expenses incurred in connection with the referral should be borne by the United Nations and that such costs should be borne by the parties to the Rome Statute and those States that wished to contribute voluntarily.

After the vote, the representative of the United States stated that, by adopting the resolution and referring the situation in Darfur to the International Criminal Court for investigation and prosecution, the international community had established an accountability mechanism for the perpetrators of crimes and atrocities in Darfur. While expressing her delegation's preference for a hybrid tribunal in Africa,

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<sup>112</sup> *Ibid.*, p. 3.

<sup>113</sup> *Ibid.*, pp. 4-5.

<sup>114</sup> *Ibid.*, pp. 5-6.

<sup>115</sup> *Ibid.*, pp. 6-7.

<sup>116</sup> *Ibid.*, p. 7.

<sup>117</sup> S/2005/60. See also the 5125th meeting above.

<sup>118</sup> S/2005/218.



she held that it was important that the international community could speak with one voice in order to help promote effective accountability. Pointing to her delegation's objection to the principle that the Court should be able to exercise jurisdiction over the nationals, including government officials, of States not parties to the Rome Statute, she explained that her country was obliged to abstain in the voting on the resolution. She noted, however, that her delegation had not opposed the resolution because of the need for the international community to work together in order to end the climate of impunity in the Sudan and because it provided protection from investigation or prosecution for United States nationals and members of the armed forces of non-State parties.<sup>119</sup>

The representative of Algeria, explaining his delegation's abstention, reaffirmed that fighting impunity was a crucial element for the entrenchment of peace and stability but that the African Union was best placed to take charge of such a delicate undertaking. Regretting that the Council had not taken into consideration the proposal of the African Union based on justice and reconciliation, he maintained that the Council could not claim to be supportive of the African Union and then simply ignore its proposals.<sup>120</sup>

The representative of China, while stressing the need to end impunity, believed that, when trying to ensure justice, it was also necessary to make every effort to avoid any negative impact on the political negotiations in Darfur, promote national reconciliation, as well as sustain the results of the north-south peace process. He therefore stated that his delegation would have preferred trials under the Sudanese judicial system, with appropriate technical assistance and monitoring by the international community to ensure the transparency and credibility of trials. Emphasizing that his country was not in favour of referring the question of Darfur to the International Criminal Court without the consent of the Government of the Sudan, he further explained that his delegation was afraid that it would not only severely complicate efforts to secure an early settlement of the Darfur issue, but also have unforeseeable consequences for the north-south peace process. Finally, recalling that China was not a State party to the Rome Statute and had major reservations regarding certain of its provisions, he said that his

delegation could not accept any exercise of the jurisdiction of the International Criminal Court against the will of non-State parties or endorse any Security Council authorization of such an exercise of jurisdiction by the Court.<sup>121</sup>

The representative of Brazil said that his country was in favour of the referral of the situation in Darfur to the International Criminal Court, but had not been able to join those who had voted in favour of the resolution, although it stood ready to fully cooperate with the Court. Reiterating that the Court provided all the necessary checks and balances to prevent possible abuses and politically motivated misuse of its jurisdiction, he nevertheless stated that the referral of criminal matters to the Court should not be approved at any cost. Noting that there were limits to negotiating the approval of the referral within the Council, which referred, first, to the responsibilities of the Council vis-à-vis an international instrument; secondly, to the integrity of the Rome Statute, which counted 98 ratifications; and thirdly, to the consistency of the position that his country had sustained since the negotiations on the Rome Statute, he stated that, for those reasons, his delegation abstained in the voting on the resolution. He explained that for the sake of the referral, he noted that his Government had agreed during negotiations to provisions that posed a serious level of difficulty for them, such as the exemption from jurisdiction for nationals of countries not parties to the statute. To go further would constitute a risky interference of the Council in the constitutional basis of an independent judicial body. He noted several other references in the resolution that were substantial issues that would not contribute to strengthening the role of the International Criminal Court. Therefore, his delegation had been prevented from voting in favour of a proposal that would be the appropriate instrument to help end impunity in Darfur.<sup>122</sup>

The other members of the Council, who had voted in favour of the resolution, in line with the recommendations of the International Commission of Inquiry, welcomed the decision of the Council to refer the situation in Darfur to the International Criminal Court as the most efficient and effective way to deal with impunity and ensure justice to the people of Darfur.<sup>123</sup> The representatives of the Philippines,

<sup>119</sup> S/PV.5158, pp. 2-4.

<sup>120</sup> *Ibid.*, pp. 4-5.

<sup>121</sup> *Ibid.*, p. 5.

<sup>122</sup> *Ibid.*, p. 11.

<sup>123</sup> *Ibid.*, p. 6 (Denmark, Philippines); pp. 6-7 (Japan); p. 7

Argentina and Benin expressed regret that the resolution contained a provision of immunity from jurisdiction, which ran counter to the spirit of the Rome Statute,<sup>124</sup> while the representatives of Denmark, Greece and the United Republic of Tanzania underlined that they were unable to accept that the resolution be in any way interpreted as seeking to circumvent the jurisdiction of the Court.<sup>125</sup>

The representative of the Sudan regretted the adoption of the resolution as it would further complicate the situation on the ground. Recalling that his country was not a party to the Rome Statute, he noted that the exceptions contained in the resolution made its implementation extremely difficult and condemned the International Criminal Court as a tool to “impose cultural superiority”. He also voiced regret that the adoption of the resolution had occurred at a time when the Sudanese judiciary had significantly progressed in addressing impunity, and expressed the conviction that it would have been perfectly able to hold criminals accountable.<sup>126</sup>

**Decision of 12 May 2005 (5177th meeting):  
statement by the President**

At its 5176th meeting, on 12 May 2005, the Council included in its agenda the report of the Secretary-General on United Nations assistance to the African Union Mission in the Sudan dated 3 May 2005,<sup>127</sup> and the monthly report of the Secretary-General on Darfur dated 10 May 2005.<sup>128</sup>

In his report on the United Nations assistance to AMIS, the Secretary-General observed that, although effective in the areas of its deployment, AMIS needed to be strengthened in order to expand its presence to the more vast and difficult terrain of Darfur. However,

while AMIS could continue to rely on external support by UNMIS, the Secretary-General cautioned that the assistance that UNMIS could provide was limited, as the latter should focus all of its resources and attention on deploying in support of the Comprehensive Peace Agreement, and not be compromised or unduly strained in the delicate start-up phase. The Secretary-General therefore stated that UNMIS could assist AMIS in a number of areas which included, *inter alia*: identification and support of police personnel; development of detailed operational plans for the expansion of AMIS; and technical advice in the areas of logistics, planning and management and training. Congratulating AMIS for having accomplished a remarkable amount in a very short time and despite significant constraints, the Secretary-General invited the States members of the African Union to identify personnel to join AMIS; called on the African Union Commission to strengthen planning and management capacity in order to support an expanded mission; and urged partners to provide the African Union with the means required to carry out its mission in Darfur.

In his monthly report on Darfur dated 10 May 2005, the Secretary-General reported that both the rebel movements and the militias had violated existing agreements and previous Security Council resolutions, continuing to manoeuvre to improve their positions while the peace talks remained stalled. Noting that tension in Darfur had increased, the Secretary-General urged the Government to make clear its acceptance of all Security Council resolutions, and to ensure that a cooperative policy was reflected by its officials at all levels. He therefore concluded by stating that events had clearly demonstrated that, without progress on the political level, the suffering of the civilian population of Darfur would continue, and called on all sides at the next round of the Abuja peace talks to act responsibly.

The Council heard a briefing by the Assistant Secretary-General for Peacekeeping Operations, who stated that the two reports of the Secretary-General were complementary. With regard to the monthly report on Darfur, he recalled that the report made it clear that instability, violence and civilian suffering continued in the region throughout the previous month and that a lasting solution could be found only through serious political engagement by the parties within the Abuja process, which had witnessed no tangible progress, as well as a considerable strengthening, in the short term, of AMIS. Concerning the report on the

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(United Kingdom); pp. 7-8 (Argentina); pp. 8-9 (France); p. 9 (Greece, United Republic of Tanzania); p. 10 (Romania, Russian Federation); and pp. 10-11 (Benin).

<sup>124</sup> *Ibid.*, p. 6 (Philippines); p. 7 (Argentina); and p. 10 (Benin).

<sup>125</sup> *Ibid.*, p. 6 (Denmark); and p. 9 (Greece and United Republic of Tanzania).

<sup>126</sup> *Ibid.*, pp. 12-13.

<sup>127</sup> S/2005/285, submitted pursuant to resolution 1590 (2005).

<sup>128</sup> S/2005/305, submitted pursuant to paragraphs 6, 13 and 16 of resolution 1556 (2004), paragraph 15 of resolution 1564 (2004), paragraph 17 of resolution 1574 (2004) and paragraph 12 of resolution 1590 (2005).

United Nations assistance to AMIS, the Assistant Secretary-General recalled that the African Union Peace and Security Council, on 28 April, had decided to more than double the size of AMIS. The Secretary-General had also proposed a number of areas where the United Nations could provide some support to the African Union, the modalities of which had been accepted by the African Union Commission. He stated that all possible steps should be taken to ensure that AMIS received the donor support required to expand expeditiously and effectively.<sup>129</sup>

At its 5177th meeting, on 12 May 2005, the Council continued its consideration of the report of the Secretary-General on United Nations assistance to the African Union Mission in the Sudan dated 3 May 2005,<sup>130</sup> and the monthly report of the Secretary-General on Darfur dated 10 May 2005.<sup>131</sup> The President (Denmark) made a statement on behalf of the Council,<sup>132</sup> by which the Council, *inter alia*:

Applauded the vital leadership role the African Union was playing in Darfur and the work of AMIS on the ground; supported the findings of the joint assessment mission and also supported the subsequent decision taken by the African Union Peace and Security Council on 28 April 2005 to expand its mission in Darfur to 7,731 personnel by the end of September 2005;

Welcomed the ongoing deployment of UNMIS and looked forward to close coordination and cooperation between UNMIS and AMIS;

Emphasized the importance of increased coordinated international assistance for the African Union effort in Darfur and the readiness of the United Nations to continue playing a key role.

#### **Deliberations of 29 June 2005 (5216th meeting)**

At its 5216th meeting, on 29 June 2005, at which no statements were made by Council members, the Council heard a briefing by the Prosecutor of the International Criminal Court. The President (France) drew the attention of the Council to the letter dated 31 January 2005 from the Secretary-General addressed to the President of the Council, transmitting the report of the International Commission of Inquiry on Darfur pursuant to resolution 1564 (2004).<sup>133</sup>

<sup>129</sup> S/PV.5176, pp. 2-4.

<sup>130</sup> S/2005/285.

<sup>131</sup> S/2005/305.

<sup>132</sup> S/PRST/2005/18.

<sup>133</sup> S/2005/60.

In his briefing, the Prosecutor reported that, following the adoption of resolution 1593 (2005), the Court had initiated an extensive process of information gathering, analysis and admissibility assessment. Adding that the language of resolution 1593 (2005) should be converted into reality as soon as possible, he emphasized that the continued reporting to and engagement of the Security Council on those matters was vital. Noting that the referral of the situation in Darfur to the Court had brought an international, independent and impartial justice component to the collective international and regional efforts to end violence in Darfur, he stated that his office would work expeditiously to identify those individuals who bore the greatest responsibility for the crimes and to assess the admissibility of the selected cases.<sup>134</sup>

#### **Deliberations of 22 July 2005 (5231st meeting)**

At its 5231st meeting,<sup>135</sup> on 22 July 2005, the Council included in its agenda the monthly report of the Secretary-General on Darfur dated 18 July 2005.<sup>136</sup> In his report, the Secretary-General observed that the overall situation in Darfur had improved considerably and that progress had been achieved in the humanitarian, security and human rights areas. However, he added, remaining obstacles needed to be acknowledged and addressed quickly, including, *inter alia*, the harassment of aid workers in Southern Darfur, the security situation as a whole, impunity and disarmament. Recognizing that the deployment of AMIS had helped to restore confidence, the Secretary-General stated that, although the responsibility of protecting the population remained in the hands of the local authorities, an expansion in the cooperation with AMIS could only improve the security situation on the ground. Finally, the Secretary-General welcomed the positive attitude by the authorities who had indicated their willingness to strengthen cooperation with the international community and leaders of internally displaced persons to establish a true partnership in

<sup>134</sup> S/PV.5216, pp. 2-4.

<sup>135</sup> At its 5217th meeting, held in private on 29 June 2005, the Council heard a briefing by the Prosecutor of the International Criminal Court and had a constructive exchange of views.

<sup>136</sup> S/2005/467, submitted pursuant to paragraphs 6, 13 and 16 of resolution 1556 (2004), paragraph 15 of resolution 1564 (2004), paragraph 17 of resolution 1574 (2004) and paragraph 12 of resolution 1590 (2005).

addressing the challenges facing the civilian population in Darfur.

