

ACP-EU JOINT PARLIAMENTARY ASSEMBLY

ACP-EU 3777/05/fin.

RESOLUTION¹

on the situation in the Sudan

The ACP-EU Joint Parliamentary Assembly,

- meeting in Bamako (Mali) from 18 to 21 April 2005,
 - having regard to the Comprehensive Peace Agreement (CPA) signed between the Government of the Sudan (GoS) and the Sudan People's Liberation Movement/Army (SPLM/A) on 9 January 2005 in Nairobi (Kenya),
 - having regard to the relevant United Nations Security Council resolutions and the report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General Council Resolution 1564 (2004),
 - having regard to the ceasefire agreement signed between GoS, the Sudanese Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM) in N'djamena (Chad) on 8 April 2004 and the reports of the Ceasefire Commission,
 - having regard to its previous resolutions regarding the Sudan and the International Criminal Court (ICC),
 - having regard to Article 17(2) of its Rules of Procedure,
- A. whereas the Bureau decided, pursuant Article 20 of the Rules of Procedure, "to send a delegation to the Sudan, if possible to Darfur, the South and the East, in order to prepare the urgency debate and the resolution for the 9th session",
- B. whereas a delegation was sent to the Sudan from 23 to 27 March 2005 and visited Khartoum, Northern Darfur State, Southern Darfur State and Juba (Bahr El Gabel State),
- C. whereas the CPA provides for separate armed forces, with the withdrawal of 91 000 government troops from the South within two and a half years, and of the SPLA from the North within 8 months, an equal division of oil wealth and elections after 3 years,
- D. whereas the conflict in Darfur has not completely ended and has generated many thousands of deaths, about 1.65 million IDPs, and 200 000 refugees in Chad, and the overall number of people affected by the conflict reaches approximately 2.5 million²,

¹ Adopted by the ACP-EU Joint Parliamentary Assembly on 21 April 2005 in Bamako (Mali).

² Source : Report of the International Commission of Inquiry on Darfur

- E. whereas the International Commission of Inquiry on Darfur established that GoS forces and militias conducted "indiscriminate attacks, including killing of civilians, torture, enforced disappearances, destruction of villages, rape and other forms of sexual violence, pillaging and forced displacement, throughout Darfur" and that "these acts were conducted on a widespread and systematic basis, and therefore may amount to crimes against humanity",
- F. whereas the International Commission of Inquiry on Darfur made an assessment of individuals suspected of perpetrating "serious violations of international human rights law and international humanitarian law, including against humanity, or war crimes in Darfur" and concluded that "those identified as possibly responsible for [these] violations consist of individual perpetrators, including officials from the GoS, members of militia forces, members of rebel groups, and certain foreign army officers acting in their personal capacity",
- G. whereas since its last resolution adopted in the Hague on 25 November 2004, there still have been attacks against civilians, death, widespread rape and looting in Darfur villages, as reported by the African Union Ceasefire Commission (AUCFC) and this is complicated by the reported increase in banditry,
- H. whereas the International Commission of Inquiry on Darfur concluded "the Sudanese justice system is unable and unwilling to address the situation in Darfur. This system has been significantly weakened during the last decade. Restrictive laws that grant broad powers to the executive have undermined the effectiveness of the judiciary, and many laws in force in Sudan today contravene basic human rights standards".
1. Warmly welcomes the signature of the historic CPA in Nairobi on 9 January 2005 between the GoS and the SPLM which marked the end of a 21 year civil war as an important step towards bringing peace to Southern Sudan and as a development that can also contribute to bringing peace to Darfur;
 2. Urges all parties to implement the CPA and its set of Protocols covering, inter alia, power and wealth sharing agreements without further delay;
 3. Notes with satisfaction the new spirit of peace and enthusiasm created by the CPA as demonstrated by the return of some 100 000 persons and their livestock to the South, and stresses the importance for the population to receive a peace dividend rapidly;
 4. Welcomes the UN Security Council decision to create UNMIS, composed of 10 000 persons, with responsibility for disarming the combatants, reconciliation, observance of the rule of law and human rights, demining and supervision of elections, in addition to involvement in the rehabilitation and development process in the country, and pays tribute to the countries participating in UNMIS;
 5. Underlines the gravity of the landmines problem in Southern Sudan and asks the international community, GoS, SPLM, UN and other actors to carry out demining without delay in order to clear the roads and to allow IDPs and refugees to return to their homes;
 6. Takes the view that the end of war will allow for economic development in Southern Sudan;
 7. Recognises the important role of education in the development process and the need to rehabilitate educational facilities;

