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UTRIKESDEPARTEMENTET, dnr 2296 ✓
till FMR (Schlyter) X
kopia AF, GS, GC via UD Representationen Geneve, Ambassaden Kajiro
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GF 56: tredje utskottets dialog med G. Baum MR- rapportör för Sudan

2 bil

Nätslutet Gerhard Baum (Tyskland) presentation av sin rapport som särskild rapportör om MR-situationen i Sudan till generalförsamlingen (A/56/336). I denna lyfter han särskilt fram följande aspekter: internflyktingarnas behov av skydd och bistånd och svårigheterna för de humanitära organisationerna att verka i landet samt oljebolagens verksamhet i södra Sudan (se bil 1).

Den humanitära situationen var mycket allvarlig och försvårades av att regeringen nekade de humanitära organisationerna att verka i Nuba-bergen, Blå Nilen-området och Equatoria. Det fanns minst en halv miljon internflyktingar i Nuba-bergen som därmed inte fick hjälp. Han understök det oacceptabla med att regeringen bombade de humanitära operationerna och civila byggnader. Sudan svarade att endast 10% av alla tillstånd som OLS begärde fick avslag. SPIA/M borde uppmanas att inte använda civila byggnader för militära ändamål.

Baum ansåg vidare att oljebolagens verksamhet påverkade negativt MR-situationen i Övre Nil-området.

Han slog fast att konflikten i landet inte hade religiösa grunder utan var endast en strid om landets enorma ekonomiska resurser. Regeringen behövde avsätta mer resurser för utvecklandet av de civila strukturerna i den södra delen av landet. Behovet av en nationell omfördelningspolitik dvs avsätta medel i budgeten för att främja denna utvecklingsprocess lyfts fram i paragraf 47 i rapporten. Paragrafen förtalade Sudan att hävda att Baum överträtt sitt mandat med stöd av Iran, Syrien, Libyen, Kuba och Ryssland. De ifrågasatte

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Baums behörighet att uttala sig om nationella budgetfrågor och på vilken juridisk grund detta skedde. EU fick gå in i debatten och försvara Baums sätt att genomföra mandatet och att bevakningen av efterlevnaden av alla MR omfattades av hans mandat.

En längre debatt följde därefter om oljebolagens verksamhet och även här ansåg Sudan m.fl. att Baum överträtt sitt mandat. Särskilt paragraferna 107-109 ifrågasattes vad gällde utvinning av olja och Sudans rätt till utveckling. Sudan avslutade dock debatten med säga att landet fortsatt avsåg att samarbeta med rapportören.

Närslutet också Sudans kommentarer på Baums rapport. Avsnittet om Lundin Oils verksamhet (s 4) lästes ej upp.

SCHORI

Check Against Delivery



**Statement by Mr. Gerhart R. Baum
Special Rapporteur of the Commission on Human Rights on the
situation of human rights in the Sudan**

56th Session of the General Assembly
Third Committee, Item 119

NEW YORK, 8 November 2001



Mr. Chairman, Excellencies, Ladies and Gentlemen,

I have the honour to address this august body to present some findings and observations on the situation of human rights in the Sudan, further to my recent mission, from 2 through 14 October 2001, during which I visited Khartoum, Bentiu, Rubkona, Paryang (Unity State), Runibek (Lakes) in the Sudan and Nairobi. I appreciated the frank and open discussions I had with the Government of the Sudan and I wish to express my gratitude for the cooperation that was extended to me during my visit. I also wish to thank the Office of the Humanitarian/Resident Coordinator in Khartoum and UN-OLS in Nairobi for their support.

Mr. Chairman,

The aftermath of September 11 may offer an opportunity for increased solidarity within the international community, which may lead in turn to important developments. On September 28, the United Nations Security Council decided to lift sanctions against the Sudan. Whether and to what extent these circumstances may have an impact on the situation of human rights in the Sudan remains to be seen.