The Council heard a briefing by the Special Representative of the Secretary-General for the Sudan and Head of UNMIS. Recalling that the approach taken by the Security Council was based on the positive effects of the Comprehensive Peace Agreement on other conflict situations in the Sudan, the Special Representative confirmed that the Agreement had had a “snowball” effect, reporting that the fifth round of the Abuja talks had made progress and led to the signing of the declaration of principle that would form the basis for future talks. He therefore urged the parties, despite the challenges, to do their utmost to implement the Agreement in full. With regard to UNMIS, he reported that, although the Mission was deploying steadily, it was meeting a number of difficulties which included, inter alia, the delay of some Member States’ contributions, the lack of infrastructure in the Sudan, and the adverse climatic conditions. Recalling that only one year earlier the international community had started to address the Sudanese problem with a comprehensive strategy, consisting of humanitarian, political and military chapters, the Special Representative held that a change in strategy was not required, although underlining that an intensification of the strategy, as well as a commitment to add an economic chapter, was crucial.<sup>137</sup>

**Decision of 2 August 2005 (5245th meeting):  
statement by the President**

At the 5245th meeting, on 2 August 2005, in which the representative of the Sudan was invited to participate, the President (Japan) made a statement on behalf of the Council,<sup>138</sup> by which the Council, inter alia:

Expressed its profound regret over the death of the First Vice-President of the Sudan Mr. John Garang de Mabior in a helicopter crash on 30 July 2005; commended the perseverance and commitment which the parties in the Sudan demonstrated in achieving the Comprehensive Peace Agreement and the promise of a new future; called on all Sudanese to honour his memory by restoring peace and calm throughout the Sudan;

Stressed that the death of Mr. Garang should not deter the struggle of the Sudanese people for justice and dignity; and encouraged the people of the Sudan to refrain from violence and maintain peace in the midst of mourning;

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<sup>137</sup> S/PV.5231, pp. 2-5.

<sup>138</sup> S/PRST/2005/38.

Reiterated its determination to assist the Sudanese people in their efforts to promote national reconciliation, resolve the conflict in Darfur and restore peace and stability throughout the country, and to build a prosperous and united Sudan.

**Decision of 23 September 2005 (5269th  
meeting): resolution 1627 (2005)**

At its 5269th meeting, on 23 September 2005, the Council included in its agenda the report of the Secretary-General on the Sudan dated 12 September 2005.<sup>139</sup> In his report, providing an assessment of the overall situation in the country, the Secretary-General observed that the implementation of the Comprehensive Peace Agreement was on track, although the formation of the Government of National Unity had encountered some difficulties. Regretting the delays in the deployment of UNMIS, due to a combination of administrative and logistical problems, the Secretary-General recommended that the mandate of UNMIS be renewed for a further period of 12 months.

The President (Philippines) drew the attention of the Council to a draft resolution;<sup>140</sup> it was put to the vote and adopted unanimously and without debate as resolution 1627 (2005), by which the Council, inter alia:

Decided to extend the mandate of UNMIS until 24 March 2006, with the intention to renew it for further periods;

Requested the Secretary-General to report to the Council every three months on the implementation of the mandate of UNMIS, including its work to reinforce the efforts of AMIS to foster peace in Darfur.

**Decision of 13 October 2005 (5277th meeting):  
statement by the President**

At the 5277th meeting, on 13 October 2005, the President (Romania) made a statement on behalf of the Council,<sup>141</sup> by which the Council, inter alia:

Expressed its grave concern at recent reports on an upsurge of violence in Darfur and insisted that all parties strictly abide by past ceasefire agreements;

Strongly condemned the attacks by armed groups which killed peacekeepers and civilians; urged all parties to ensure humanitarian access in Darfur;

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<sup>139</sup> S/2005/579.

<sup>140</sup> S/2005/599.

<sup>141</sup> S/PRST/2005/48.

Expressed its support for AMIS and recalled that the Government of the Sudan and Darfur rebel movements had to take necessary steps to facilitate the deployment and effectiveness of AMIS;

Remained firmly committed to the cause of peace in all of the Sudan and urged all parties to conclude a peace agreement without further delay.

**Deliberations of 13 December 2005  
(5321st meeting)**

At its 5321st meeting, on 13 December 2005, at which no statements were made by Council members, and in the presence of the Secretary-General, the Council heard a briefing by the Prosecutor of the International Criminal Court.

Reporting on the activities undertaken by the Court since his last update to the Council, the Prosecutor stated that, since the launch of investigations on 1 June 2005, his Office had started the first phase of the investigation, which consisted in gathering facts relating to the universe of crimes alleged to have been committed in Darfur, as well as to the groups and individuals responsible for those crimes. Afterwards, he said, the second phase of the investigation would focus on a selected number of criminal incidents and on those persons bearing the greatest criminal responsibility for those incidents. In light of the climate of insecurity and the lack of an effective system of protection, the Prosecutor reported that investigative activities had so far only taken place outside Darfur and that, despite those limitations, significant progress had been made. Following the establishment, on 22 September 2005, of the Government of National Unity, he reported that, in the lead-up to the transition, his Office had not made formal requests of the Sudan for assistance, but contacts with Sudanese authorities had been maintained. Recalling that the investigation of the situation in Darfur was taking place within a context of ongoing violence and multiple efforts to secure peace, as well as a complex process of political transition, the Prosecutor stated that his Office would continue to be sensitive to those dynamics while at the same time being conscious that accountability for the most serious crimes alleged to have been committed in Darfur was an essential component to an effective peace and transition. He therefore concluded that, after having made the first steps towards a cooperative relationship, during the next phase, his Office would seek the further assistance and cooperation of the Government

of the Sudan in relation to the process of fact-finding and evidence-gathering.<sup>142</sup>

**Decisions of 21 December 2005 (5342nd meeting): resolution 1651 (2005) and statement by the President**

At the 5342nd meeting,<sup>143</sup> on 21 December 2005, the President (United Kingdom) drew the attention of the Council to a draft resolution;<sup>144</sup> it was put to the vote and adopted unanimously and without debate as resolution 1651 (2005), by which the Council, acting under Chapter VII of the Charter, inter alia:

Decided to extend the mandate of the Panel of Experts appointed pursuant to resolution 1591 (2005) until 29 March 2006, and requested the Secretary-General to take the necessary administrative measures;

Requested the Panel of Experts to report and make recommendations to the Council, through the Committee established by paragraph 3 (a) of resolution 1591 (2005), prior to the termination of its mandate, on the implementation of the measures imposed by paragraphs 3, 6 and 7 of resolution 1591 (2005) and paragraphs 7 and 8 of resolution 1556 (2004).

After the adoption of the resolution, the President made a statement on behalf of the Council,<sup>145</sup> by which the Council, inter alia:

Welcomed the commencement in Abuja, of the seventh round of the African Union-led inter-Sudanese peace talks on Darfur;

Called on all parties to the conflict to fulfil their commitments to conclude a just and full peace accord without further delay; demanded that all parties refrain from violence and put end to atrocities on the ground, especially those committed against civilians;

Demanded that the Sudan Liberation Movement/Army, the Justice and Equality Movement and the Government of the Sudan immediately cease violence, comply with the N'Djamena Ceasefire Agreement, end impediments to the peace process and cooperate fully with AMIS, and that the Government of the Sudan disarm and control militias;

Further demanded that those responsible for violations of human rights and international humanitarian law be brought to justice without delay;

<sup>142</sup> S/PV.5321, pp. 2-4.

<sup>143</sup> At its 5322nd meeting, held in private on 13 December 2005, the Council heard a briefing by the Prosecutor of the International Criminal Court and had a constructive exchange of views.

<sup>144</sup> S/2005/812.

<sup>145</sup> S/PRST/2005/67.

Reaffirmed its determination to make full use of existing measures under the relevant Security Council resolutions on the Sudan, including holding accountable those responsible for violence and violations of the arms embargo, and those who impeded the peace process;

Appealed to donors to continue both supporting the crucial work of the African Union and its Mission in the Sudan in stemming the violence in this suffering region and providing critical humanitarian assistance to millions of war-afflicted civilians in Darfur and across the border in Chad.

### **Deliberations of 13 January 2006 (5344th meeting)**

At its 5344th meeting, on 13 January 2006, the Council included in its agenda the report of the Secretary-General on the Sudan dated 21 December 2005<sup>146</sup> and the monthly report of the Secretary-General on Darfur dated 23 December 2005.<sup>147</sup>

In his report on the Sudan, the Secretary-General observed that, while the peace process was on track, serious concerns about the implementation of the Comprehensive Peace Agreement remained and reminded the parties that there was no alternative to the Agreement's framework, which needed to be implemented earnestly and in full. With regard to southern Sudan, the Secretary-General observed that security had also become a matter of growing concern and urged the Government of National Unity and the Government of Southern Sudan to take appropriate measures to tackle the insecurity and protect the civilian population and United Nations and staff of non-governmental organizations in areas where the Lord's Resistance Army (LRA) and other armed groups operated. Turning to the situation in Darfur, the Secretary-General noted that security on the ground urgently needed improvement, while the search for a durable political peace, including a permanent ceasefire, had to be intensified during the seventh round of negotiations in Abuja.

In his monthly report on Darfur of 23 December 2005, the Secretary-General reported that, despite the adoption of targeted measures and the referral of the situation in Darfur to the International Criminal Court,

there had been a marked deterioration in the situation since September, including the proliferation of actors to the conflict, an increase in the number of inter-tribal clashes, the entry of destabilizing elements from Chad, and more instances of banditry. Reaffirming that the vast majority of armed militias had not been disarmed, and no major steps had been taken by the Government to bring to justice or even identify any of the militia leaders or the perpetrators of attacks, contributing to a prevailing climate of impunity, the Secretary-General strongly urged the Government of the Sudan to take decisive steps in this regard. Recalling that ultimately only a political solution could bring an end to the violence and allow some 2 million internally displaced persons and refugees to return, the Secretary-General stated that the Abuja talks were critical and must be decisive, despite the difficulties encountered in the lead-up to the talks. Concluding that the political efforts should go hand in hand with an enhanced security presence, which should address adequately the deteriorating situation on the ground, the Secretary-General welcomed that the African Union had decided to lead a second assessment mission, with the participation of key partners, including a team from the United Nations, to try to identify a way forward.

The Council heard briefings by the Special Representative of the Secretary-General for the Sudan and Head of UNMIS and the Special Envoy of the African Union for the Inter-Sudanese Peace Talks on the Conflict in Darfur.<sup>148</sup>

In his briefing, the Special Representative of the Secretary-General for the Sudan stated that, since the deadline set at the Abuja peace talks to reach an agreement before the end of 2005 had been missed, the strategy for achieving peace in Darfur should be reconsidered. He held that the parties should commit themselves to reaching an agreement during the seventh round of talks and could learn from the way by which the Comprehensive Peace Agreement had been achieved. In this instance, he said, the precondition to continue negotiations for a fair distribution of power and wealth was an agreement on a sustained and lasting ceasefire. Despite the admirable efforts of AMIS, which lacked adequate resources and means to prevent attacks against civilians, the Special Representative reported that the security situation in

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<sup>146</sup> S/2005/821, submitted pursuant to paragraph 11 of resolution 1590 (2005).

<sup>147</sup> S/2001/825, submitted pursuant to paragraphs 6, 13 and 16 of resolution 1556 (2004), paragraph 15 of resolution 1564 (2004), paragraph 17 of resolution 1574 (2004) and paragraph 12 of resolution 1590 (2005).

<sup>148</sup> The Secretary-General was present at the meeting, but did not make a statement.

Darfur was chaotic and that, looking back at three years of killing in Darfur, it was clear that the peace strategy had failed. He therefore held that a security force on the ground should be much bigger than the present one, be able to defend itself and deter attacks on civilians, be in place long enough to provide confidence or up to four years after a peace agreement, and have a broad mandate. The force would also need to be an integral element of a unified approach towards Darfur, including humanitarian, political, police, legal, human rights and reconstruction and economic development instruments.<sup>149</sup>

In his remarks, the Special Envoy of the African Union for the Inter-Sudanese Peace Talks on the Conflict in Darfur provided an assessment of the ongoing negotiations in Abuja. Noting that negotiations were characterized by an unacceptable level of inflexibility and distrust by the parties, he regretted that the movements considered the peace talks as a tactical arena, while the battlefield appeared to be the strategic arena. As a means of providing fresh momentum to the Abuja peace process, he suggested the following way forward: (a) ensuring the effectiveness of the mechanisms established to implement the Humanitarian Ceasefire Agreement; (b) making clear to the parties that, if their approach to the Abuja talks continued to delay progress towards a settlement, the Security Council would hold them responsible for prolonging the suffering of the people of Darfur and threaten or use the instrument of sanctions in a credible and evident way; (c) ensuring consistency and coordination among the neighbouring countries facilitating the peace process and the mediation, particularly Chad, the Libyan Arab Jamahiriya and Eritrea; (d) addressing some external conditions that caused concern, namely the state of relations and tension between Chad and the Sudan; (e) strengthening the role of international partners in the peace process; (f) ensuring secure funding for the peace talks; and (g) strengthening the presence and the means of AMIS on the ground.<sup>150</sup>

**Decision of 3 February 2006 (5364th meeting):  
statement by the President**

At the 5364th meeting,<sup>151</sup> on 3 February 2006, the President (United States) made a statement on

<sup>149</sup> S/PV.5344, pp. 2-5.

<sup>150</sup> Ibid., pp. 5-9.

