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UNCLAS STATE 159921

SENSITIVE

E.O. 12958: N/A

TAGS: UNSC, SU

SUBJECT: DEMARCHE REQUEST: SUPPORT FOR UNSC RESOLUTION ON
DARFUR

REF: USUN 1686

1. (SBU) SUMMARY AND ACTION REQUEST. USUN shared a revised draft UNSC resolution on Darfur with UNSC members July 22. While no vote is currently scheduled, we intend to push

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forward with this resolution quickly. Embassies are requested to approach host governments to seek support for our resolution. The text of the resolution is in para 5 for posts' convenience. Please draw on the points in para 4 in discussing the resolution with host governments. END SUMMARY AND ACTION REQUEST.

2. (U) BACKGROUND. Government-backed Arab Jingaweit militias have raided ethnic African villages, killed fleeing villagers, systematically raped women and girls, burned crops, killed cattle and committed egregious violations of human rights and international humanitarian law. The situation is dire - an estimated 1.1 million people have been displaced, a million more are at risk and 200,000 have taken refuge in Chad. Food shortages and disease outbreaks threaten to drive the death toll into the hundreds of thousands if conditions do not change. The Secretary said after his June 29-30 trip that the greatest problem in Darfur is a lack of security which is hindering aid efforts. The onset of the rainy season further complicates humanitarian aid efforts. The U.S. is the largest donor of humanitarian aid to Darfur and Chad, having pledged \$299 million (through next year) of which \$138.5 million has been spent/obligated.

3. (SBU) BACKGROUND CONTINUED. During their visits to Sudan, the Secretary and UNSYG Kofi Annan secured similar commitments from the GOS to take actions to improve the situation. We are closely monitoring GOS compliance with these commitments. The Security Council was briefed (reftel) by SRSJ Jan Pronk on the UN's view of Sudanese compliance. He reported that while there has been some limited improvement in humanitarian access, the GOS has not taken sufficient steps to improve security.

4. Begin Points:

-- The situation in Darfur is dire and requires immediate action. The Security Council cannot ignore what is going on in Darfur. We look to you to support a strong UNSCR that holds the GOS to its commitments.

-- We have just presented a revised draft of a UNSC resolution to Council members in NY which will be discussed in the days ahead. We plan to move quickly on this resolution and hope that you will support it.

-- At the July 21 UNSC briefing, SRSJ Jan Pronk said that while there were limited improvements in humanitarian access, the security situation was "not positive" and in some respects was worsening. He cited continued reports of

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harassments, killings and rape of civilians. Aid workers have also been subject harassment and some violence.

-- SYG Annan said that there is evidence of "gross and systematic abuse of rights" in Sudan and urged the international community to hold the GOS to its commitments.

-- Our own assessment, as Secretary Powell said, is that not enough is being done to rein in the Jingaweit and stabilize the security situation. The situation on the ground has not fundamentally changed.

-- Given the situation, and the deteriorating humanitarian situation in Darfur, it is time for the Security Council to act.

-- The key points in the resolution are:

-Bringing the benchmarks from the UN-GOS Communique of July 3 into a Council resolution and calling on the Government of Sudan (GOS) to fulfill its commitments to the Secretary-General.

- Demanding that the GOS apprehend and bring to justice Jingaweit leaders and their associates who have incited and carried out human rights and international humanitarian law violations and other atrocities and asking the Secretary-General to report to the Council every 30 days on progress or lack thereof.

- Clearly stating that if the GOS does not comply with the Council's demands and fulfill its commitments that the Council will consider further actions, including the imposition of sanctions on the GOS.

-Broadening and strengthening the arms embargo to cover the Jingaweit and the rebel groups in Darfur.

- Calling on the rebel groups to respect the ceasefire, to engage at high levels in the AU-brokered political talks and to engage positively in finding a resolution to their grievances with GOS.