The situation of human rights in the Sudan continues to be a matter of serious concern, in spite of the efforts towards democratization which were put in place in 1999 and 2000 and which marked a relative improvement in comparison to other countries, including in the region. Unfortunately, however, human rights abuses and violations of international humanitarian law have continued to occur - partly related to the on-going conflict, which features northerners against southerners and southerners against southerners alike, with regular armies and allied militias, frequently shifting allegiance, thus contributing to the perpetuation of a climate of insecurity. I am particularly concerned at the recurrence of bombing of civilians, particularly in the Nuba Mountains and in Blue Nile State, which has continued unabated, thus severely hampering access to humanitarian aid. During my visit, on 5 and 6 October, the village of Mangayath, in Bahr al-Ghazal, was repeatedly bombed during a World Food Program (WFP) food distribution aimed at assisting some 20,000 civilians seeking refuge from Raga town.

Denial of humanitarian access remains a major problem. The Nuba Mountains and the whole of southern Blue Nile remain inaccessible and access to Eastern Equatoria has been denied since 1997.

I also received information of instances of serious disregards of international humanitarian and human rights law by SPLM/A and allied militias, particularly in oil-rich Western Upper Nile, where both parties resort to practices which leave people with no other option than fleeing. In addition, SPLM/A military installations are often amidst civilian

infrastructures, which affects the rate of civilian casualties during government bombing incidents.

As far as the oil issue is concerned, I extensively discussed with representatives of the Government and of the oil companies. While in Khartoum, I visited two IDP camps - Waad al-Bashir and Dar es-Salaam. I also visited Bentiu, Rubkona and Paryang and, while in southern Sudan, I visited two IDP camps in Rumbek - Deng Nhial and interviewed displaced coming from Upper Nile. Their situation is appalling, families are split, their means merely allow them to survive. None of them seem to have benefited from any kind of compensation for being relocated, in spite of information to the contrary, as provided by the Government in March. In spite of the infrastructures provided by the oil companies to the local population in oil-rich areas, oil exploitation has continued to have a negative impact on the human rights situation. In addition, there is no concrete evidence of oil revenues being spent for the development of the south, in spite of the fact that 40% of the national budget comes from oil, as the Minister of Finance informed me.

During my visit I continued to gather information on the heinous practice of abduction and the work carried out by the Committee for the Eradication of Abductions of Women and Children (CEAWC). I was informed that - while the phenomenon has continued to take place - the number of abductions seem to have decreased in the last 6 months. However this improvement seems to be more directly related to the SPLM/A's increased ability to defend villages along the railways.

I was pleased to learn, however, that some progress was made on the issue of abducted children by the Ugandan Lord's resistance Army (LRA), and that the Government of the Sudan has been actively engaged in the location and retrieval of LRA escapees, in coordination with international organizations, also contributing to a smooth return and reintegration in Uganda.

While in Khartoum, I also collected information on the process of transition to democracy. More specifically, I discussed with a number of government representatives (including the Minister for Foreign Affairs, Justice, the State Minister of Interior, the Humanitarian Aid Commission), the Speaker of the National Assembly and the Head of the Human Rights Committee, representatives of the civil society and the political opposition. I also visited the Constitutional Court and the Head of the Judiciary, with whom I discussed my major concerns, namely the role of the security, the recent amendment to the National Security Forces Act and the prolongation of the state of emergency as well as the restrictions imposed on NGOs and the media. I believe that the path towards democratization that had characterized the year 2000 was discontinued in 2001. More specifically, the amendment to the National Security Forces Act allows for an extensive period of detention. Judicial review is weak and not really effective. The Constitutional Court being the only instance seized with such cases, no possibility

of appeal has been foreseen. I was informed that the Constitutional Court has not played a major role in this respect so far and that cases submitted to it have not yet been acted upon.

During my first visit in March, while noting that there are a number of newspapers in the Sudan, I had criticized the fact that they are subject to censorship. I was informed that preventive censorship takes place daily and that journalists are often instructed on how to do their work and summoned by the security forces. I was disturbed to learn that the Khartoum Monitor was once again targeted and banned for the second time in a month and that Mr. Alfred Taban - whom I met while in Khartoum - was arrested once again on 24 October. Although I learnt that he was released on bail of about 4,000 US\$ later on, I remain concerned at the seriousness of the charges that were raised against him, which include "waging war against the state", "provoking hatred against or amongst the sexes" and "defamation".