<sup>151</sup> At its 5345th meeting, held in private on 13 January 2006, the Council heard briefings by the Special

behalf of the Council,<sup>152</sup> by which the Council, inter alia:

Commended the efforts of the African Union for successful deployment of AMIS and for significant contribution to the provision of a secure environment for civilians and the humanitarian situation in Darfur;

Took note of the communiqué of 12 January 2006 of the Peace and Security Council of the African Union, in which the latter expressed its support, in principle, for a transition from AMIS to a United Nations operation, and requested the Chairperson of the African Union Commission to initiate consultations with the United Nations and other stakeholders on this matter;

Requested the Secretary-General to initiate contingency planning without delay, jointly with the African Union, in close and continuing consultation with the Security Council, and in cooperation and close consultation with the parties to the Abuja peace talks, including the Government of National Unity, on a range of options for a possible transition from AMIS to a United Nations operation;

Stressed the importance of urgently reaching a successful conclusion of the Abuja talks and called on all parties to negotiate in good faith in order to reach a peace accord as soon as possible;

Reiterated in the strongest terms the need for all parties in Darfur to end the violence and atrocities;

Demanded that all parties to the Darfur conflict cooperate fully with AMIS and fulfil all the obligations to which they had committed themselves.

**Decision of 24 March 2006 (5396th meeting):  
resolution 1663 (2006)**

At its 5392nd meeting, on 21 March 2006, the Council included in its agenda the monthly report of the Secretary-General on Darfur dated 9 March 2006<sup>153</sup> and the report of the Secretary-General on the Sudan dated 14 March 2006.<sup>154</sup>

Representative of the Secretary-General for the Sudan and Head of UNMIS and the Special Envoy of the African Union for the Inter-Sudanese Peace Talks on the Conflict in Darfur, and had a constructive exchange of views.

<sup>152</sup> S/PRST/2006/5.

<sup>153</sup> S/2006/148, submitted pursuant to paragraphs 6, 13 and 16 of resolution 1556 (2004), paragraph 15 of resolution 1564 (2004), paragraph 17 of resolution 1574 (2004) and paragraph 12 of resolution 1590 (2005).

<sup>154</sup> S/2006/160, submitted pursuant to paragraph 11 of resolution 1590 (2005).

In his monthly report on Darfur, the Secretary-General reported on the initial phase of planning for a United Nations operation in Darfur. Observing that it would be erroneous to characterize any transition to a United Nations mission in Darfur as a substitution of an “African” force by an “international” force, he nevertheless noted that the new mission should be qualitatively different from AMIS, particularly with regard to force mobility, and should have the cooperation of the Government of the Sudan. The Secretary-General held that the planning of the new mission should take into consideration the ongoing violence and consistent violations of human rights in the region, including the displacement of more than 3 million people and increasing instability near the border with Chad. In this regard, he added that the main objectives of international efforts in Darfur should be to contribute to the protection of civilians at risk with a view to creating an environment conducive to national reconciliation. Emphasizing that the size, composition and capabilities of the military component of such a mission would depend on a range of factors, the Secretary-General noted that the determining factor should be the status of ceasefire arrangements in Darfur as, without an effective ceasefire fully respected by the parties, any international security presence in Darfur would have to be mandated and equipped to take robust action to protect civilians at risk. He therefore urged the parties at the peace talks in Abuja to show greater commitment and flexibility to achieve a negotiated settlement during the seventh round of talks.

In his report on the Sudan, reporting on the progress in the implementation of the Comprehensive Peace Agreement, the Secretary-General noted that, although the parties had taken a number of important steps in the right direction, there was cause for concern, particularly since the institutions of the Agreement designed to offer a political forum to consider and resolve differences over implementation had not yet begun to be used effectively by the parties. Regretting that the crisis in Darfur was having a direct and negative effect on the timely implementation of the Agreement, the Secretary-General observed that it was essential for all parties in Darfur to seriously engage in finding a swift and durable political solution to the conflict in order to avoid the prolonged suffering of civilian populations and to ensure that the region did not further slip into chaos. The Secretary-General concluded by emphasizing that the partners in the

Government of National Unity needed to engage each other, through the institutions of the Agreement, negotiate in good faith and make the necessary compromises in the interest of the shared principles enshrined in the Agreement and the Interim National Constitution.

The Council heard a briefing by the Special Representative of the Secretary-General for the Sudan and Head of UNMIS. In his briefing, the Special Representative, *inter alia*, focused his comments on the situation in Darfur, saying that the strategy should focus on two objectives, sustainable peace between the warring parties and the protection of unarmed civilians, in particular against movements not participating in the peace talks. He therefore held that three steps were necessary: first, the swift conclusion of an agreement at the Abuja talks on power and wealth-sharing, followed by an all-inclusive Darfur-Darfur dialogue among all stakeholders; secondly, a new ceasefire agreement that could hold; and thirdly, a robust peace force with an appropriate size to be deployed throughout the region in order to deter any attacks and instil confidence among the people. He therefore held the view that steps should be taken to augment AMIS as, regardless of whether a transition to a United Nations operation would take place, a substantial strengthening of the African Union peacekeeping force in Darfur was urgently required.<sup>155</sup>

At its 5396th meeting, on 24 March 2006, the Council continued its consideration of the aforementioned reports of the Secretary-General.<sup>156</sup> The President (Argentina) drew the attention of the Council to a draft resolution,<sup>157</sup> and to two revisions to the text.<sup>158</sup> The draft resolution was then put to the vote and adopted unanimously and without debate as resolution 1663 (2006), by which the Council, *inter alia*:

Decided to extend the mandate of UNMIS until 24 September 2006;

Reiterated its request that UNMIS closely and continuously liaise and coordinate at all levels with AMIS, and urged it to intensify its efforts in this regard;

Requested that the Secretary-General expedite the necessary preparatory planning for transition of AMIS to a

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<sup>155</sup> S/PV.5392, pp. 2-5.

<sup>156</sup> S/2006/148 and S/2006/160.

<sup>157</sup> S/2006/179.

<sup>158</sup> See S/PV.5396, p. 2.



United Nations operation; strongly condemned the activities of militias and armed groups such as LRA.

**Decision of 29 March 2006 (5402nd meeting):  
resolution 1665 (2006)**

At its 5402nd meeting, on 29 March 2006, the Council included in its agenda a letter dated 30 January 2006 from the Chairman of the Committee established pursuant to resolution 1591 (2005) concerning the Sudan addressed to the President of the Council,<sup>159</sup> transmitting the final report of the Panel of Experts on the Sudan.

The President (Argentina) drew the attention of the Council to a draft resolution,<sup>160</sup> it was then put to the vote and adopted unanimously and without debate as resolution 1665 (2006), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to extend until 29 September 2006 the mandate of the Panel of Experts originally appointed pursuant to resolution 1591 (2005) and extended by resolution 1651 (2005);

Requested the Panel of Experts to provide a midterm briefing on its work to the Committee and a final report no later than 30 days prior to termination of its mandate to the Council with its findings and recommendations; urged all States, relevant United Nations bodies and the African Union to cooperate fully with the Committee and the Panel of Experts.

**Decision of 11 April 2006 (5409th meeting):  
statement by the President**

At the 5409th meeting, on 11 April 2006, the President (China) made a statement on behalf of the Council,<sup>161</sup> by which the Council, *inter alia*:

Strongly commended the efforts of the African Union to achieve lasting peace in Darfur, which had its full support; regretted the decisions of the Government of National Unity not to renew the contract of the Norwegian Refugee Council and to deny the entry of the United Nations Emergency Relief Coordinator to Darfur;

Reiterated its full support for the Inter-Sudanese Peace Talks on the Conflict in Darfur in Abuja;

Demanded that all parties make the necessary efforts to reach an agreement;

Reiterated its commitment to the sovereignty, unity, independence and territorial integrity of the Sudan, which would be unaffected by the transition to a United Nations operation;

Stressed that the Secretary-General should consult jointly with the African Union, in close and continuing consultation with the Security Council, and in cooperation and close consultation with the parties to the Abuja peace talks, including the Government of National Unity, on decisions concerning the transition;

Stressed that a United Nations operation would have strong African participation and character;

Recalled its request in resolution 1663 (2006) that the Secretary-General expedite the necessary preparatory planning for the transition of AMIS to a United Nations operation;

Called in this regard for a United Nations assessment mission to visit Darfur by 30 April 2006;

Called on international and regional organizations and Member States to provide every possible additional assistance to a United Nations operation.

**Decision of 25 April 2006 (5422nd meeting):  
statement by the President**

At the 5413th meeting, on 18 April 2006, the President (China) drew the attention of the Council to a letter dated 10 March 2006 from the representative of the Congo, in his capacity as representative of the Chairman of the African Union,<sup>162</sup> transmitting a communiqué issued by the Peace and Security Council of the African Union at its 46th meeting, held on 10 March 2006, by which it decided to support in principle the transition from AMIS to a United Nations operation in Darfur, as well as to the monthly report of the Secretary-General on Darfur.<sup>163</sup>

In his monthly report, the Secretary-General observed that the recent escalation of fighting between the parties, together with deliberate attacks on towns, villages and displaced persons' settlements and acts of banditry, had forced thousands more civilians to flee their homes and exposed them to a wide range of abuses. He noted that the most serious problems related to the continuation of attacks on unarmed civilians by militias, which, according to many African Union reports, received support from the army, although the Government had denied this. He said that the

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<sup>159</sup> S/2006/65; the report was submitted pursuant to paragraph 3 (b) ii of resolution 1591 (2005).

<sup>160</sup> S/2006/189.

<sup>161</sup> S/PRST/2006/16.

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<sup>162</sup> S/2006/156.

<sup>163</sup> S/2006/218, submitted pursuant to paragraphs 6, 13 and 16 of resolution 1556 (2004), paragraph 15 of resolution 1564 (2004), paragraph 17 of resolution 1574 (2004) and paragraph 12 of resolution 1590 (2005).

Government of the Sudan needed to take immediate action to reign in forces over which it had direct or indirect control. Stressing the need for international support, he noted that the Under-Secretary-General for Peacekeeping Operations had convened a meeting of a group of Member States on 19 March 2006 to discuss the crisis in Darfur. He also noted that the heightened violence in Western Darfur and the tenuous relationship between Chad and the Sudan continued to impinge negatively on the peace negotiations and, while the agreement signed between Chad and the Sudan in Tripoli on 8 February was an encouraging development, much more needed to be done to reinforce the process. Finally, he underlined that the United Nations was moving forward expeditiously in preparing plans for a possible transition to a United Nations operation in Darfur, which would be done in close coordination with the African Union.

The Council heard a briefing by the Special Envoy of the African Union for the Inter-Sudanese Peace Talks on the Conflict in Darfur and Chief Mediator. In his briefing, the Special Envoy, observing that a comprehensive peace agreement for Darfur was within reach, reported that the mediation team was in the process of presenting to the parties a far-reaching set of proposals which would cover the issues of power-sharing, wealth-sharing, security arrangements and the Darfur-Darfur dialogue, as well as implementation mechanisms and modalities. The African Union Peace and Security Council had also adopted a resolution indicating that it wanted a comprehensive Darfur peace agreement before the end of April 2006. However, he noted, it was necessary to extend maximum support to AMIS to ensure that once the ceasefire agreement had been signed, the force could be ready for an expanded mandate.<sup>164</sup>

At the 5422nd meeting,<sup>165</sup> on 25 April 2006, the President (China) made a statement on behalf of the Council,<sup>166</sup> by which the Council, *inter alia*:

Strongly commended and supported the efforts of the African Union to achieve lasting peace in Darfur;

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<sup>164</sup> S/PV.5413, pp. 2-6.

<sup>165</sup> At its 5414th meeting, held in private on 18 April 2006, the Council heard a briefing by the Special Envoy of the African Union for the Inter-Sudanese Peace Talks on the Conflict in Darfur and Chief Mediator and had a constructive exchange of views.

<sup>166</sup> S/PRST/2006/17.

Reiterated the need for all parties to put an end to the persisting violence that might affect the region and the security of Chad;

Reiterated its full support for the Inter-Sudanese Peace Talks on the Conflict in Darfur in Abuja;

Further reiterated its endorsement of the decision by the African Union Peace and Security Council that an accord must be reached by 30 April;

Called on and expected the parties in Abuja to consider the proposals made by the Mediator with a view to reaching a lasting peace and security in Darfur and the Sudan as a whole;

Commended the various parties and stakeholders for their support for the peace process and encouraged them to continue supporting the parties in the implementation of the peace accord.

**Decision of 25 April 2006 (5423rd meeting):  
resolution 1672 (2006)**

At the 5423rd meeting, on 25 April 2006, the President (China) drew the attention of the Council to a draft resolution submitted by Argentina, Denmark, France, Japan, Peru, Slovakia, the United Kingdom and the United States,<sup>167</sup> which was put to a vote; it received 12 votes to none, with 3 abstentions (China, Qatar, Russian Federation), and was adopted as resolution 1672 (2006), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided that all States should implement the measures specified in paragraph 3 of resolution 1591 (2005) with respect to the following individuals: Major General Gaffar Mohamed Elhassan (Commander of the Western Military Region for the Sudanese Armed Forces), Sheikh Musa Hilal (Paramount Chief of the Jalul Tribe in Northern Darfur), Adam Yacub Shant (Sudanese Liberation Army Commander) and Gabriel Abdul Kareem Badri (National Movement for Reform and Development Field Commander);

Decided to remain actively seized of the matter.