- The resolution also calls on the international community to provide urgently needed humanitarian assistance to the people of Darfur and Chad and urges support to reinforce the African Union-led monitoring team and protection force which has begun to deploy.

(If pressed on disarming rebel groups)

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-- We support the African Union's efforts to facilitate political discussions between the GOS and the rebels. These discussions will lead to a political solution within the context of a unified Sudan. The rebels have not been blameless in the current conflict. However, the vast preponderance of attacks against civilians and atrocities have been committed by GOS-supported jingawit militia. It is the GOS and its allied militia that are responsible for the current humanitarian crisis.

5. Begin text of draft resolution:

The Security Council

Recalling its Presidential Statement of 25 May 2004 and its resolution 1547 of 11 June 2004 and its resolution 1502 of 26 August 2003 on the access of humanitarian workers to populations in need;

Welcoming the Joint Communiqué issued by the Government of Sudan and the Secretary General of the United Nations on 3 July 2004, including the creation of the Joint Implementation Mechanism;

Taking note of the Report of the Secretary-General on Sudan issued 3 June 2004;

Reiterating its grave concern at the ongoing humanitarian and human rights crises, including continued attacks on civilians that are placing the lives of hundreds of thousands at risk;

Condemning all acts of violence and violations of human rights and international humanitarian law by all parties to the crisis, including indiscriminate attacks on civilians, rapes, forced displacements, and acts of violence with an ethnic dimension, and expressing its utmost concern at the consequences of the conflict in Darfur on the civilian population, including women, children, internally displaced persons, and refugees;

Recalling in this regard that the Sudanese government bears

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the primary responsibility for preventing violations of human rights and international humanitarian law within its territory;

Recalling also in this regard its resolutions 1325 (2000) on women, peace and security, 1379 (2001), 1460 (2003), and 1539 (2004) on children in armed conflict, and 1265 (1999) and 1296 (2000) on the protection of civilians in armed conflict;

Urging all the parties to take the necessary steps to prevent and put an end to violations of human rights and international humanitarian law and underlining that there will be no impunity for violators;

Noting with grave concern that up to 200,000 refugees have fled to the neighboring State of Chad, which constitutes a serious burden upon that country, and expressing grave concern about reports that Janjaweed militias of the Darfur region of Sudan have repeatedly made unauthorized border crossings into Chad;

Stressing that any return of refugees and displaced persons to their homes must take place voluntarily with adequate assistance and with sufficient security;

Expressing concern at reports of violations of the Ceasefire Agreement signed in N,Djamena on 8 April 2004, and reiterating that all parties to the ceasefire must comply with all of the terms contained therein;

Noting the decision of the Government of Sudan to mobilize the armed forces of Sudan to disarm the Janjaweed militias;

Welcoming the commitment by the Government of Sudan to investigate the atrocities and prosecute those responsible;

Welcoming the donor consultation held in Geneva in June 2004 as well as subsequent briefings highlighting urgent humanitarian needs in Sudan and Chad

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and reminding donors of the need to fulfill commitments that have been made;

Welcoming the efforts of the United Nations to combat genocide and ethnic cleansing through the appointment of a Special Advisor to the Secretary General on the Prevention of Genocide;

Recalling that over 1 million persons are in need of urgent humanitarian assistance, that with the onset of the rainy season the provision of assistance has become increasingly difficult, and that without urgent action the lives of hundreds of thousands of persons will be at risk;

Expressing its determination to do everything possible to halt a humanitarian catastrophe, including by taking further action if required;

Determining that the situation in Sudan constitutes a threat to international peace and security and to stability in the region;