Representatives of the opposition - particularly but not only the Popular National Congress - have continued to be harassed by security agents, despite the President's decision to drop charges against National Democratic Alliance (NDA) members, who had been arrested in 2000 and again in 2001, and to drop criminal charges against the former Speaker of the National Assembly, Hassan al-Turabi, who remains under house arrest for security reasons. In addition, I recently learned of a crackdown against representatives of NGOs whom I personally met during my visit to Khartoum.

Finally, although all counterparts I met concurred with the view that there is no religious persecution as such, Churches do face some difficulties and are often harassed with lengthy and cumbersome procedures, particularly hampering their freedom of movement within and outside the country. *discriminations.*

Mr. Chairman,

During my stay in Nairobi, I met with representatives of the SPLM. For the first time, I was also able to visit southern Sudan. While in Rumbek, I had a number of discussions with the Sudan Relief and rehabilitation Association (SRRA), the humanitarian wing of the SPLM and a number of high court judges. I noted that civil structures, the administration of law and law enforcement - particularly the police - need strengthening. I was informed that existing judiciary structures are very weak, with less than 100 trained lawyers in the whole southern Sudan. I was also informed of some progress made in this field by the local administration. *civil structures, police, needs strengthening*

In the course of my discussions with the SPLM representatives, I also raised the issue of elections, which I referred to in my report. I was informed that "national" elections for southern Sudan - expected to take place in June 2001 - will now take place before the end of the dry season, between December and January 2002. However, such a process cannot be described as democratic yet, since most of it is based on appointments, at all levels.

In my report, I referred to progress made on the issue of child soldiers. Since February 2001 some 3,500 children (out of an overall 9,000) have been demobilized. While in Rumbek, I was briefed extensively by UNICEF on the demobilization program and was able to visit a number of children who would be demobilised in the coming weeks. I was encouraged to learn of the constructive engagement of some SPLM/A commanders.

I was informed that the SPLM adhered to the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (1997 Mine Ban Treaty) but on the other hand, I also received corroborated information pointing out to the use of landmines by both parties to the conflict.

Mr. Chairman, Excellencies, Ladies and Gentlemen,

The conflict in the Sudan, although it includes a religious component, does not have religious roots, but is based instead on competing and conflicting claims by different ethnic groups for the control of and access to resources and, ultimately, power. I am not convinced that there is serious commitment to peace by the belligerent parties, under conditions which can be truly acceptable by both sides. The stagnant peace initiatives seem to prove this assumption and appear to be producing an increasing tendency towards secession in southern Sudan.

I continued to collect information on the people-to-people peace process at the grass-roots level and I was pleased to receive information whereby the positive trend is continuing and the New Sudan Council of Churches (NSCC)-brokered initiatives are still holding. In this connection, I continued to monitor the situation in Eastern Equatoria and was informed that the NSCC has facilitated a reconciliation process which has resulted in an assessment of the current situation (finalised by the local Didinga population in August-September 2001), pointing out to a new window of opportunities for the reconciliation between Dinka and Didinga.

Mr. Chairman,

I am fully aware that numerous human rights violations in the Sudan are linked to the war and I wish to reiterate once again my concern at the recurrence of flight denials for those locations where people are most in need of assistance and at the plight of the civilian population. I share the view of the Secretary-General that it is paramount to guarantee "humanitarian access, safety and protection of civilians" and that all signatories of the OLS agreements should ensure unrestricted humanitarian access to the needy population. While I strongly believe that all possible efforts must be made to bring about a peaceful solution between the warring parties, I concur with the Secretary-General that "short of a peace settlement and for the sake of the civilian population, the parties to the conflict must work at reinstating humanitarian ceasefires".