Speaking after the vote, the representative of the Russian Federation, while concurring that violations of international humanitarian law should not go unpunished, held that the adoption of the resolution might have a negative impact on the prospects for concluding the peace agreement on Darfur in Abuja by the end of April 2006 and expressed the belief that, within the Sudanese context and also in broader terms, the implementation of sanctions should be closely linked with the task of promoting the process of a political settlement of the conflict and ensuring

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<sup>167</sup> S/2006/255.

regional stability.<sup>168</sup> The representative of Qatar said that, in the Committee established pursuant to resolution 1591 (2005), his delegation had not seen clear and consistent evidence that would condemn the individuals in the way required for imposing sanctions in accordance with the Committee's measures and guidelines. He added that his delegation was of the view that it was necessary to leave any such accusations to the Prosecutor of the International Criminal Court to deal with and not to influence any investigations. In addition, given the positive report of the African Union Special Envoy for the Inter-Sudanese Peace Talks on the Conflict in Darfur, and the positive developments in the Abuja peace process, he stated that it was not suitable to adopt this kind of resolution at this particular juncture and that it would have been preferable to postpone the vote until after the end of April 2006.<sup>169</sup> The representative of China believed that the timing for the adoption of the resolution was inappropriate given that the African Union-led peace talks were at a crucial juncture and that the priority for the Security Council should be to assist the African Union in bringing the Abuja talks to a conclusion before the end of April 2006. He added that if, as a result of resolution 1672 (2006), any party to the Abuja talks had second thoughts about signing such a peace accord, the conflict in the Darfur region would inevitably be prolonged or even intensify. Recalling that the proper settlement of the Darfur problem would also have an impact on the peace process between the north and south in the Sudan, on the neighbouring countries of Chad and the Central African Republic and on the subregion as a whole, he stated that the Council should send a constructive message and avoid actions that might give rise to misinterpretation or affect the peace process as a whole. The representative of China regretted that, despite a request for clarification, the matter had been submitted to the Council before convincing evidence could be established.<sup>170</sup>

By contrast, welcoming the adoption of the resolution as an important first step in the fulfilment by the Security Council of its responsibilities regarding Darfur, the representative of the United States noted that the resolution, although regrettably not adopted unanimously, demonstrated that the Council was

serious in its effort to restore peace and security in the region and that it would strengthen, and not interfere with the peace process in Abuja.<sup>171</sup>

**Decision of 9 May 2006 (5434th meeting):  
statement by the President**

At the 5434th meeting, on 9 May 2006, statements were made by all Council members, the representatives of Austria (on behalf of the European Union), Canada, the Netherlands, Nigeria, the Sudan, the Permanent Observer of LAS and the Secretary-General.<sup>172</sup>

In his statement, the Secretary-General, welcoming the Darfur Peace Agreement signed in Abuja on 5 May 2006 as an historic opportunity to bring peace to Darfur, outlined a number of actions to be urgently taken, which included convincing the rebel leaders who decided to remain outside the peace process to sign the peace agreement, ensuring the implementation of the peace agreement and strengthening AMIS on the ground. Recalling that the reinforcement of AMIS could represent only a stopgap measure, the Secretary-General stated that AMIS should be transformed into a larger and more mobile United Nations operation, better equipped and with a stronger mandate. He therefore added that, jointly with the African Union, the additional resources needed by AMIS to implement key points of the Abuja agreement should be quickly determined, followed by a pledging conference. He then noted that transition to a United Nations operation in Darfur should be sped up, with the deployment of a technical assessment mission to Darfur to undertake a first-hand assessment of the situation on the ground and consult with the Government of the Sudan. Recalling that a peacekeeping mission could not succeed without the

<sup>171</sup> *Ibid.*, pp. 2-3.

<sup>172</sup> The President (Congo, represented by its Minister for Foreign Affairs), spoke on behalf of the Chairman of the African Union. Austria, China, France, the Russian Federation and the United Republic of Tanzania were represented by their Ministers for Foreign Affairs. The United Kingdom was represented by its Secretary of State for Foreign and Commonwealth Affairs, and the United States by its Secretary of State. Denmark and the Netherlands were represented by their Ministers for Development Cooperation. Argentina and Greece were represented by their Deputy Ministers for Foreign Affairs. Japan was represented by its Senior Vice-Minister for Foreign Affairs.

<sup>168</sup> S/PV.5423, p. 2.

<sup>169</sup> *Ibid.*, p. 2.

<sup>170</sup> *Ibid.*, p. 3.

support and the cooperation of the parties at the highest level, the Secretary-General reported that he had written to the President of the Sudan requesting his support for the mission and appealed to the parties to immediately respect the ceasefire in Darfur and honour the commitments undertaken.<sup>173</sup>

In their statements, the majority of Council members, *inter alia*, welcomed the signature of the Darfur Peace Agreement; urged the signatory parties to respect their commitments and implement the peace agreement in its entirety; urged all parties to join the peace agreement; called for the operational and financial strengthening of AMIS; expressed deep concern over the deteriorating humanitarian situation and looked forward to the deployment to the Sudan of the technical assessment mission with a view to speeding up the transition to a United Nations peacekeeping force in Darfur. With regard to the latter issue, several Council members underlined the need to obtain the consent of the Government of the Sudan,<sup>174</sup> with the representatives of the Russian Federation and China stating that the consent and cooperation of the Government of the Sudan were prerequisites for the deployment of a United Nations operation.<sup>175</sup> The representative of Denmark said that it was crucial to encourage pressure on the parties who did not sign the peace agreement and, in this regard, supported the position that all measures, including sanctions, should be put to use when appropriate.<sup>176</sup> The representative of France, echoed by the representatives of Greece and Japan, held that the question of Darfur should be approached from a regional perspective, and expressed particular concern over the destabilized situation in Chad.<sup>177</sup>

At the end of the debate, the President (Congo) made a statement on behalf of the Council,<sup>178</sup> by which the Council, *inter alia*:

Welcomed the agreement of 5 May 2006 reached at the Intra-Sudanese Peace Talks in Abuja as a basis for lasting peace in Darfur;

Urged those movements that had not signed the agreement to do so without delay, noting the benefits it would bring them

and the people of Darfur, and not to act in any way that would impede implementation of the agreement;

Stressed the need for AMIS to be urgently further strengthened in line with the conclusions of the joint assessment mission of 10 to 20 December 2005 so that it was able to support implementation of the Darfur Peace Agreement until a United Nations operation was deployed;

Called for the Government of National Unity to facilitate immediately the visit of a joint United Nations and African Union technical assessment mission to Darfur;

Expressed its deep concern over the deteriorating humanitarian situation in Darfur;

Called on all the Sudanese parties to respect the neutrality, impartiality and independence of humanitarian assistance.

**Decision of 16 May 2006 (5439th meeting):  
resolution 1679 (2006)**

At the 5439th meeting, on 16 May 2006, the President (Congo) drew the attention of the Council to a draft resolution submitted by Argentina, the Congo, Denmark, France, Ghana, Greece, Peru, Slovakia, the United Kingdom, the United Republic of Tanzania and the United States;<sup>179</sup> it was then put to the vote and adopted unanimously as resolution 1679 (2006), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Called upon the parties to the Darfur Peace Agreement to respect their commitments and implement the Agreement without delay, and urged those parties that had not signed the agreement to do so without delay and not to act in any way that would impede implementation of the agreement;

Called upon the African Union to agree with the United Nations to strengthen the capacity of AMIS to enforce the security arrangements of the Darfur Peace Agreement, with a view to a follow-on United Nations operation in Darfur;

Requested the Secretary-General to submit recommendations to the Council on all relevant aspects of the mandate of the United Nations operation in Darfur, including force structure, additional force requirements, potential troop-contributing countries and a detailed financial evaluation of future costs.

After the adoption of the draft resolution, the representatives of the Russian Federation and China stated that the reference in the resolution to Chapter VII of the Charter should not be construed as constituting a precedent for the Council's future discussion and adoption of new resolutions on the

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<sup>173</sup> S/PV.5434, pp. 2-3.

<sup>174</sup> *Ibid.*, p. 4 (United Kingdom); p. 6 (United States); p. 12 (Japan); and p. 15 (Qatar).

<sup>175</sup> *Ibid.*, p. 5 (Russian Federation); and p. 7 (China).

<sup>176</sup> *Ibid.*, p. 10.

<sup>177</sup> *Ibid.*, p. 9 (France); p. 11 (Greece); and p. 12 (Japan).

<sup>178</sup> S/PRST/2006/21.

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<sup>179</sup> S/2006/296.

Sudan and stated that, if the United Nations was to deploy a peacekeeping operation in Darfur, the agreement and cooperation of the Government of the Sudan had to be obtained. The representative of China added that the contents of resolution 1679 (2006) were also inconsistent with the heading of Chapter VII “Actions with respect to threats to the peace, breaches of the peace, and acts of aggression”.<sup>180</sup> Similarly, the representative of Qatar said that the reference to Chapter VII of the Charter in resolution 1679 (2006) did not imply that the Security Council was prepared to carry out a transfer of responsibility from AMIS to a United Nations force prior to the approval of the Government of the Sudan.<sup>181</sup>

#### **Deliberations of 14 June 2006 (5459th meeting)**

At the 5459th meeting, on 14 June 2006, statements were made by the Prosecutor of the International Criminal Court and the representative of the Sudan.

The Prosecutor updated the Council on the activities undertaken by the Court since his last report to the Council. Recalling that by resolution 1674 (2006) the Council had concluded that the prevention of armed conflict required a comprehensive approach and that ending impunity, through appropriate national and international mechanisms, was essential to ensuring the non-recurrence of abuses, the Prosecutor stated that his Office was committed to contributing to such a comprehensive approach by investigating and prosecuting crimes within the Court’s jurisdiction. Given the scale of the alleged crimes in Darfur and the complexities associated with the identification of those individuals bearing the greatest responsibility for the crimes, he said that his Office currently anticipated the investigation and prosecution of a sequence of cases, rather than a single case dealing with the situation in Darfur as a whole. Reporting that his Office was collecting all available information from outside Darfur and had managed to make progress in its work despite serious obstacles, the Prosecutor emphasized that a new phase was starting, where unconditional cooperation by the Government of the Sudan and other parties to the conflict would be essential to complete the investigation and identify those most responsible for crimes committed in Darfur in an expeditious

<sup>180</sup> S/PV.5439, p. 2 (Russian Federation); and pp. 2-3 (China).

<sup>181</sup> *Ibid.*, p. 3.

manner. He therefore concluded by stating that in the coming phase the Office would seek to complete the investigation of the first case and would continue to assess, on an ongoing basis, the admissibility of selected cases.<sup>182</sup>

The representative of the Sudan recalled that his Government had responded positively to resolution 1593 (2005) by beginning a process of consultation with the Prosecutor of the International Criminal Court and that national police and prosecutors were prosecuting the perpetrators of violations in Darfur. Stressing that a political settlement was the best possible solution to achieving peace and justice in Darfur, he said that the Government of the Sudan would continue its efforts to establish the rule of law and justice through the courts and other mechanisms set up in Darfur and called upon the Security Council to support its efforts towards internal dialogue in Darfur.<sup>183</sup>

#### **Decision of 31 August 2006 (5519th meeting): resolution 1706 (2006)**

At its 5519th meeting,<sup>184</sup> on 31 August 2006, the Council included in its agenda the report of the Secretary-General on Darfur dated 28 July 2006.<sup>185</sup> In his report, the Secretary-General, observing that there were signs that implementation of the Darfur Peace Agreement might be experiencing major delays and long-term structural difficulties, regretted that two of the parties involved in the Abuja talks would not sign the Agreement and that the Agreement had not yet received support from a significant portion of the

<sup>182</sup> S/PV.5459, pp. 2-5.

<sup>183</sup> *Ibid.*, pp. 5-6.

<sup>184</sup> At its 5460th meeting, held in private on 14 June 2006, the Council heard a briefing by the Prosecutor of the International Criminal Court and had a constructive exchange of views. At its 5517th meeting, held in private on 28 August 2006, following briefings by the Assistant Secretary-General for Peacekeeping Operations and the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, the Council had an exchange of views with the Chargé d’affaires a.i. of the Permanent Observer Mission of the African Union to the United Nations, the Permanent Observer of the League of Arab States (LAS) to the United Nations, and the Permanent Observer of the Organization of the Islamic Conference (OIC) to the United Nations.

<sup>185</sup> S/2006/591, submitted pursuant to resolution 1679 (2006).

population in Darfur. The Secretary-General therefore urged the parties, in particular the Government of the Sudan, to implement the Agreement as soon as possible and, at the same time, called upon the international community to expand its assistance considerably. He recommended that the Council immediately authorize new levels of United Nations support to AMIS in a number of priority areas, including command and control; communications; enhanced mobility; engineering; training; location and sourcing of water; resource and administrative management; and public information. At the same time, the Secretary-General noted that the United Nations could not take over full peacekeeping responsibilities in the region until it had the consent and cooperation of the Government of the Sudan and had been able to gather together sufficient troop-contributing countries to mount the large multidimensional peacekeeping operation required. After outlining a mandate and a mission structure for the United Nations operation in Darfur, the Secretary-General recalled that transition to a United Nations operation should happen as soon as possible and stated that securing the consent of the Government of the Sudan would require continuing and intense discussion with the Government by Council members, key Member States and regional organizations, as well as the United Nations.