8. Asks GoS and SPLM to use the oil revenues they will receive under the resource sharing of the CPA for development purposes, so that the people of the Sudan see the benefit of peace; asks GoS and SPLM to reduce military expenses and increase spending on health and education;
9. Expresses great concern about the activities of the Lord's Resistance Army (LRA) in Southern Sudan and Uganda;
10. Welcomes the good cooperation between the Governments of Sudan and Uganda in pursuing the LRA and urges the extension of the existing cross-border arrangements;
11. Takes note of the declaration of the Sudanese army that they will not pursue LRA child soldiers and stresses the fact that the child soldiers fighting for the LRA are victims of forced recruitment and should be treated in compliance with the relevant international conventions;
12. Asks all oil companies to comply fully with the Extractive Industries Transparency Initiative and international voluntary security principles; calls on the Commission to monitor this in relation to its policies on corporate social responsibility;
13. Regrets that the governance of the Sudan has, for decades, led to the economic and political marginalisation of certain communities and regions and that this situation has compounded the conflict in Darfur;
14. Notes the improvement of awareness among most of the parties for a political, rather than military, solution for Darfur and calls therefore for increased positive action by the parties on the ground as the only way to put an end to the conflict;
15. Calls also on the GoS, the SLM/A and the JEM to engage more actively in the Abuja (Nigeria) peace process and calls for all parties involved in Darfur to respect strictly the CPA;
16. Calls on Government and rebel forces to adhere to the demands of the AU by returning to the military positions of December 2004, carrying out the disarmament of the government militia, the "people's defence forces" ; informing the AUCFC of rebel positions, and stopping attacks on humanitarian aid personnel, enabling them instead to work freely throughout the territory;
17. Supports the proposal to increase the AU presence in Darfur to around 6 000 military personnel;
18. Welcomes the fact that the GoS has grounded its military planes in Darfur and asks it to do the same for helicopter gunships, in compliance with the CPA;
19. Calls on the GoS to ensure that women who have been raped are able to receive treatment before or upon reporting the incident and that every effort is made to further train police in sexual and gender-based violence issues and, in this regard, welcomes the change in procedures for reporting rape (completion of Form 8 and granting equivalency to medical NGOs to recognise them as treatment centres) as disclosed to the delegation by the Minister of Justice;
20. Welcomes the decision by the UN Security Council on 31 March 2005 to refer the situation in Darfur to the International Criminal Court pursuant to article 13(b) of the ICC Statute, and asks the GoS to cooperate fully with the prosecutor;

21. Calls on all parties involved in the conflicts in the Sudan to refrain from the recruitment and use of child soldiers under the age of 18, and calls on the Sudanese authorities to protect displaced children, especially unaccompanied minors, as laid down in the relevant conventions;
22. Calls on the GoS and the Governments of Chad, Libya and the Central African Republic to impose stricter controls on the trade in small arms in the region;
23. Pays tribute to the work of humanitarian aid workers, including UN agencies, the Red Cross and Red Crescent family, ECHO, INGOs and NGOs for their commitment, and asks all parties in Darfur to refrain from harassing them or hindering their activities; humanitarian workers must be free to provide assistance and carry out their activities in keeping with their mandate, role and responsibilities;
24. Strongly condemns the reported attacks on INGOs and humanitarian workers on 22 March 2005 on the road between Nyala and Kass, of which the ultimate victims are the people these organisations were helping;
25. Welcomes the plans for mass vaccination campaigns against hepatitis and meningitis, planned to take place in Darfur in the coming weeks;
26. Asks the authorities of Khartoum State to limit the demolition of IDPs' houses and better coordinate planning for the resettlement of IDPs' from Shikan to El Fateh, including the provision of support for community development, in order to minimise the adverse effects of displacement from squatted areas;
27. Calls on the international community to continue its humanitarian and development assistance to the Sudanese refugee populations and their Chadian hosts and to empower further civil society in the Sudan and Chad as partners in peace;
28. Instructs its Co-Presidents to forward this resolution to the ACP-EU Council, the Commission, the Government of the Sudan, the African Union, IGAD, the Governments of the United States of America, the Central African Republic, Chad, China, Egypt, Eritrea, Libya, Norway, Russia and Uganda, and to the UN Secretary-General.