In this connection, I wish to draw your attention to the plight of the IDPs, who reach the highest number in the world in the Sudan. While I am convinced that responsibility for the protection of IDPs rests first and foremost with national governments concerned, I wish to call upon the international community to see how best it can contribute to this end, in line with the Guiding Principles on Internal Displacement issued by the Secretary General's Representative on IDPs.

The issue of abduction should be seriously addressed. In this connection, I wish to reiterate the importance that the Government, while distancing itself from this practice also take concrete measures to prevent new abductions. To this end, I encourage the highest officials to take a clear public stand and provide local mechanisms such as CEAWC with the necessary authority and means to carry out their work in a more efficient fashion.

I believe that the Government should also concentrate on economic, social and cultural rights. Oil revenues should be used as a means to this end throughout the ^{whole} country, but particularly in the south. However, as I mentioned in my report, while I can appreciate the increased importance of oil exploitation for the development of the country, I strongly believe that the right to development cannot justify the disregard of other human rights. So far, the exploitation of the oil reserves has led to a worsening of the conflict which has also turned into a war for oil.

I also wish to once again stress the importance that the transition to democracy be resumed and that the state of emergency be lifted once and for all. I urge the Government to revise its policy aimed at strengthening the role of the security, particularly the new amendment to the National Security Forces Act, to ensure the independence of powers for the judiciary to be able to play its role in a more effective way.

It is also important that harmonization between domestic legislation and international human rights standards be carried out. In particular, while I regret that conditions do not seem conducive as of yet for accession to the Convention on the Elimination of Discrimination Against Women (CEDAW), I wish to encourage the Government to ratify the Convention Against Torture (CAT).

I noted with interest that discussions are on-going on the creation of an independent human rights national institution and I will continue to follow the debate.

On the other hand, I also encourage the SPLM to develop genuine democratic structures, independent from the SPLM hierarchy and demilitarised, based on the fact that a genuine civil society is a crucial condition for the implementation of the right to self-determination. I also urge the SPLM to actively take responsibility to meet the needs of the people living in areas under its

control, including in terms of health and education, particularly where peace has been established. In this connection, I wish to note that the political opposition within the south should be given a chance to organize itself properly and I reject the view that there cannot be a multiparty system in times of war since most of southern Sudan is now out of war.

More specifically, in view of the fact that some 80% of southern Sudan is at peace, more should be done, to allow for instance for freedom of expression or freedom of association, since there are no media in southern Sudan, nor any organized political opposition, which remains forbidden for security reasons. The Church can play an important role and so can women, who are often seen as key partners in conflict management.

I wish to hereby encourage donors to invest in the development of the civil society in the Sudan, through bilateral and multilateral assistance, multiplying their efforts in the field of education in particular.

In conclusion, Mr. Chairman, I believe that national reconciliation aimed at reaching a just and durable peace settlement should be a priority for both the Government and the SPLM. In this connection, issues relating to sharing of power and wealth should be addressed. Community groups and women in particular should be more actively involved in the peace building efforts. Also, the element of diversity - be it cultural, ethnic, linguistic or religious, which so strongly characterizes the Sudan - should be seen as an enriching factor to promote peaceful coexistence and mutual respect. It is my belief that the strengthening of existing Sudanese institutions as well as the civil society is a key element in the process of democratization both in the north and in the south. Good governance and a participatory approach remain paramount for the establishment of a sustainable peace.

Internal opportunities for dialogue should be promoted at the grass-roots level and international bodies should play a decisive role to strengthen the peace process from the outside, in a combined, more effective action, which would also help restore their credibility as partners for peace vis-à-vis the Sudanese population. I hope that the forthcoming visit to the Sudan of the US Presidential Envoy Mr. Danforth will lead to some progress.

Finally, I wish to praise the work that indigenous women NGOs are carrying out in the field of peace. These organizations should be supported so that women can receive the necessary training - particularly in the judicial and para-legal sector - so as to be more effective in their important work for an end to the conflict and justice in Sudan.

I thank you Mr. Chairman.