The representative of the Sudan was invited to participate in the discussion. Statements were made by the majority of Council members.<sup>186</sup> The President (Ghana) drew the attention to the Council to the addendum to the report of the Secretary-General dated 28 July 2006, containing the preliminary cost estimates for United Nations support to AMIS.<sup>187</sup> The President then drew the attention of the Council to a draft resolution submitted by Argentina, Denmark, France, Ghana, Greece, Slovakia, the United Kingdom, the United Republic of Tanzania and the United States,<sup>188</sup> which was put to a vote. It received 12 votes to none, with 3 abstentions (China, Qatar, Russian Federation), and was adopted as resolution 1706 (2006), by which the Council, *inter alia*:

Decided, without prejudice to its existing mandate and operations as provided for in resolution 1590 (2005) and in order to support the early and effective implementation of the

Darfur Peace Agreement, that the mandate of UNMIS should be expanded, that it should deploy to Darfur, and therefore invited the consent of the Government of National Unity for this deployment, and urged Member States to provide the capability for an expeditious deployment;

Decided that UNMIS should be strengthened by up to 17,300 military personnel and by an appropriate civilian component including up to 3,300 civilian police personnel and up to 16 formed police units;

Decided that the mandate of UNMIS in Darfur should be to support implementation of the Darfur Peace Agreement and the N'Djamena Agreement on Humanitarian Ceasefire on the Conflict in Darfur;

And, acting under Chapter VII of the Charter:

Decided that UNMIS was authorized to use all necessary means, in the areas of deployment of its forces and as it deemed within its capabilities.

After the vote, the representative of the United States underlined that it was imperative to move immediately to the implementation of the resolution in order to fully stop the tragic events unfolding in Darfur, adding that each day of delay would only add to the suffering of the Sudanese people and “extend the genocide”. He therefore expected the full cooperation and support of the Government of the Sudan for the new United Nations peacekeeping force, and noted that failure on the part of the Government of the Sudan to do so would significantly undermine the Darfur Peace Agreement and prolong the humanitarian crisis in Darfur. Emphasizing that resolution 1706 (2006) set the foundation for an effective multidimensional international force, he stated that with the expansion of UNMIS it could be expected that the AMIS re-hatting would take place rapidly and smoothly and that the follow-on United Nations force would be fully operational, with a substantial African element at its core. Recalling that significant planning and logistical work had already been done, he said that the adoption of the resolution made it possible to finalize plans and details to deploy the international force.<sup>189</sup> The representative of the United Kingdom said that a transition to a United Nations operation was the only viable option for Darfur. She said that even those delegations that had abstained did not fundamentally disagree with the issues of the text, but rather with the timing. She added that the Council attached importance to continued dialogue with the Government of the Sudan in order to obtain its consent, which she hoped

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<sup>186</sup> The representatives of the Congo and Peru did not make statements at the meeting.

<sup>187</sup> S/2006/591/Add.1.

<sup>188</sup> S/2006/699.

<sup>189</sup> S/PV.5519, pp. 2-3.

would be quickly forthcoming with the adoption of the resolution since the latter did not refer to the International Criminal Court nor was it adopted under Chapter VII in its entirety and stated clearly that the Council remained committed to the sovereignty and territorial integrity of the Sudan, which would be unaffected by a transition to a United Nations operation.<sup>190</sup> Similarly, while welcoming the timely adoption of the resolution, several Council members noted that the transition to a United-Nations-led operation was the best available option to cope with the increasingly deteriorating situation in Darfur, though emphasizing that the adoption of the resolution did not preclude further dialogue and the search of partnership with the Government of the Sudan.<sup>191</sup>

The representative of China noted that the transition from AMIS to a United Nations operation was a good and pragmatic approach, although such a transition could take place only once the consent of the Government of National Unity had been obtained. Recalling that the Secretary-General had suggested holding a direct high-level dialogue at the Security Council among the parties involved, he deemed that it had been unnecessary for the Council to vote on resolution 1706 (2006), since postponing the vote would have helped to create a good atmosphere among stakeholders, as well as an environment conducive to the smooth implementation of the resolution, rather than triggering further misunderstanding and confrontation. Therefore, he concluded, due to his reservations on the timing of the vote and on the text of the resolution which had not clearly included the need to receive the consent of the Government of National Unity, the representative of China stated that his delegation had been forced to abstain from the voting.<sup>192</sup> Echoing the representative of China, the representative of the Russian Federation said that it was of fundamental importance that the resolution clearly state the overriding need for the consent of the Government of National Unity of the Sudan for the deployment of a United Nations peacekeeping mission in Darfur.<sup>193</sup>

Explaining his abstention from voting, the representative of Qatar noted that more efforts should have been made on the political front to prepare the ground for the Sudan's voluntary consent to expanding the mandate and strength of the United Nations forces and deploying them to Darfur. Stating that his delegation would have preferred to provide financial and logistical support to AMIS in order to enable it to complete its mandate, he concluded that his delegation could not support the resolution, given its repercussions and the modalities of its implementation in the prevailing political atmosphere.<sup>194</sup>

#### **Deliberations of 11 September 2006 (5520th meeting)**

At its 5520th meeting, on 11 September 2006, the Council continued its consideration of the report of the Secretary-General on Darfur dated 28 July 2006 and its addendum.<sup>195</sup> Statements were made by all Council members, the representative of the Sudan, the Permanent Observer for LAS to the United Nations, the Permanent Observer of the Organization of the Islamic Conference (OIC) to the United Nations, as well as by the Secretary-General.<sup>196</sup>

The President (Greece) drew the attention of the Council to a letter dated 21 August 2006 from the representative of the Sudan to the President of the Security Council, transmitting a letter from the President of the Sudan, rejecting the transfer of the mandate of AMIS to a United Nations force in Darfur.<sup>197</sup>

In his statement, deeply regretting the worsening of the humanitarian situation and the escalation of renewed fighting in Darfur, the Secretary-General urged the international community to take urgent action at such a critical stage. Deploring the deployment by the Government of the Sudan of additional troops in Darfur, in violation of the Darfur Peace Agreement, the Secretary-General reiterated that there could be no military solution to the crisis and that only a political agreement in which all stakeholders were fully engaged could bring real peace to the region. Recalling

<sup>190</sup> Ibid., pp. 3-4.

<sup>191</sup> Ibid., pp. 5-6 (Japan); pp. 7-8 (France); p. 8 (Greece, Slovakia); p. 9 (United Republic of Tanzania); pp. 9-10 (Argentina); p. 10 (Denmark); and pp. 10-11 (Ghana).

<sup>192</sup> Ibid., pp. 4-5.

<sup>193</sup> Ibid., pp. 8-9.

<sup>194</sup> Ibid., pp. 6-7.

<sup>195</sup> S/2006/591 and Add.1.

<sup>196</sup> The Chargé d'affaires a.i. of the Permanent Observer Mission of the African Union was invited to participate in the meeting but did not make a statement.

<sup>197</sup> S/2006/683.

that the African Union had made very clear the need for transition from AMIS to a United Nations peacekeeping operation, he said that in the coming days the United Nations would work closely with the African Union to finalize a support package for AMIS, as a vital step for its transition to a United Nations mission. Observing that AMIS continued to have a vital role to play until the United Nations operation could be put in place, the Secretary-General regretted that the force still lacked the necessary resources and therefore called on the partners of AMIS to ensure that the mission could continue to work during the transition period. Recognizing that without the consent of the Government of the Sudan the transition to a United Nations mission would not be possible, the Secretary-General urged the Government to embrace the spirit of resolution 1706 (2006) and to give its consent. Finally, he appealed to Member States who were in a position to influence the Government of the Sudan to exert pressure and to the Security Council to send a clear, strong and uniform message.<sup>198</sup>

While asserting his Government's commitment to dialogue and cooperation with the United Nations, as demonstrated by the presence of UNMIS in the Sudan, the representative of the Sudan complained that, in handling the crisis in Darfur, the Council had taken a path characterized by imbalance and a lack of credibility. Although opining that the dialogue with the United Nations had been unilateral and confrontational, he stated that his Government would keep the doors open to unlimited and unconditional cooperation with the international community in conformity with all principles and practices that respected the country's sovereignty and independence.<sup>199</sup>

In their statements, both the Permanent Observer of LAS and the Permanent Observer of OIC underlined the importance of securing the consent of the Government of the Sudan prior to any deployment of United Nations forces in Darfur.<sup>200</sup>

Council members, *inter alia*, expressed concern about the deteriorating humanitarian, political and security situation in Darfur; endorsed the assessment by the Secretary-General on the ongoing humanitarian catastrophe in Darfur; noted with regret the refusal of the Government of the Sudan to accept and implement

Security Council resolution 1706 (2006); reiterated that there could not be any military solution to the conflict in Darfur and that the solution should be found through political means in the framework of the Darfur Peace Agreement; supported the extension of the mandate of AMIS; and agreed that an immediate reinforcement of the mission was necessary, particularly to avoid a security vacuum in the transition to a United Nations peacekeeping operation.

The representative of the United States, regretting that the Government of the Sudan had moved backwards by threatening the expulsion of AMIS, reiterated his delegation's view that a transition to a United Nations peacekeeping operation would represent the best option.<sup>201</sup> Noting that the Council's objective was to avert a humanitarian crisis in Darfur by working with the Government of the Sudan in respect of its territorial integrity in order to ensure that Darfur would not become a threat to the unity of the State or to the stability of the region, the representative of the United Kingdom questioned the assertion that a United Nations force in Darfur would be a breach of Sudanese sovereignty and, regretting the intransigence of the Government of the Sudan with regard to the deployment of a United Nations peacekeeping operation in Darfur, recalled that such charges had not been levelled against UNMIS in the south. He therefore held that efforts should be maintained to persuade the President of the Sudan to implement resolution 1706 (2006).<sup>202</sup>

The representatives of China and the Russian Federation stressed the importance for the Security Council of pursuing a dialogue with the Government of the Sudan in order to seek its consent for the transition of AMIS to a United Nations operation, advocating that the Council should respect the views of the Sudan, without imposing the deployment of a United Nations peacekeeping operation.<sup>203</sup> Similarly, the representative of the United Republic of Tanzania stated that there was an urgent need for the United Nations and the African Union to re-engage the Government of the Sudan in exploring mutually reassuring approaches to implement Security Council resolution 1706 (2006).<sup>204</sup> Recalling that the

<sup>198</sup> S/PV.5520, pp. 2-4.

<sup>199</sup> *Ibid.*, pp. 4-6.

<sup>200</sup> *Ibid.*, p. 6 (LAS); and p. 7 (OIC).

<sup>201</sup> *Ibid.*, p. 8.

<sup>202</sup> *Ibid.*, pp. 8-9.

<sup>203</sup> *Ibid.*, pp. 11-12 (China); and pp. 13-14 (Russian Federation).

<sup>204</sup> *Ibid.*, p. 13.



Government of the Sudan had put forward a comprehensive plan of action for Darfur that included several positive elements and regretting that the Security Council had not seriously considered that plan prior to adopting resolution 1706 (2006), the representative of Qatar called on the Council to study the plan and pursue consultations in good faith with the Government of the Sudan on the situation in Darfur, while avoiding the threat of sanctions.<sup>205</sup> The representative of Denmark noted that if the Government of the Sudan continued to pursue its plans to militarily solve the conflict in Darfur, the instrument of sanctions should not be excluded, while the representative of Greece stressed that the Council should use all the tools at its disposal, including the sanctions mechanism provided in resolution 1591 (2005).<sup>206</sup>

**Decision of 22 September 2006 (5532nd meeting): resolution 1709 (2006)**

At its 5528th meeting, on 18 September 2006, the Council included in its agenda the report of the Secretary-General on the Sudan dated 12 September 2006.<sup>207</sup> In his report, the Secretary-General observed that, one year after the inauguration of the Government of National Unity, the parties had made progress, although on a limited scale, in carrying out their commitments under the Comprehensive Peace Agreement. At the same time, he regretted that the parties had not been able to resolve a number of contentious issues, which included the crucial areas of power and wealth-sharing as well as the preparation for national elections, and called upon the parties to fully meet all their obligations under the Agreement. Reiterating that the Comprehensive Peace Agreement remained the basis on which to build the Darfur Peace Agreement, the Secretary-General hoped that the leaders of the Sudan were fully aware of the possible consequences of their negative reaction to the proposals of the international community with regard to Darfur, concerning the strengthening of AMIS and the transition to a United Nations operation. Emphasizing that the United Nations was prepared to seek the political path, as agreed with the Government of the Sudan in Abuja, the Secretary-General stressed

that the Security Council had a key role to play in this process, although its effectiveness depended on its ability to speak and act in complete unity. Finally, the Secretary-General recommended the renewal of the mandate of UNMIS for a period of 12 months.

The meeting, the Council heard a briefing by the Special Representative of the Secretary-General for the Sudan and Head of UNMIS, following which statements were made by all Council members.<sup>208</sup>

In his briefing, the Special Representative of the Secretary-General reported that UNMIS had almost completed its deployment in southern Sudan and that the implementation of the Comprehensive Peace Agreement remained on track, despite a number of ongoing challenges and the urgent need for reconstruction and development assistance in southern Sudan. On the situation in Darfur, although the Darfur Peace Agreement had been signed only four months earlier, he noted that the Agreement was “nearly dead” and highlighted five essential conditions to revive the Agreement, namely, (1) encouraging all parties concerned to join the Darfur Peace Agreement; (2) ending violations of the Agreement through a real truce; (3) making the Ceasefire Commission fully representative and authoritative; (4) resuming talks to enhance the population’s faith in the Agreement; and (5) securing the consent of the Government of the Sudan for the transition from AMIS to a United Nations mission.<sup>209</sup>

The majority of Council members expressed cautious optimism regarding the limited progress in the implementation of the Comprehensive Peace Agreement; noted some positive developments as far as the security and humanitarian situation in the south was concerned and stressed that UNMIS had played a key role in that regard; concurred that greater progress in the implementation of the Agreement was needed in areas such as security sector reform, police reform and restructuring, preparation for the return of the internally displaced persons, future elections as well as the disarmament, demobilization and reintegration programme; urged all the parties to comply with their commitments under the Comprehensive Peace Agreement and stressed that the international

<sup>205</sup> *Ibid.*, p. 19.