Acting under Chapter VII of the Charter of the United Nations,

1. Calls on the Government of Sudan to fulfill immediately all of the commitments it made in the 3 July 2004 Communique, including by facilitating international relief for the humanitarian disaster, including a moratorium on all restrictions that might hinder the provision of humanitarian assistance and access to the effected populations, by advancing independent investigation in cooperation with the United Nations of violations of human rights and international humanitarian law, by the establishment of credible security conditions for the protection of the civilian population and humanitarian actors, and by the resumption of political talks with dissident groups from the Darfur region, specifically the Justice and Equality Movement (JEM) and the Sudan Liberation Movement and Sudan Liberation Army (SLM/A) on Darfur;

2. Endorses the deployment of international monitors, including the protection force envisioned by the African Union, to the Darfur region of Sudan under the

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leadership of the African Union, welcomes the progress made in deploying monitors, including the offers by Nigeria and Rwanda to provide forces, and stresses the need for the Government of Sudan and all involved parties to facilitate the work of the monitors in accordance with the N,Djamena ceasefire agreement and with the Addis Ababa agreement of 28 May 2004 on the modalities of establishing an observer mission to monitor the cease fire;

3. Urges member states to reinforce the international monitoring team, led by the African Union, including the protection force, by providing personnel and other assistance including financing, supplies, transport, vehicles, command support, communications and leadership as needed for the monitoring operation, and welcomes the contributions already made by the European Union and the United States to support the African Union led operation;

4. Welcomes the work done by the High Commissioner for Human Rights to send human rights observers to Sudan and calls upon the Sudanese government to cooperate with the High Commissioner in the deployment of those observers

5. Asks the Secretary-General to activate inter-agency humanitarian mechanisms to consider what additional measures may be needed to avoid a humanitarian catastrophe;

6. Urges the parties to the N,Djamena Ceasefire Agreement of 8 April 2004 to conclude a political agreement without delay, notes with regret the failure of senior rebel leaders to participate in the July 15 talks in Addis Ababa, Ethiopia as unhelpful to the process and calls for renewed talks under the sponsorship of the African Union, and its chief mediator Hamid Algabid, to reach a political solution to the tensions in Darfur and strongly urges rebel groups to respect the ceasefire, end the violence immediately, and act in a positive and constructive manner to resolve the conflict;

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7. Demands that the Government of Sudan apprehend and bring to justice Janjaweed leaders and their associates who have incited and carried out human rights and international humanitarian law violations and other atrocities, and further requests the Secretary General to report in 30 days, and monthly thereafter, to the Council on the progress or lack thereof by the Government of Sudan on this matter and expresses its intention to consider further actions, including the imposition of sanctions on the Government of Sudan, in the event of non-compliance;
8. Decides that all states shall take the necessary measures to prevent the sale or supply, to all non-governmental entities and individuals, including the Janjaweed, operating in the states of North Darfur, South Darfur and West Darfur, by their nationals or from their territories or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, whether or not originating in their territories;
9. Decides that all states shall take the necessary measures to prevent any provision to the armed groups identified in paragraph 7 operating in the states of North Darfur, South Darfur and West Darfur by their nationals or from their territories of technical training or assistance related to the provision, manufacture, maintenance or use of the items listed in paragraph 8 above;
10. Reiterates its support for the Naivasha Agreement signed by the Government of Sudan and the Sudan People's Liberation Movement, and looks forward to effective implementation of the agreement and a peaceful, unified Sudan working in harmony with all other States for the development of

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Sudan, and calls on the international community to be prepared for constant engagement including necessary funding in support of peace in Sudan;

11. Urges the international community to make available generous assistance to mitigate the humanitarian catastrophe now unfolding in the Darfur region and reminds member states to honor pledges that have been made against needs in Darfur and Chad;

12. Encourages the Secretary General, s Special Representative for the Sudan and the independent expert of the Commission on Human Rights to work closely with the Government of Sudan in its investigations of violations of human rights and international humanitarian law in the Darfur region;

13. Extends the special political mission set out in resolution 1547 for an additional 90 days to December 21, 2004 and requests the Secretary General to incorporate into the mission contingency planning for the Darfur region;

14. Decides to remain seized of the matter.
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