<sup>206</sup> *Ibid.*, p. 21 (Denmark); p. 22 (Greece).

<sup>207</sup> S/2006/728, submitted pursuant to resolution 1590 (2005).

<sup>208</sup> The United Kingdom was represented by its Parliamentary Under-Secretary of State for Foreign Affairs.

<sup>209</sup> S/PV.5528, pp. 2-6.

community must continue to work to underpin the agreement; supported the Secretary-General's recommendation to renew the mandate of UNMIS; in connection with the situation in Darfur, agreed with the Secretary-General that peace in the Sudan was indivisible and that the crisis in Darfur could have a spillover effect on the rest of the country; acknowledged that the Comprehensive Peace Agreement could be severely affected if there was little progress on the Darfur Peace Agreement; reiterated the importance of continuing seeking ways and means to convince the Government of the Sudan to implement resolution 1706 (2006) and accept the transition from AMIS to a United Nations peacekeeping force in Darfur.

The representative of Qatar, affirming that the main obstacle to the peace efforts in Darfur lay with the rebel movements, urged the Security Council to deal clearly with such violations, without blaming the Government of the Sudan for its efforts to protect its national security and territorial integrity.<sup>210</sup>

Responding to questions from Council members, the Special Representative of the Secretary-General, *inter alia*, observed that the Government of the Sudan's objection to a United Nations mission in Darfur was mainly linked to its fear of being attacked by radical groups on the domestic scene. In order to facilitate the consent of the Government of the Sudan, he said that negotiations might result in a package in which the Government would accept the transition in exchange for certain commitments, for example, in the areas of debt relief, trade and security. He also suggested that the Council look at alternative options, should the Government of the Sudan insist on not accepting the proposed transition. He was confident that the Government of the Sudan would accept an African Union/United Nations mission with a Chapter VIII mandate.<sup>211</sup>

At its 5532nd meeting, on 22 September 2006, the Council continued its consideration of the report of the Secretary-General on the Sudan dated 12 September 2006.<sup>212</sup> The President (Greece) drew the attention of the Council to a draft resolution submitted by the United States;<sup>213</sup> it was put to the vote and adopted unanimously and without debate as

resolution 1709 (2006), by which the Council, *inter alia*, decided to extend the mandate of UNMIS until 8 October 2006, with the intention to renew it for further periods; and to remain actively seized of the matter.

**Decision of 29 September 2006 (5543rd meeting): resolution 1713 (2006)**

At the 5543rd meeting, on 29 September 2006, the President (Greece) drew the attention of the Council to a draft resolution submitted by Denmark, France, Ghana, Greece, Slovakia, the United Kingdom and the United States.<sup>214</sup>

Speaking before the vote, the representative of Qatar, recalling that his delegation had repeatedly advised the Panel of Experts and the Committee established pursuant to resolution 1591 (2005) to be more cautious in addressing the issue of Darfur, expressed concern at the way in which the Panel of Experts had put forward allegations and accusations against individuals without regard for a number of essential principles, including not encroaching on the jurisdiction of the Prosecutor of the International Criminal Court. However, these concerns had been disregarded and the Panel had continued to treat as equals the Government of National Unity, which was the legitimate Government of the Sudan, and the rebel groups that were hindering the peace process. Stressing the need for the Panel of Experts to be neutral, transparent, and independent of all political influence, he hoped that the Panel could correct its working methods in the future.<sup>215</sup>

The draft resolution was then put to the vote and adopted unanimously and without debate as resolution 1713 (2006), by which the Council, *inter alia*:

Decided to extend until 29 September 2007 the mandate of the Panel of Experts originally appointed pursuant to resolution 1591 (2005) and previously extended by resolutions 1651 (2005) and 1665 (2006);

Requested the Panel of Experts to provide a midterm briefing on its work to the Committee and a final report no later than 30 days prior to termination of its mandate to the Council with its findings and recommendations;

Urged all States, relevant United Nations bodies, and the African Union to cooperate fully with the Committee and the Panel of Experts.

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<sup>210</sup> *Ibid.*, p. 17.

<sup>211</sup> *Ibid.*, pp. 21-22.

<sup>212</sup> S/2006/728.

<sup>213</sup> S/2006/758.

<sup>214</sup> S/2006/775.

<sup>215</sup> S/PV.5543, p. 2.

**Decision of 6 October 2006 (5545th meeting): resolution 1714 (2006)**

At its 5545th meeting, on 6 October 2006, the Council continued its consideration of the report of the Secretary-General dated 12 September 2006.<sup>216</sup> The President (Japan) drew the attention of the Council to the following documents: a letter dated 28 September 2006 from the Secretary-General,<sup>217</sup> transmitting the text of a letter from the Secretary-General and the Chairperson of the African Union Commission addressed to the President of the Sudan containing the details of a United Nations support package to AMIS for which the full cooperation of the Government of the Sudan was essential; and a letter dated 3 October 2006 from the representative of the Sudan,<sup>218</sup> transmitting a letter from the President of the Sudan addressed to the Secretary-General and the Chairman of the African Union Commission supporting the proposed United Nations package in support of AMIS. The President also drew the attention of Council members to a draft resolution submitted by the United States;<sup>219</sup> it was put to the vote and adopted unanimously and without debate as resolution 1714 (2006), by which the Council, *inter alia*:

Decided to extend the mandate of UNMIS until 30 April 2007;

Requested the Secretary-General to report to the Council every three months on the implementation of the mandate of UNMIS;

Called upon the parties to the peace agreements to respect their commitments and implement fully all aspects of the agreements without delay and called on those parties that had not signed the Darfur Peace Agreement to do so without delay;

Decided to remain actively seized of the matter.

**Deliberations of 14 December 2006 (5589th meeting)**

At its 5589th meeting, on 14 December 2006, the Council heard a briefing by the Prosecutor of the International Criminal Court.

The Prosecutor reported that his Office was in the process of completing an investigation and the collection of sufficient evidence to identify those who

<sup>216</sup> S/2006/728.

<sup>217</sup> S/2006/779.

<sup>218</sup> S/2006/789.

<sup>219</sup> S/2006/792.

bore the greatest responsibility for some of the worst crimes committed in Darfur, and stated that, following a careful evaluation of the issue of admissibility, evidence provided reasonable grounds to believe that the individuals identified had committed crimes against humanity and war crimes. Despite the signing of the Darfur Peace Agreement, there were almost daily allegations of serious crimes in Darfur, some of which might fall within the jurisdiction of the Court. He therefore recalled that by referring the situation in Darfur to the Court, the Security Council had reaffirmed that peace and security required justice not only with reference to past crimes, but also to current crimes protracting the suffering of millions and threatening stability beyond the borders of Darfur.<sup>220</sup>

**Decision of 19 December 2006 (5598th meeting): statement by the President**

At the 5598th meeting,<sup>221</sup> on 19 December 2006, the President (Qatar) drew the attention of the Council to a letter dated 6 December 2006 from the representative of the Congo, in his capacity as Chairman of the African Union,<sup>222</sup> addressed to the President of the Security Council, transmitting a communiqué adopted by the Peace and Security Council of the African Union, which agreed to extend AMIS for a further period of six months and endorsed the three-phased United Nations support to AMIS. The President then made a statement on behalf of the Council,<sup>223</sup> by which the Council, *inter alia*:

Endorsed the conclusions of the Addis Ababa high-level consultation on the situation in Darfur of 16 November 2006 and the communiqué of the 66th meeting of the Peace and Security Council of the African Union, held in Abuja on 30 November 2006;

Called for the conclusions and the communiqué to be implemented by all parties without delay, and to this end called on all parties to facilitate, per the Addis Ababa and Abuja agreements, the immediate deployment of the United Nations light and heavy support packages to AMIS and a hybrid operation in Darfur;

Reaffirmed its deep concern about the worsening security situation in Darfur and its repercussions in the region;

<sup>220</sup> S/PV.5589, pp. 2-5.

<sup>221</sup> At its 5590th meeting, held in private on 14 December 2009, the Council heard a briefing by the Prosecutor of the International Criminal Court and had a constructive exchange of views.

<sup>222</sup> S/2006/961.

<sup>223</sup> S/PRST/2006/55.

Stressed that a peaceful settlement to the conflict in Darfur lay in a comprehensive approach with the concerted efforts of all relevant parties, in accordance with the Darfur Peace Agreement, and would contribute to restoring security and stability in the region.

**Decision of 30 April 2007 (5670th meeting):  
resolution 1755 (2007)**

At its 5670th meeting, on 30 April 2007, the Council included in its agenda the report of the Secretary-General dated 17 April 2007.<sup>224</sup> In his report, the Secretary-General observed that the implementation of the Comprehensive Peace Agreement had reached a delicate stage, two critical reference points being the full and verified redeployment of forces in 2007 and the holding of free and fair midterm elections in 2009.

The representative of Qatar made a statement. The President (United Kingdom) drew the attention of the Council to a draft resolution submitted by the United States,<sup>225</sup> and to a letter dated 17 April 2007 from the President of the Security Council addressed to the Secretary-General,<sup>226</sup> by which the Council welcomed the confirmation from the representative of the Sudan of his Government's acceptance of the heavy support package for AMIS proposed by the African Union and the United Nations. Before the vote, the representative of Qatar stated that, after initial concerns related to the fact that the language of the draft resolution was not consistent with the recent positive developments in the relationship between the Government of the Sudan and the United Nations, his delegation agreed to support the draft resolution given the constructive attitude of the sponsor.<sup>227</sup>

The President then put to the vote the draft resolution; it was adopted unanimously as resolution 1755 (2007), by which the Council, *inter alia*:

Decided to extend the mandate of UNMIS until 31 October 2007, with the intention to renew it for further periods;

Requested the Secretary-General to appoint urgently a new Special Representative for the Sudan and to report to the Council every three months on the implementation of the mandate of UNMIS;

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<sup>224</sup> S/2007/213, submitted pursuant to resolution 1590 (2005).

<sup>225</sup> S/2007/240.

<sup>226</sup> S/2007/212.

<sup>227</sup> S/PV.5670, pp. 2-3.

Called upon the parties to the Comprehensive Peace Agreement to accelerate urgently progress on implementing all their commitments, in particular to carry out the establishment of Joint Integrated Units and other aspects of the security sector reforms, to re-energize the process of disarmament, demobilization and reintegration of combatants, to complete the full and verified redeployment of forces by 9 July 2007, to demarcate precisely the north/south borderline of 1 January 1956, consistent with the Machakos Protocol of 20 July 2002, to resolve the Abyei problem and urgently establish an administration there, and to take the necessary steps to hold national elections according to the agreed time frame;

Called upon those parties that had not signed the Darfur Peace Agreement to do so without delay.

**Decision of 25 May 2007 (5684th meeting):  
statement by the President**

At the 5684th meeting, on 25 May 2007, the President (United States) drew the attention of the Council to a letter dated 23 May 2007 from the Secretary-General addressed to the President of the Council,<sup>228</sup> transmitting the report of the Secretary-General and the Chairperson of the African Union Commission on the hybrid operation in Darfur. The President then made a statement on behalf of the Council,<sup>229</sup> by which the Council, *inter alia*:

Welcomed the transmission of the report of the Secretary-General and the Chairperson of the African Union Commission on the hybrid operation in Darfur;

Called for the full implementation without delay of the United Nations light and heavy support packages of assistance to AMIS, as well as for the report of the Secretary-General and the Chairperson of the African Union Commission on the hybrid operation to be considered and taken forward immediately;

Further demanded that all parties meet their international obligations, support the political process, end violence against civilians and attacks on peacekeepers, and facilitate humanitarian relief.

**Deliberations of 7 June 2007 (5687th meeting)**

At its 5687th meeting, on 7 June 2007, the Council heard a briefing by the Prosecutor of the International Criminal Court.

The Prosecutor reported that, on 27 April 2007, the judges of the Court had found that the evidence offered reasonable grounds to believe that Ahmad Harun, currently Minister of State for Humanitarian

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<sup>228</sup> S/2007/307.

<sup>229</sup> S/PRST/2007/15.

Affairs of the Sudan, and Ali Kushayb, a militia/Janjaweed leader, had joined forces to persecute and attack civilians in Darfur and had committed war crimes and crimes against humanity. Reporting that the judges had accordingly issued arrest warrants to apprehend the two individuals, the Prosecutor called on the Security Council and regional organizations to urge the authorities of the Sudan to arrest the two individuals and surrender them to the Court, also expressing the hope that the issue of the Sudan's cooperation with the Court could be addressed during the forthcoming mission of the Security Council to the Sudan. The Prosecutor also stated that his Office continued to gather information on crimes in Darfur and to monitor the spillover of violence into Chad and the Central African Republic. Noting that his Office had recently opened an investigation in the Central African Republic, he added that any alleged crime perpetrated in Chad since the country's adherence to the Rome Statute in January 2007 could be subject to the jurisdiction of the Court.<sup>230</sup>

**Decision of 31 July 2007 (5727th meeting):  
resolution 1769 (2007)**

At its 5727th meeting,<sup>231</sup> on 31 July 2007, the Council included in its agenda a letter dated 5 June 2007 from the Secretary-General addressed to the President of the Council,<sup>232</sup> transmitting the revised report of the Secretary-General and the Chairperson of the African Union Commission on the hybrid operation in Darfur, as well as an addendum to the report including the preliminary cost estimate for the hybrid operation for a 12-month period. In the report, which represented the outcome of high-level consultations between the African Union and the United Nations, the Secretary-General and the Chairperson of the African Union Commission reiterated the necessity of a comprehensive approach to peace in Darfur, based on the interdependence of three tracks, namely the political process, the ceasefire and the peacekeeping operation. Urging members of the Security Council and regional stakeholders to support the ongoing mediation efforts, they stated that only a sustained political

process supported by a strong peacekeeping operation in Darfur would assist with the region's integration into the Sudan. Recognizing that the hybrid operation would be an unprecedented undertaking for both the United Nations and the African Union, they emphasized that the operation's success would depend critically on whether the Government of the Sudan would see the hybrid operation as part of the long-term solution to the conflict in Darfur. It would be essential, they added, for the mandate of the operation to reflect the agreement of the parties on its role in monitoring and supporting the implementation of the Darfur Peace Agreement and any subsequent agreements. Finally, they said that the implementation of the operation required as an immediate priority the reinforcement of AMIS through the deployment of the heavy support package.

Statements were made by members of the Council,<sup>233</sup> the Secretary-General and the Senior Political Affairs Adviser of the Permanent Observer Mission of the African Union to the United Nations. The President (China) drew the attention of the Council to a draft resolution submitted by Belgium, the Congo, France, Italy, Peru, Slovakia and the United Kingdom;<sup>234</sup> it was put to the vote and adopted unanimously and without debate as resolution 1769 (2007), by which the Council, inter alia:

Decided to authorize and mandate the establishment, for an initial period of 12 months, of an African Union-United Nations Hybrid Operation in Darfur (UNAMID) as set out in the resolution and pursuant to the report of the Secretary-General and the Chairperson of the African Union Commission of 5 June 2007, and further decided that the mandate of UNAMID should be as set out in paragraphs 54 and 55 of the report of the Secretary-General and the Chairperson of the African Union Commission of 5 June 2007;

Decided that UNAMID, which should incorporate AMIS personnel and the United Nations heavy and light support packages to AMIS, should consist of up to 19,555 military personnel, including 360 military observers and liaison officers, and an appropriate civilian component including up to 3,772 police personnel and 19 formed police units comprising up to 140 personnel each;

Decided that force and personnel generation and administration should be conducted as set out in paragraphs 113 to 115 of the report of the Secretary-General and the Chairperson of the African Union Commission of 5 June 2007;

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<sup>230</sup> S/PV.5687, pp. 2-5.

<sup>231</sup> At its 5688th meeting, held in private on 7 June 2007, the Council heard a briefing by the Prosecutor of the International Criminal Court and had a constructive exchange of views.

<sup>232</sup> S/2007/307/Rev.1 and Add.1.

<sup>233</sup> The representatives of the Congo and Peru did not make statements at the meeting.

<sup>234</sup> S/2007/468.

Decided that UNAMID should monitor whether any arms or related material were present in Darfur in violation of the Agreements and the measures imposed by paragraphs 7 and 8 of resolution 1556 (2004);

Decided that the authorized strength of UNMIS should revert to that specified in resolution 1590 (2005) upon the transfer of authority from AMIS to UNAMID;

Acting under Chapter VII of the Charter:

Decided that UNAMID was authorized to take the necessary action, in the areas of deployment of its forces, to protect its personnel, facilities, installations and equipment, and to ensure the security and freedom of movement of its own personnel and humanitarian workers; and to support early and effective implementation of the Darfur Peace Agreement, prevent the disruption of its implementation and armed attacks, and protect civilians, without prejudice to the responsibility of the Government of the Sudan;

Requested that the Secretary-General, in consultation with the Chairperson of the African Union Commission, and the Government of the Sudan conclude within 30 days a status-of-forces agreement with respect to UNAMID.

Speaking after the vote, the Secretary-General commended the Security Council on its adoption of a “historic and unprecedented” resolution, while noting at the same time the significant challenges to establishing UNAMID. In order to meet the goal set by the resolution and assume authority in Darfur by the end of the year, he urged the Council to remain engaged and called upon Member States, especially troop-contributing countries, to provide support and commit troops to the mission. The Secretary-General also called on the Government of the Sudan to provide unequivocal and continuous support to UNAMID and maintained that only a political process would produce a sustainable peaceful solution.<sup>235</sup>

The majority of Council members welcomed the unanimous adoption of the resolution as an important step towards resolving the conflict, as well as the humanitarian tragedy in Darfur; referred to the unprecedented scale and complexity of UNAMID and called on the international community to support its rapid deployment; praised the cooperation between the African Union and the United Nations and commended the work carried out by AMIS; stressed that, while UNAMID was an important step forward, it should be seen as part of a comprehensive approach that would secure a political settlement. A number of representatives underlined the continuing need for the

engagement with, and cooperation from, the Government of the Sudan.

The representative of the United Kingdom warned that, should the Government of the Sudan fail to live up to its obligations, consequences would follow.<sup>236</sup> The representative of the United States urged the Government of the Sudan to implement resolution 1769 (2007) and to comply with the Darfur Peace Agreement, and cautioned that if the Government of the Sudan failed to comply, his country would move to adopt unilateral and multilateral measures.<sup>237</sup>

**Decision of 28 September 2007 (5750th meeting): resolution 1779 (2007)**

At the 5750th meeting, on 28 September 2007, the President (France) drew the attention of the Council to a draft resolution submitted by the United Kingdom and the United States;<sup>238</sup> it was put to the vote and adopted unanimously and without debate as resolution 1779 (2007), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to extend until 15 October 2008 the mandate of the Panel of Experts originally appointed pursuant to resolution 1591 (2005) and previously extended by resolutions 1651 (2005), 1665 (2006) and 1713 (2006);

Requested the Panel of Experts to provide a midterm briefing on its work to the Committee and a final report no later than 30 days prior to termination of its mandate to the Council with its findings and recommendations; urged all States, relevant United Nations bodies, the African Union to cooperate fully with the Committee and the Panel of Experts.

**Decision of 2 October 2007 (5752nd meeting): statement by the President**

At the 5752nd meeting, on 2 October 2007, the President (Ghana) made a statement on behalf of the Council,<sup>239</sup> by the Council, *inter alia*:

Condemned the murderous attack on African Union peacekeepers in Haskanita, Southern Darfur, reportedly committed by a rebel group, and demanded that no effort be spared so that the perpetrators were identified and brought to justice;

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<sup>236</sup> *Ibid.*, pp. 3-4.

<sup>237</sup> *Ibid.*, pp. 7-8.

<sup>238</sup> S/2007/572.

<sup>239</sup> S/PRST/2007/35.

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<sup>235</sup> S/PV.5727, pp. 2-3.

Conveyed its sympathy to the Governments, families and colleagues of those killed and injured; reiterated its support for AMIS;

Recalled the demand in resolution 1769 (2007) on all parties for an immediate cessation of hostilities and attacks on AMIS, civilians and humanitarian agencies;

Insisted that all parties in the Sudan comply with this demand and cooperate fully with the deployment of the United Nations light and heavy support packages to AMIS, and with UNAMID;

Deplored the fact that this attack took place on the eve of the peace talks starting on 27 October 2007 in Tripoli.

**Decision of 24 October 2007 (5768th meeting):  
statement by the President**

At the 5768th meeting, on 24 October 2007, the President (Ghana) made a statement on behalf of the Council,<sup>240</sup> by which the Council, *inter alia*:

Welcomed the convening of peace talks on 27 October 2007 in Sirte, Libyan Arab Jamahiriya, under the leadership of the United Nations Special Envoy for Darfur and the African Union Special Envoy for Darfur;

Called on all parties to attend and to engage fully and constructively in the talks, and, as a first step, to urgently agree and implement a cessation of hostilities to be overseen by the United Nations and the African Union;

Underlined that an inclusive political settlement and the successful deployment of UNAMID were essential for re-establishing peace and stability in Darfur.

**Decision of 31 October 2007 (5774th meeting):  
resolution 1784 (2007)**

At its 5774th meeting, on 31 October 2007, the Council included in its agenda the report of the Secretary-General dated 23 October 2007.<sup>241</sup> In his report, the Secretary-General observed that the Comprehensive Peace Agreement was facing a difficult time and that failure by the parties to provide the political will to make concrete progress on the outstanding issues could undermine the integrity of the agreement. The Secretary-General reported that the six-year interim period had entered its second phase, during which the focus of the peace process would become increasingly political. In line with the schedule on the implementation of the Agreement, he

<sup>240</sup> S/PRST/2007/41.

<sup>241</sup> S/2007/624, submitted pursuant to paragraph 11 of resolution 1590 (2005).

encouraged the parties, with the support of the United Nations, to increase their efforts to prepare for the census and elections. He further commended the progress made by the Government of Southern Sudan in the establishment of institutions, particularly at the central, state and county levels, but expressed concern at the continued delays in the nationally led disarmament, demobilization and reintegration process. Reiterating that the full implementation of the Agreement was central to the attainment of a long-lasting peace throughout the Sudan, he again urged the parties to implement all provisions of the agreement without delay.

The President drew the attention of the Council to a draft resolution submitted by Belgium, France, Italy, the United Kingdom and the United States;<sup>242</sup> it was put to the vote and adopted unanimously and without debate as resolution 1784 (2007), by which the Council, *inter alia*:

Decided to extend the mandate of UNMIS until 30 April 2008, with the intention to renew it for further periods;

Requested the Secretary-General to report to the Council every three months on the implementation of the mandate of UNMIS, progress on implementation of the Comprehensive Peace Agreement, and respect for the ceasefire;

Urged UNMIS to continue its efforts consistent with its mandate to assess progress in redeployment of forces, in particular in the areas of Unity, Upper Nile, Southern Kordofan, Abyei and Blue Nile, and to reinforce its ability to assist the parties in reducing tension in areas of potential conflict between them and further urged the parties immediately to speed up efforts towards the completion of redeployment of forces;

Urged UNMIS to increase its support for the National Disarmament, Demobilization and Reintegration Coordination Council and the Northern and Southern Sudan Disarmament, Demobilization and Reintegration Commissions and further urged donors to respond to calls for assistance from the joint United Nations Disarmament, Demobilization and Reintegration Unit.

**Deliberations of 27 November 2007  
(5784th meeting)**

At its 5784th meeting, on 27 November 2007, the Council included in its agenda the report of the Secretary-General on the deployment of UNAMID dated 5 November 2007.<sup>243</sup> In his report, the Secretary-

<sup>242</sup> S/2007/642.

<sup>243</sup> S/2007/653, submitted pursuant to paragraph 6 of resolution 1769 (2007).

General expressed concern that the security incidents occurred over the past month and the continuing delays in the deployment of UNAMID could lead to a further deterioration of the situation on the ground. Appealing to Member States to contribute the missing transportation and aviation capabilities for UNAMID, he warned that, without those critical units, the mission would not be able to implement its mandate. Recalling that the speedy and effective deployment of UNAMID also depended on the cooperation of the Government of the Sudan, he welcomed the most recent steps taken by the Government to establish an inter-ministerial committee and a technical mechanism to facilitate peacekeeping in Darfur and called on the Government to agree to the troop composition of UNAMID as submitted by the United Nations and the African Union. Noting that the beginning of the peace talks in Sirte represented a unique opportunity to achieve a definitive solution to the conflict in Darfur, and that the deployment of a robust African Union-United Nations peacekeeping force would make a difference and help to improve the security conditions on the ground, the Secretary-General urged all parties to commit to an immediate cessation of hostilities and engage constructively in the United Nations and African Union-led talks.

Statements were made by all Council members, the representative of the Sudan, the United Nations Special Envoy for Darfur and the Under-Secretary-General for Peacekeeping Operations.

In his briefing, the Special Envoy for Darfur, while highlighting the gradual deterioration in the humanitarian, security and political situation, reported that the tone of the Darfur peace talks in Sirte, which started on 27 October 2007, had been constructive. He acknowledged, however, that the atmosphere was less positive than at the time of the adoption of resolution 1769 (2007) and the successful Arusha consultations, due to, among other issues, a lack of cohesion and preparedness inside the rebel movements and the non-participation of some factions. He believed that, while maintaining the momentum through continuous engagement with the movements and the Government of the Sudan, reasonable time should be allowed for the composition of the Government's delegation and for the movements to finalize their preparations for the talks, avoiding risking the credibility of the process by rushing to convene substantive talks. He called on the international community, and in particular the Security

Council, to urge the parties to intensify such preparations, without allowing them to derail the process.<sup>244</sup>

The Under-Secretary-General for Peacekeeping Operations noted that while the first elements of the joint African Union-United Nations peacekeeping efforts for Darfur were coming together, serious challenges remained in the deployment process. The security and humanitarian situation, he added, remained very worrying and, at the same time, there were fundamental challenges in the areas of force generation, particularly the critical mobility capacity and the final identification of the force composition, as well as a number of bureaucratic impediments. With regard to the support of the Government of the Sudan, he reported that, although a direct response to the list of troop contributors to UNAMID had not been received, the Government of the Sudan had made clear its reluctance to accept certain non-African units in the force, particularly those from Thailand and Nepal, as well as the Nordic engineering company. Stressing that there was no alternative to the inclusion of non-African units, the Under-Secretary-General also briefed the Council on the serious difficulties between the Government of the Sudan and the United Nations Secretariat regarding the conclusion of a status-of-forces agreement, as the proposals by the Government included features that would make it impossible for the mission to operate, in particular with regard to freedom of movement of personnel and integrity of its communications. Recalling that the ability to find a solution to the crisis in Darfur was ultimately linked to the political process, he concluded that the efforts to deploy a capable peacekeeping operation, able to fulfil its mandate and to help the parties implement the outcome of their negotiations, required the Security Council's continued engagement, as well as the active support of the Government of the Sudan.<sup>245</sup>

The representative of the Sudan reaffirmed his country's full commitment to resolution 1769 (2007), as recently demonstrated by its participation in the Sirte peace talks. While highlighting his country's efforts to fulfil its obligations in the deployment of UNAMID, he affirmed that a discussion on the troop-deployment agreement should take place among the African Union, the United Nations and the Government

<sup>244</sup> S/PV.5784, pp. 2-5.

<sup>245</sup> *Ibid.*, pp. 5-9.



of the Sudan, and not in the Security Council. Reaffirming his country's commitment to a peaceful political settlement of the Darfur question, he hoped to see a prompt resumption of the Sirte negotiations and the inclusion of those movements that rejected the Abuja agreement in the peace process, while avoiding any mixed messages that could negatively affect the negotiations.<sup>246</sup>

Expressing concern over the worsening of the humanitarian situation and the lack of cohesion among rebel groups, Council members generally supported the launch of the Sirte negotiations under the auspices of the co-mediators from the United Nations and the African Union; reiterated that the Darfur Peace Agreement provided the framework for the peaceful resolution of the conflict in Darfur; called for the speedy conclusion of political negotiations, ensuring that all armed groups engaged fully in the peace talks; and stressed the need for progress on the political, humanitarian and security fronts, as well as on the issue of impunity, in order to deploy successfully.

In connection with the political talks for Darfur, several delegations, expressing concern about the fact that some movements and rebel groups had decided not to participate in the Sirte negotiations, urged the international community and the Security Council to adopt strong measures and do everything possible to ensure that everyone joined that process.<sup>247</sup> The representatives of the United Kingdom and the United States urged the Secretary-General to appoint a chief mediator to lead the Darfur peace process.<sup>248</sup> The representative of Belgium opined that a cessation of hostilities on the part of all parties, under an effective monitoring mechanism, was a necessary precondition to any progress.<sup>249</sup>

With regard to the deployment of UNAMID, despite the progress that had been achieved, most speakers expressed concern over the continued delays regarding critical key areas; appealed for its quick and full deployment; appealed to troop-contributing countries to provide the missing mobility capabilities; and urged the United Nations and the African Union to speed up the transfer of authority from AMIS to

UNAMID. A number of speakers expressed concern with respect to the behaviour of the Government of the Sudan that was causing delays in the arrangements for the deployment of the mission.<sup>250</sup> The representative of the United States urged the Government of the Sudan to immediately approve the list of troop-contributing countries, conclude an acceptable status-of-forces agreement, and remove the multiple logistical obstacles impeding progress, asking the Security Council to be unrelenting in demanding that the Government commit itself to the peacekeeping mission and take all necessary measures to facilitate its immediate deployment.<sup>251</sup> The representative of the Russian Federation said that his country expected that the Sudanese leadership would do everything possible to remove all obstacles and cooperate with the United Nations and the African Union in the peacekeeping work in Darfur.<sup>252</sup> The representatives of France and Belgium called for the full cooperation of the Government of the Sudan with the deployment of UNAMID, stating that it was time for the Sudanese authorities to translate the commitments undertaken with resolution 1769 (2007).<sup>253</sup> The representative of Slovakia, noting that it was unacceptable for the Government of the Sudan to choose which troop-contributing countries could be allowed to participate in the force, called on the Government to agree without delay on the proposed composition of the force and finalize the process of the deployment of UNAMID.<sup>254</sup>

The representative of Panama, expressing concern about the delays in obtaining necessary troops, stated that better cooperation and interaction among the parties was essential.<sup>255</sup> The representative of China, recalling the unprecedented scale of UNAMID, involving cooperation and interaction between the Government of the Sudan, the United Nations and the African Union, stated that the only way forward was to continue to strengthen consultation and cooperation among all parties and to steadily reinforce mutual political trust in the process.<sup>256</sup> The representative of

<sup>246</sup> Ibid., pp. 9-11.

<sup>247</sup> Ibid., p. 12 (United States); p. 14 (United Kingdom); p. 15 (China); p. 16 (Russian Federation).

<sup>248</sup> Ibid., p. 12 (United States); and p. 14 (United Kingdom).

<sup>249</sup> Ibid., p. 23.

<sup>250</sup> Ibid., pp. 11-12 (United States); pp. 13-15 (United Kingdom); p. 17 (Russian Federation); p. 19 (France); pp. 20-21 (Slovakia); pp. 21-22 (Italy); p. 23 (Congo); p. 23 (Belgium); and p. 25 (Peru).

<sup>251</sup> Ibid., pp. 11-12.

<sup>252</sup> Ibid., p. 17.

<sup>253</sup> Ibid., p. 19 (France); and p. 23 (Belgium).

<sup>254</sup> Ibid., p. 21.

<sup>255</sup> Ibid., pp. 18-19.

<sup>256</sup> Ibid., pp. 15-16.

Qatar stressed that, despite difficulties, work was under way to implement resolution 1769 (2007), emphasizing that the Government of the Sudan had created an inter-agency ministerial committee in preparation for the deployment of UNAMID. Holding the view that the reservations of the Government of the Sudan in relation to the composition of the force should be taken into account, as the party primarily concerned, he stated that dialogue, understanding and a constructive coordination should be promoted with the Government.<sup>257</sup> The representative of Indonesia called on the Secretariat to continue to consult with the Sudanese authorities with a view to swiftly agreeing on the remaining technical issues.<sup>258</sup>

With regard to the worsening of the humanitarian situation, the representative of the United Kingdom called on the Sudan to lift restrictions on humanitarian access, while the representative of Slovakia called on all parties to recommit to the full implementation of the joint communiqué on humanitarian activities.<sup>259</sup> The representative of South Africa said that all steps should be taken to ensure the security of civilian populations and internally displaced persons and, in this regard, expressed concern at the presence of militia and rebel groups in and around some camps of internally displaced persons.<sup>260</sup>

A number of speakers also linked a sustainable peace in Darfur to ending the culture of impunity. In this regard, noting that the Council looked to the Government of the Sudan to carry out the arrest warrants issued by the International Criminal Court, the representative of the United Kingdom said it was an insult to the Council that one of the indictees charged with crimes against humanity had been appointed a minister in the Government.<sup>261</sup> The representative of Slovakia expressed his country's full support of the investigation and prosecution of crimes in Darfur by the Court.<sup>262</sup>

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<sup>257</sup> *Ibid.*, p. 24.

<sup>258</sup> *Ibid.*, p. 26.

<sup>259</sup> *Ibid.*, p. 14 (United Kingdom); and p. 21 (Slovakia).

<sup>260</sup> *Ibid.*, p. 13.

<sup>261</sup> *Ibid.*, pp. 14-15.

<sup>262</sup> *Ibid.*, p. 21.

### **Deliberations of 5 December 2007 (5789th meeting)**

At its 5789th meeting, on 5 December 2007, the Council heard a briefing by the Prosecutor of the International Criminal Court on the activities of his Office pursuant to resolution 1593 (2005), following which statements were made by all Council members.

In his briefing, the Prosecutor reported that the Government of the Sudan had not complied with its legal obligations under the terms of resolution 1593 (2005), nor had it cooperated with the Prosecutor's Office or the Court. Despite the commitment, he added, the Sudanese authorities, notwithstanding their ability to do so, had not taken any steps to prosecute domestically, or to arrest and transfer to the Court Ahmad Harun and Ali Kushayb, for whom the Court had issued arrest warrants for crimes against humanity and war crimes committed in Darfur. Reiterating that it was not acceptable for the Government of the Sudan to refuse to cooperate with the Court, he asked the Security Council to ensure respect for resolution 1593 (2005). The Prosecutor further stated that massive crimes continued to be committed in Darfur, and he was therefore preparing to open two new investigations: first, into consistent indications of a pattern of attacks by Sudanese officials against civilians, in particular against those 2.5 million people forcibly displaced into camps; and second, into reports of an increasing number of attacks against humanitarian personnel and peacekeepers. With regard to the first new investigation, the Prosecutor stated that all information pointed to a calculated, organized campaign by Sudanese officials to attack individuals and further destroy the social fabric of entire communities. He further drew attention to the extensive role played by one of indictees, Ahmad Harun, defining him as a key actor, who had coordinated the first phase of the "criminal plan" in Darfur in 2003-2004. In the second phase of such a plan, which was still occurring, civilians were being attacked in the camps of internally displaced persons. Failure to take any step to investigate or arrest Ahmad Harun and failure to remove him from office were clear indications of the support he had received from other high officials of the Government. The Prosecutor therefore announced that his Office would proceed to investigate those bearing the greatest responsibility for ongoing attacks against civilians — those who maintained Harun in a position to commit crimes and

who instructed him. With regard to the second new investigation, he said that attacks against international peacekeepers and humanitarian workers could constitute a war crime under the Rome Statute and noted with concern that the Sudan was not taking any measures to protect international forces in its territory. He therefore asked all members of the Council, all States Members of the United Nations, and all relevant organizations to volunteer specific information and thus assist in conducting these two new investigations. In concluding his briefing, the Prosecutor asked the Security Council for consistency and called on it to send a strong and unanimous message to the Government of the Sudan, requesting compliance with resolution 1593 (2005) and the execution of the arrest warrants.<sup>263</sup>

In the subsequent discussion, several members urged the Government of the Sudan to cooperate with the International Criminal Court, as required by resolution 1593 (2005), including by arresting the two indictees and surrendering them to the Court; and felt that the Council had to react to the conclusions by the Prosecutor and send a strong message supporting the Court, reminding the Sudanese authorities of the terms of resolution 1593 (2005) and the obligations set out therein.<sup>264</sup> Considering justice as an integral part in the search for peace and security in Darfur, many members considered the lack of cooperation by the Government of the Sudan with the Court as a challenge to the Council's authority as expressed in resolution 1593 (2005), with the representative of Belgium recalling that it had been adopted under Chapter VII of the Charter.<sup>265</sup> The representative of the United States, sharing the assessment of the Prosecutor, called on the Government of the Sudan to cooperate fully with the Court, as required by resolution 1593 (2005), and stressed his country's strong belief in the need for accountability for acts of genocide, war crimes and crimes against humanity committed in Darfur.<sup>266</sup>

The representative of the Congo insisted that all of the perpetrators in Darfur needed to be charged, including those in the rebel movements, as impartiality would serve as the criterion for judging the action of the Court and the Security Council.<sup>267</sup>

By contrast, the representative of Qatar stressed that the Council must proceed cautiously, so that the invitation by the Prosecutor to urge the Government of the Sudan to cooperate with the Court was not interpreted as a request for action on the part of the Council against the Sudan as his delegation did not want to politicize the issue in any way. He further cautioned that neither the Court nor its Prosecutor should be viewed as political tools in the hands of the Security Council; rather, the Court must be seen as an independent and impartial judicial body that strove to achieve justice and not political goals or purposes. He noted that the Council needed to understand the legal rights of the Sudan according to the Statute of the Court, which included the right to challenge the admissibility of the case, and its various legal options, including domestic prosecutions, and urged Council members not to prejudge by putting emphasis on the arrest of wanted individuals as the only option.<sup>268</sup> Echoed by the representative of Indonesia, he noted that the role of the Court, in accordance with the Rome Statute, should be complementary to national criminal jurisdiction.<sup>269</sup> The representative of the Russian Federation noted that, since the atmosphere of mistrust between the Sudan and the Court was not helping the investigation, efforts should be undertaken to promote a constructive dialogue between the parties and added that an important aspect in this regard would be for the investigation to focus on crimes committed by rebels and by fully involving the Sudanese legal system in investigating the crimes committed. He therefore emphasized that, at such a politically sensitive juncture, it was crucial to act with extreme caution to promote UNAMID in the region, fully mindful of the consequences that any actions regarding the situation in the region could have for hundreds of thousands of people.<sup>270</sup> According to the representative of China, it was only through an improvement of the situation in Darfur and the stabilization of the political situation that the problem of impunity could be resolved.

<sup>263</sup> S/PV.5789, pp. 2-6.

<sup>264</sup> *Ibid.*, p. 7 (Panama); p. 8 (France); pp. 8-9 (United Kingdom); p. 9 (Belgium); p. 11 (Slovakia); pp. 13-14 (South Africa); p. 14 (Ghana); pp. 16-17 (Peru); and p. 18 (Italy).

<sup>265</sup> *Ibid.*, p. 7 (Panama); p. 8 (France); pp. 8-9 (United Kingdom); p. 9 (Belgium); p. 11 (Slovakia); p. 14 (Ghana); and p. 18 (Italy).

<sup>266</sup> *Ibid.*, p. 12.

<sup>267</sup> *Ibid.*, p. 17.

<sup>268</sup> *Ibid.*, pp. 14-16.

<sup>269</sup> *Ibid.*, p. 13 (Indonesia); and p. 15 (Qatar).

<sup>270</sup> *Ibid.*, p. 10.

Highlighting that the most urgent aspect of resolving the crisis in Darfur was to stabilize and improve the security situation, he stated that ignoring the overall political and security situation and exclusively stressing the issue of impunity by pushing for mandatory measures was an approach unlikely to result in cooperation and support from the Government of the Sudan and to overall solve the problem of Darfur.<sup>271</sup>

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<sup>271</sup> Ibid., pp. 10-11.